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17 city ethics probes halted by lack of investigator

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By Keoki Kerr, Reporter [CONNECT](#)

HONOLULU (HawaiiNewsNow) - The administration of Mayor Kirk Caldwell has refused to renew the contract of the city Ethics Commission's only investigator, bringing some politically sensitive ethics cases to a halt at the end of June. City Managing Director Roy Amemiya refused to extend an 89-day contract for Letha DeCaires, a retired HPD captain who is the commission's only investigator, but then OK'd a shorter 59-day contract that still has not been signed and officially approved.

For the last three weeks, that means there's been no investigator to handle the 17 city investigations involving 45 to 50 witnesses, according to a staff report from the Ethics Commission.

In May, Hawaii News Now revealed that Police Chief Louis Kealoha is the focus of an ethics investigation to determine whether he over stepped his authority when the police department had a homicide detective and two specialized HPD units investigate the case of a mailbox stolen from the chief's Kahala home.

Friday, HNN reported that former Congresswoman Colleen Hanabusa is representing Council members Ann Kobayashi and Ikaika Anderson as well as former Councilman Donovan Dela Cruz in an ethics probe of whether they illegally accepted lavish meals from lobbyists and failed to disclose them.

DeCaires, who used to run the police department's Crimestoppers program, is the sole investigator working on those complex cases.

"This is our only investigator. You remove this investigator position, we don't have any investigation ongoing," said Chuck Totto at a city Ethics Commission meeting June 24.

Totto said DeCaires had numerous complex cases underway when her contract ran out at the end of June.

Like many retired law enforcement officers, DeCaires has worked for nearly two years in the ethics job on a series of 89-day contracts because if she's employed for three months or longer in a row, she will lose her retirement benefits.

"The administration has advised Mr. Totto of the need to fill the position," said City Corporation Counsel Donna Leong, addressing city Ethics Commissioners at their June 24 meeting.

Amemiya rejected the Ethics Commission's request to extend DeCaires' contract for another 89 days, saying the commission needs to hire a permanent investigator.

"We're on the seventh renewal at this time. When the managing director found out about it, he issued a direction to all of the directors," Leong said.

Amemiya issued the directive in January that said: "Personal services contracts are exempted from civil service positions as the contracted services should be of a temporary nature and the temporary need should not exceed one year.

In June, Totto said DeCaires has conducted up to 200 interviews on several complex cases and removing her in the middle of those probes would hurt the investigations.

"And changing now, I don't think you could find anybody who could sit down and just pick up these cases without expecting that it would take them months to do," said Totto.

In a staff report, city Ethics Commission officials said, "It is unreasonable to expect a new hire to effectively understand and manage these cases. Apparently the subject in at least one of these cases has informed credible sources that the subject is waiting for Ms. DeCaires' contract to run out, thinking that event will undermine the staff's investigation."

Ethics Commission staff pointed out that the city Prosecutor's office, the Liquor Commission and the Equal Employment Opportunity have 11 investigators on 89-day personal services contract, just like DeCaires. Some of them started years before DeCaires did, with one that's been on the city payroll for 13 years.

A city spokesman could not immediately provide Hawaii News Now with examples of any other city investigators on 89-day contracts at those other city departments whose contract extensions had been rejected by Caldwell officials, as DeCaires' had been.

Monday afternoon, Caldwell officials released an email sent to Totto by Amemiya on June 30 that said: "Please consider this email as approval to proceed with another PSC (personal services contract for DeCaires) for 59 days. I am hopeful that you will be able to hire and board someone in

that time frame.

As for moving Ms. DeCaires into a vendor services contract, I am not willing to approve this at the present time and suggest that we discuss in a month or so after you have had time to fill the Investigator III position."

Totto released a statement Monday that said "We are awaiting the final approval of a 59-day contract with investigator DeCaires. We hope to have a full-time investigator in the position by the end of August, if not sooner."

Totto said the commission's backlog continues to grow, with 65 complaints requiring investigation.

Last month, the commission created a draconian new news media policy, muzzling Totto from speaking to the news media without first checking with the commission chair, who was the only person who voted against the new restriction. He's also prohibited from interpreting commission decisions to reporters, something that's been a longstanding practice.

Leong, the mayor's top civil lawyer, had encouraged the commission to approve the new media policy after Totto said council members who failed to disclose conflicts and then voted on major proposals such as the city's rail transit project should have their votes nullified, potentially throwing the project into limbo.

The agenda for Thursday's Ethics Commission meeting includes proposals to rescind and draft a new news media policy.

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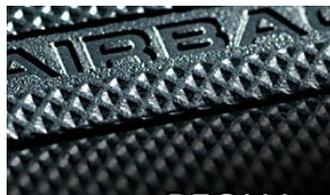
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