URGING THE HONOLULU POLICE DEPARTMENT, HONOLULU POLICE COMMISSION, AND DEPARTMENT OF THE PROSECUTING ATTORNEY TO UNDERTAKE INTERNAL REVIEWS AND ASSESSMENTS OF THEIR RESPECTIVE MANAGEMENT AND OPERATIONAL POLICIES AND PROCEDURES GOVERNING EMPLOYEE SUPERVISION AND OVERSIGHT AND PROVIDE INDEPENDENT REPORTS ON IMPROVEMENTS AND CORRECTIVE MEASURES THEY UNDERTAKE TO MINIMIZE MANAGERIAL AND OPERATIONAL BREAKDOWNS IN EMPLOYEE SUPERVISION AND OVERSIGHT.

WHEREAS, in the wake of the convictions of Louis and Katherine Kealoha (collectively, "Kealohas") for conspiracy to defraud the United States and four counts of attempted obstruction of an official proceeding in the highly-publicized public corruption ("mailbox") case, the City Council ("Council") has grave concerns as to how such abuses of power by the former chief of police and a high-ranking deputy prosecutor were allowed to go on, seemingly unchecked, within the Honolulu Police Department ("HPD") and Department of the Prosecuting Attorney ("Prosecutor's Office"), and by the Honolulu Police Commission ("Commission"), which is charged with oversight of HPD and evaluation of its chief; and

WHEREAS, in the "mailbox" case, former Chief Kealoha was alleged to have used City and County of Honolulu resources, including police officers from the elite Criminal Intelligence Unit to investigate the theft of the Kealohas' mailbox, and homicide detectives and undercover officers to follow and arrest Gerard Puana, Katherine Kealoha's uncle, for the mailbox theft; and

WHEREAS, the underlying objective of former Chief Kealoha's criminal activities was apparently to frame Gerard Puana for the theft of the Kealohas' mailbox, a federal crime, in order to discredit him in an ongoing financial dispute with Katherine Kealoha's grandmother, Florence Puana; and

WHEREAS, it was reported that Katherine Kealoha is alleged to have used her position as a high-ranking deputy attorney in charge of the career criminal unit in the Prosecutor's Office, to order a former deputy prosecutor, Kaina Awong, to wrongfully pursue a felony conviction against Gerard Puana; and

WHEREAS, in addition to her federal convictions in the mailbox case, it was reported that Katherine Kealoha is alleged to have pursued a pattern of corruption and prosecutorial misconduct by helping friends avoid criminal prosecution including having a charge of driving under the influence removed and dismissed from the court's docket in May 2015; filing a complaint in 2015 with HPD's internal affairs division against an
officer who arrested Katherine Kealoha's friend, a convicted felon who had refused to obey the officer's instructions; and appearing in traffic court to have an excessive speeding citation against her electrician dismissed in 2014; and

WHEREAS, the Council believes that such patterns of corruption, prosecutorial misconduct, retaliation, favoritism, and abuses of power should have been evident to management and personnel within the HPD and Prosecutor's Officer long before they were brought to light through the mailbox case and other pending indictments against the Kealohas; and

WHEREAS, it is in the public interest for the Prosecutor's Office, and the Commission to undertake a thorough and comprehensive review of their internal management and operational policies and procedures governing employee supervision and oversight, and provide a report to the Council that includes recommended improvements and corrective measures to minimize managerial and operational breakdowns in employee supervision and oversight, and to prevent similar abuses of power in the future; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Honolulu Police Department, Honolulu Police Commission, and Department of the Prosecuting Attorney to undertake internal reviews and assessments of their respective management and operational policies and procedures governing employee supervision and oversight, and submit independent reports to the Council; and

BE IT FURTHER RESOLVED that the reports from the Honolulu Police Department and Department of the Prosecuting Attorney should include, but not be limited to, the following:

- An overview and assessment of each entity's respective management and operational policies and procedures, including internal rules, regulations, and standard operating procedures governing employee supervision and oversight, by senior personnel;

- An evaluation of how such abuses of power as are outlined above were able to flourish within the framework of the each entity's respective management and operational policies and procedures, as may be applicable to the entity;

- Each entity's respective management and operational policies and procedures, including rules, regulations, and standard operating procedures that provide for the reporting, investigation, and disposition of
alleged employee misconduct or procedural improprieties, and safeguards and protections for those who report employee misconduct or procedural improprieties; and

- Recommendations for improvements and corrective action to each entity's respective management and operational policies and procedures, including rules, regulations, and standard operating procedures, governing employee supervision and oversight, the reporting, investigation and disposition of alleged employee misconduct or procedural improprieties, and safeguards and protections for those who report employee misconduct or procedural impropriety that will help to minimize management and operational breakdowns in employee supervision and oversight and encourage the reporting of employee misconduct or procedural improprieties; and

BE IT FURTHER RESOLVED that the report from the Honolulu Police Commission should include, but not be limited to, the following:

- A review of the Commission's policies on its evaluations of the chief of police and of its rules and regulations for the receipt, consideration, and investigation of charges brought against the conduct of the Honolulu Police Department or any of its officers or employees, including the chief of police; and

- Recommendations for improvements and corrective action to the Commission's rules and regulations for the receipt, consideration, and investigation of charges brought against the conduct of the Honolulu Police Department or any of its officers or employees, including the chief of police, and safeguards and protections for those who report employee misconduct or procedural improprieties and encourage the reporting of employee misconduct or procedural improprieties; and

BE IT FURTHER RESOLVED that the reports be transmitted to the Council no later than 180 days following the adoption of this resolution; and
BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, Chief of Police, Chair of the Honolulu Police Commission, and Acting Prosecuting Attorney.

DATE OF INTRODUCTION: JUL 05 2019

Honolulu, Hawaii

Councilmembers

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