



HOTELPAC – 2020 Candidate Questionnaire – Prosecutor

1. Restoring public trust in the City and County of Honolulu

Public trust in the City and County of Honolulu has suffered in recent years because of several ongoing federal investigations and wrongdoing by a handful of the highest-ranking leaders in government. What role can the Department of the Prosecuting Attorney play in restoring and maintaining public trust in our county government? As Prosecuting Attorney, what steps would you take personally to restore and maintain the public's trust?

This campaign for Honolulu Prosecutor is all about restoring trust in that office.

First, I will create a culture of high ethical standards of conduct and of doing justice, not just winning cases. This will involve looking at various practices, such as case charging, discovery, and plea agreements. I will also institute formal training for the deputy prosecutors in ethics and trial skills. Better skilled and ethical trial attorneys will be more effective in court and be able to make favorable plea agreements from a position of strength.

Second, I will focus on the hiring practices for new deputy prosecutors and supervisors as well as the reapplication process of any current deputy prosecutors and supervisors. I would appoint good people with high moral standards to all positions, but especially for supervisory positions. As a supervisor and leader in many jobs, I have had the opportunity to repeatedly select supervisors, and I believe I have the good judgement to do so again at the Honolulu Prosecutor's Office. People I have selected in the past include, Elliot Enoki, Florence Nakakuni, John Peyton, Mike Chun, and Les Osborne at the United States Attorney's Office, and Loretta Sheehan, Tom Brady, and Ron (now Judge) Johnson at the Honolulu Prosecutor's Office.

Third, we will examine all of the cases touched by former deputy prosecutor Katherine Kealoha, determine her involvement, and take the appropriate action. This could range from allowing the case to proceed to dismissing it. We would look for any other potential corruption in the office, root it out, and deal with it.

Fourth, I will ensure that no deputy prosecutor handles a case either as a supervisor or as a line deputy if they have a conflict of interest, or even the appearance of a conflict of interest, as was the case with Katherine Kealoha (e.g. making decisions on whether Honolulu Police Officers would be charged with crimes or not).

Fifth, I will re-establish the Prosecutor's Office as a full partner, who believes in open communication and collaboration, with all of the other criminal justice agencies in Honolulu.

Sixth, I will look closely at reorganizing the office. I will question whether the existing organization structure best serves the needs of the criminal justice system and victims. I will look at creating specialized teams of deputy prosecutors, such as for homicides and drug cases, to be more efficient and produce better outcomes.

Seventh, I will look at initiating new and innovative programs to address community crime concerns. I will also look at reinstating initiatives that have proven successful in the past, like Weed & Seed, where I led the effort that reduced crime in Kalihi-Palama and Chinatown by over 70% in 3 years.

Finally, I will make the Prosecutor's Office much more transparent so the public will know what we are doing and the improvements we are making. As the public sees the office being more active and successful in winning cases, collaborating with other agencies, and reducing crime, their confidence in the office will increase.

2. Visitor Public Safety Conference

To date, HLTA has held two highly successful Visitor Public Safety Conferences on O'ahu. These conferences have brought together hotel management, security professionals, lawmakers, law enforcement, social service providers, and other stakeholders to discuss possible solutions to issues such as late-night cabarets and the need for more security cameras throughout Waikiki, the homeless population in Chinatown, and a spike in shoplifting around the island. Each conference led to

significant progress in addressing these community issues. The Department of the Prosecuting Attorney has been a strong supporter of this event from its inception. If elected, will you continue to participate in the Visitor Public Safety Conference? If yes, what issues would you like to see raised at the next gathering? If not, please explain.

If elected as Honolulu Prosecutor, the Department of the Prosecuting Attorney will be a strong supporter of the Visitor Public Safety Conference. It has been an important venue to focus on crime and safety issues of one of our most important industries.

One of my priorities if elected will be to immediately bring the successful Weed & Seed strategy back to Kalihi-Palama and Chinatown. As the United States Attorney, I led the Weed & Seed initiative, working closely with residents, businesses, law enforcement, and community groups, and together, we reduced crime by over 70% in 3 years in those neighborhoods. I would be very interested in discussing the possibility of expanding the Weed & Seed strategy to Waikiki, and gauging the Visitor Public Safety Conference attendees' support. Given the broad and varied group of stakeholders who attend this conference, they would all be critical partners if such an expansion were to occur.

Another very important issue for the Visitor Public Safety Conference (which you yourselves highlight in Question 5 of this Questionnaire) that I plan to make a priority of my administration, is Human Trafficking.

3. Youth Offenders

During the Visitor Public Safety Conference, attendees raised the concern of crimes being committed by youth offenders. In Waikiki especially, hoteliers and others have witnessed an increase in both homeless youth and crimes being committed by youth offenders. What specific steps would you take to address this issue?

