Resolution 19-35
Additional Testimony
Aloha Members of the City Council,

I am Shar Chun-Lum, senior tax payer from District 6. Mahalo to Council Member Menor for introducing this resolution which is so needed, especially in these times when public trust in government officials is so very low.

Please pass this resolution that urges applying the same term limits that apply to Council members and the Mayor apply to the City’s Prosecuting Attorney.

Creating standards for all elected officials in City Government will help increase public confidence in the system.

Mahalo nui loa.
Speaker Registration/Testimony

Name: Kelli Ponce  
Phone: 808-223-8931  
Email: kelli@makaala-law.com  
Meeting Date: 12-04-2019  
Council/PH Committee: Executive Matters  
Agenda Item: Resolution 19-35  
Your position on the matter: Comment  
Representing Organization: Self  
Do you wish to speak at the hearing? No

What has happened within the Department of the Prosecuting Attorney has been painful for those of us who love the office. As a former prosecutor, I understand how the mere appearance of impropriety has deeply damaged the reputation of the office and has eroded the public’s trust in it. While setting a term limit on the Prosecuting Attorney may seem like a way to prevent future abuses of power, it is unlikely to have that effect. Politicians subject to term limits still commit crimes related to corruption.

The Department of the Prosecuting Attorney is a unique organization. With an elected leader, it operates outside the reach of the City’s other agencies. This keeps the prosecutor’s office clear of conflicts. However, it also makes the office especially vulnerable to internal mismanagement. If the prosecutor is behaving inappropriately, unethically, or illegally, what is a deputy to do? How shall a deputy handle such a problem? The typical answers given to a City employee simply do not work because the prosecutor’s office is insulated from the rest of the county. For meaningful, systemic change within the office, rank and file deputies must be able to report issues without the fear of reprisal. There is no mechanism for this in the current resolution.

Setting a term limit, without more, does not improve the inner functioning of the office or make corruption any less likely. I urge the council to consider alternatives to this resolution.
From: CLK Council Info
Sent: Wednesday, December 4, 2019 1:25 PM
Subject: Council/Public Hearing Speaker Registration/Testimony

Speaker Registration/Testimony

Name: Peter Carlisle
Phone: 808-754-0869
Email: peterbc248@gmail.com
Meeting Date: 12-04-2019
Council/PH Committee: Council
Agenda Item: proposed term limit for HNL Prosecuting Attorney
Your position on the matter: Oppose
Representing: Self
Organization: 
Do you wish to speak at the hearing? No

The purpose of this testimony is to express my opinion on a City Council resolution to limit the number of terms the Prosecuting Attorney can serve.

Experience is the cornerstone of the responsibilities of an elected Prosecuting Attorney.

The pool of people who are adequately qualified for the Office of Prosecuting Attorney is limited. First, in order to be qualified to run for the position, you must be a lawyer in good standing with the Hawai’i State Bar Association. There are approximately 11,000 lawyers in the state of Hawai’i (including some lawyers that live on Oahu and some that live on another island). Secondly, you must be actively involved in criminal cases three out of the past ten years. This lessens the pool to less than half of the lawyers on Oahu. The majority of lawyers practice in only civil law and are not “actively involved” in criminal cases.

Limiting the Prosecutor’s term will harm Honolulu because there is only a small pool of people who qualify to run. If after every eight years Honolulu must vote for a new Prosecutor, that pool will grow even smaller. In addition, even though a lawyer is qualified to run for the position, he/she may not want to be a politician and may not want...
to have to campaign, raise money, and work diligently to attract votes. This makes the pool of potential candidates even smaller.

Limiting the Prosecutor's term has no benefit. As such, sensibly in many jurisdictions, there are no term limits for this office.