

Honolulu Police Department
801 S. Beretania Street
Honolulu, Hawaii 96813
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POLICE COMMISSION
C&C OF HONOLULU

Shannon L. Alivado, JD
Chair
Honolulu Police Commission
1060 Richards Street
Honolulu, Hawaii 96813

Dear Madam Chair Alivado:

With due respect, I write with concern of mismanagement of federal funds by the Office of Chief of Police. I am a ranking officer within the Command Staff at the Honolulu Police Department and represent a small group of commanders deeply concerned with whether the Chief of Police exercised proper fiscal controls, fund management, and an overall fiduciary duty to the Department, city, and community.

I write in anonymity due to fear of retaliation from the Chief of Police who is unwilling to consider concerns of line, supervisory, or Command officers. Raising concerns of misconduct and fiscal mismanagement would result in my immediate banishment to a most undesirable assignment; such retaliation would have a devastating effect upon my family and career.

Since the outbreak of COVID 19, HPD officers have worked diligently to enforce rules and regulations as promulgated by the Mayor and the Chief of Police. HPD Officers enforce the COVID 19 rules to the best of their ability and with utmost concern for the community. However, discretion, usually afforded to an officer, has been thwarted by the highest office of the department. COVID 19 orders come directly from the Chief's office with little input or discussion from HPD Command Staff.¹

Upon awarding of CARES Act funding, HPD was allotted \$32 million dollars to address, among other things, enforcement of the City's emergency orders, officer overtime, contract positions, purchase of various motorized equipment, and other related items. The primary purpose of the CARES Act funding, for HPD, was to enforce all emergency pandemic orders, through the issuance of criminal citations and matters related directly to such enforcement.

¹ Anecdotally, there were many suggestions made by Command Staff. One example: to first set up a COVID 19 enforcement data base relative citation issuance. Initially, officers would issue warnings. Upon encountering a violation, a quick call to the data center would determine whether a prior warning had been issued. If so, a citation "could" be issued (at the officer's discretion). Such enforcement would engender community support that only repeat COVID 19 offenders be cited. The Office of the Chief did not consider this a viable option.

During the tenure of COVID 19 enforcement, HPD issued approximately 60,000 criminal citations. To date, the Honolulu Prosecutor's Office declined or dismissed over 43,000 COVID 19 cases. Additionally, the District Court dismissed another 15,700 cases leaving a paltry 962 convictions; many of which were plea bargained to lesser offenses.

The measure of effectiveness and efficiency in the application of public funds, federal or otherwise, must be result driven. Here, efficient use of HPD CARES Act funding must be gauged by whether the end result, successful prosecutions, was realized. The other metric, whether COVID 19 changed behavior in a positive manner (i.e. effective social distancing, limiting beach and park use, etc.) was met.

Otherwise, the entire effort is for naught.

As you know, effective community-based policing is not about overwhelming the criminal justice system with massive citations and prosecutions but reinforcing positive behavior; something a strong warning system could have easily accomplished (without placing otherwise law abiding citizens in a criminal system previously foreign to them).

Under direct management by the Chief of Police, HPD was entrusted with proper use of \$32 million in CARES Act funding. For an end result of a mere 962 convictions (out of 60,000 cases), is statistical evidence of gross mismanagement and malfeasance. Proper application and use of \$32 million in CARES Act funding should have started with a sensible COVID 19 Operational Plan. The plan should have included:

- Coordination with the Prosecutor's Office on legal parameters for effective citation issuance;
- An overall "well-planned" citation strategy; to include:
- A two-tier Warning/Citation system;
- Data input of COVID 19 verbal/official warnings;
- Officer training prior to HPD COVID Team formation;
- Close supervisory oversight and monitoring;
- Built in safeguards to avoid potential overtime abuse;
- Partnership with community to provide notices of anticipated COVID enforcement action;
- COVID 19 enforcement signage at City and County Parks and Beaches;
- Forward thinking strategy on COVID 19 purchases of equipment and materials for post-COVID 19 use by the Department and for the community;

The current overtime abuse by officers is the direct result of poor management and improper planning by the Chief of Police. Proper safeguards could have easily been placed to ensure officer compliance to avoid overtime submissions. The failed COVID 19 Operational Plan directly promoted abuse by officers. When pushed by the Chief's Office to cite ALL violators, officers dutifully followed; hence overtime to accomplish the order. The attempt to now use city funds to pay the overtime is an unlawful effort to steer clear of a misuse of federal funds charge. But the abuse cannot be erased.

In any event, you will not see the Chief of Police take personal responsibility for the directive or the resulting abuse. Instead, the Chief's Office will defer, deflect, and place blame at the feet of the officers, their supervisors, and the like.

As a Commander, I could request that my colleague at the Professional Standards Office address the issue of fiscal misconduct and malfeasance, however, that Commander, like me, would ultimately face the wrath of the Chief of Police. The other option would be to seek assistance from the FBI, as this involves federal funds. I believe, however, that this should be handled in-house. I, therefore, implore your office to thoroughly investigate this matter. Improper use of public funds, especially federal funds, borders malfeasance and a failed fiduciary duty. It taints the good work of the men and women of the Honolulu Police Department. A mere 962 successful prosecutions out of 60,000 demonstrates a .016% efficiency rate; clearly a failed program and complete squander of \$32 million in federal funds. Conversely, .016% of \$32 million results in \$512,000 used to now label 962 citizens as criminals; an overall waste of \$31,488,000.

I entrust your office to properly investigate this matter. If any other department or agency head misused \$32 million in a six-month period, their continued tenure and leadership would be questioned.

Respectfully,

A concerned HPD Commander

Cc: Tommy Waters, Councilmember
Honolulu Civil Beat