The issues of homeless youth and criminal activity by young offenders are important issues across the island, but especially in Waikiki. The Weed & Seed strategy focuses on bringing together the different law enforcement agencies (e.g. HPD, the Honolulu Prosecutor's Office, the Attorney General, US Attorney, Liquor Commission) to create solutions to community-identified criminal activity (this is the Weed Component), and gathering all of the social service agencies and non-profits, like the 25 who participated in the Kalihi-Palama and Chinatown Weed & Seed effort to create solutions to community-identified social issues (this is the

Seed Component). The real strength of the Weed & Seed strategy is having each Component work collaboratively among themselves, and then having the Weed and the Seed Components complement and support each other in addressing these community-identified problems. Crimes committed by, homelessness, and runaway issues of our youth, would be addressed in a Weed & Seed effort in Waikiki.

4. COVID-19 Prosecutions

With the spread of COVID-19 around our State, various regulations have been enacted in an attempt to eradicate the novel coronavirus. In Honolulu, there are several mandates that, if violated, are punishable by fines up to \$5,000 and/or up to a year in jail. Should you be elected, would you prosecute these cases? If yes, how much time and resources would you commit to prosecuting violators? If you would not pursue these cases, please explain why.

If elected, I will prosecute violations of COVID-19 mandated regulations. The health and safety of our Honolulu Community in general, and our first responder and visitor industry personnel in particular, is paramount. If we are to get our economy back on track, we need to have our visitors return, and return safely. Ensuring that both visitors and residents follow the rules will be important to accomplish this, and I will devote the resources necessary to make that happen.

One thing that needs to happen right away, is to change the law so that violations of COVID-19 mandates are petty misdemeanors, rather than full misdemeanors, as is currently the case. Full Misdemeanors allow for jury trials, and defense counsel are currently exploiting that, and requesting them routinely, which would certainly overwhelm the system, and thus are likely never to take place.

A petty misdemeanor, on the other hand, punishable by a maximum of 30 days in jail, does not trigger the right to a jury trial. Those cases, heard by a judge, could be handled swiftly, and hopefully, produce a meaningful outcome. Publicizing those consequences, would then be important for deterrent purposes.

5. Human Trafficking

The hotel and lodging industry is uniquely positioned to have an impact on the issue of human trafficking. As such, HLTA unveiled its Human Trafficking Disruption Plan earlier this year (<http://www.hawaiilodging.org/human-trafficking.html>). Please describe the ways that you would work with our industry to make Honolulu's hotels inhospitable to human traffickers.

Adult/Child Sex Trafficking is a form of modern slavery, and requires urgent attention. As you have pointed out, the hotel and lodging industry is uniquely positioned to have a major impact on the issue of human trafficking.

When I was the United States Attorney, we prosecuted 7 pimps for Sex Trafficking. We investigated, charged, and held them in custody from the time of their arrests, through their convictions, and then sent them to federal prison for more than five years each. This gave their victims several years to get away from their pimps and their influences, and many sex trafficking victims were then able to return home and rebuild their lives.

I have made it a point to educate myself as much as possible in the last year on the current status of Sex Trafficking in Hawaii. Part of that was attending a training conference that your industry hosted in November 2019, along with Ho'ola Na Pua, at the Royal Hawaiian Hotel. I have read the research by Arizona State University, and the Hawaii Commission on the Status of Women. I have met with Jessica Munoz and the staff at Ho'ola Na Pua, and have participated in two additional trainings they hosted on Sex Trafficking in Hawaii.

I have also gotten to know Sha Talebi and was pleased to see that he was recently hired at the Attorney General's Office to be the Statewide Human Trafficking Coordinator. He will be an invaluable resource in training deputy prosecutors, federal agents, and Honolulu Police officers to successfully investigate and prosecute Sex Trafficking cases. HLTA's Human Trafficking Disruption Plan is a good guide to help industry employees identify and report possible human trafficking.

Under my leadership, the Honolulu Prosecutor's Office will become a full, active partner in addressing this sickening crime, and I will do my best to work with all of the other law enforcement agencies, the Hawaii hotel and lodging industry, and the Judiciary, to make Honolulu an inhospitable place for Sex Traffickers to operate.

6. Drug Trafficking and Abuse

Illegal drugs continue to be a contributing factor in criminal activity and societal problems, ranging from drug dealing, thefts, violent crime, and domestic abuse, to use by the homeless. While the situation no longer dominates the headlines like it did during the crystal meth crisis of the 2000s, drug trafficking appears to be a major challenge for law

enforcement and the criminal justice system at the federal, state, and county levels. What strategies or plans do you have to combat drug trafficking and drug-related activity?

Drug trafficking and drug use continue to be major challenges for both law enforcement in Hawaii and for the population at large. As Honolulu Prosecutor, I will work with our local, state, and federal partners to disrupt drug trafficking whenever possible. Given my background as a local prosecutor, the United States Attorney, and a judge, I recognize that the prosecution of most large scale drug trafficking operations is probably best handled in federal court. At the same time, the state system has developed effective, research-based strategies like Drug Court, Mental Health Court, and HOPE Probation to help individuals successfully cope with drug, alcohol, and/or mental health issues. For example, top-quality research by Pepperdine and UCLA found that those felons in HOPE Probation, compared to those in regular probation, were arrested for new crimes 55% less often, used drugs 72% less often, and served or were sentenced to 48% fewer days in state prison. Notably, Native Hawaiians in HOPE Probation got their probation revoked and were sent to prison 35% less often than Native Hawaiians in regular probation.

7. Cash Bail

The Center for American Progress estimates that three of five people currently in jail in the United States have not yet been convicted of a crime. Rather, they cannot afford to post bond and be released. Do you support a move away from the cash bail system? Whatever your position, please explain it.

Yes, I support moving away from cash bail, but it won't be easy, and you will need to have another system ready to take its place. The cash bail system is unfair because it penalizes the poor and rewards the wealthy, and provides no supervision for the ones who may need it the most. For example, a defendant who has a terrible methamphetamine addiction and who is charged with burglary, and can pay the bail amount, is currently released into the community without any supervision at all, including no drug testing.

As one who has worked in the criminal justice system for a long time, and who has instituted new programs within that system, I recognize that the different components are interconnected, and changing one part of the system will affect other parts.

A possible replacement for cash bail would be a process that allows for alternatives, such as release on recognizance, signature bonds, and appropriate supervision by the Oahu Intake Service Center at OCC, or by some other entity. This will be big undertaking, and will not be easy. Judges will have to be available for individuals to appear before them soon after their arrests. The Oahu Intake Service Center, or some other entity, will have to be expanded, and funding made available, to provide for appropriate treatment options, classes, other services, and meaningful supervision for the pretrial population. The Washington DC Pretrial Services Agency is a good model for this type of effort.

For those who are released and need supervision, proven strategies like HOPE Pretrial should be employed to reduce the number of arrests for new crimes among the pretrial population. Top quality research by the University of California, Berkeley and the University of Chicago showed that those in HOPE Pretrial were arrested for a new felony during the pretrial period 42% less often than those in the control group under regular pretrial supervision. In addition, those in HOPE Pretrial successfully remained 45% longer on Supervised Release without a revocation, and were convicted of the instant felony offense 14% less often. This means that fewer people were victimized, fewer people entered the criminal justice system with new charges, and fewer people ended up on probation or in prison.

8. If elected, what do you hope to accomplish during your first year in office?

1. Restore trust in the Honolulu Prosecutor's Office.
2. Create a culture of high ethical standards of conduct and of doing justice, not just winning cases.
3. Appoint good people with high moral standards to all positions, but especially for supervisory ones. As a supervisor and leader in many jobs, I have had the opportunity to repeatedly select supervisors, and I believe I have the good judgement to do so again at the Honolulu Prosecutor's Office. People I have selected in the past include Elliot Enoki, Florence Nakakuni, John Peyton, Mike Chun, and Les Osborne at the United States Attorney's Office, and Loretta Sheehan, Tom Brady, and Ron (now Judge) Johnson at the Honolulu Prosecutor's Office.

4. Examine various office practices, such as a case charging, discovery, and plea agreements.

5. Institute formal training for the deputy prosecutors in ethics and trial skills. Ethical and skilled trial attorneys will be more effective in court, and able to make favorable plea agreements from a position of strength.

6. Given the current COVID-19 crisis, I will be an active partner with the other members of the criminal justice system, including the Judiciary, the Honolulu Police Department, the Department of Public Safety, the Public Defenders Office, the various treatment programs, and others, to think creatively and make the system work as effectively as possible, given the health and safety restrictions in place. For example, it is important to start doing jury trials again, as soon as possible, with appropriate masking, physical distancing, and other health precautions. That will cause criminal defendants to deal with their cases, either by pleading guilty to all of the charges, or entering into a plea agreement, or going to trial. Without the possibility of a jury trial, the defendants may well sit back, not address their situations, and hope the charges get dismissed for lack of timely prosecution.

7. Reorganize the office to ensure that the existing organization structure best serves the needs of the criminal justice system and victims. I will look at creating specialized teams of deputy prosecutors, such as for homicides and drug cases, to be more efficient and produce better outcomes.

8. Reestablish the Prosecutor's Office as a full partner, who believes in open communication and collaboration with all of the criminal justice agencies in Honolulu.

9. Work with communities to reduce crime in their neighborhoods based on their concerns and needs, such as the reinstatement of the Weed & Seed strategy in Kalihi-Palama and Chinatown.

10. Make the Prosecutor's Office much more transparent so the public will know what we are doing and the improvements we are making. As the public sees the office being more active and successful in winning cases, collaborating with other agencies, and reducing crime, their confidence in the office will increase.