

State of Hawaii
Department of the Attorney General



2005 GOALS AND OBJECTIVES

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PART I: INTRODUCTION

This report is mandated by Section 7, Act 100, Session Laws of Hawaii 1999, and Executive Memorandum No. 99-12, which require that all state agencies and departments submit a report to the Legislature at the start of the regular session of 2000 and each regular session thereafter relating to the departments' and agencies' goals and objectives, action plans, and processes.

Department Description and Overview

The Department of the Attorney General is comprised of sixteen legal services divisions, four public support divisions, and an administrative services office. The Attorney General is the executive in charge of the department. The executive office of the Attorney General is comprised of the Attorney General, the First Deputy Attorney General, the Special Assistant to the Attorney General, the Administrative Services Manager, and administrative support personnel.

The department consists of approximately 697 personnel. The following tables indicate the distribution of these positions:

Legal Services Personnel:

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total Legal Staff
Managers	21	5%
Attorneys	161	40%
Other Professionals	112	28%
Support Staff	106	27%
Total	400	

Child Support Enforcement Agency (CSEA) and the Office of Child Support Hearings (OCSH) Personnel:

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total CSEA/OCSH
Managers	19	10%
Hearings Officers	5	3%
Other Professionals	49	25%
Support Staff	120	62%
Total	193	

Hawaii Criminal Justice Data Center (HCJDC) and Crime Prevention and Justice Assistance Division (CPJA) Personnel:

Position Type	HCJDC Number of Positions by Type	CPJA Number of Positions by Type	Total Number of Positions by Type	% of Program Staff in Relation to Total HCJDC and CPJA Staff
Managers	7	5	12	15%
Other Prof.	8	17	25	32%
Support Staff	38	4	42	53%
Total	53	26	79	

Administrative Services Office (ASO) Personnel:

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total ASO Staff
Managers	6	24%
Other Professionals	6	24%
Support Staff	13	52%
Total	25	

Department Powers and Responsibilities

The authority of the Department of the Attorney General is derived from Article V, Section 6, of the Constitution of the State of Hawaii, various sections of the Hawaii Revised Statutes, principally Section 26-7 and Chapter 28, and the common law.

Organization of this Report

This report is structured in four parts: an introduction; a listing of departmental goals and objectives; a listing and description of the department's divisions and offices; and a compilation of the goals and objectives of each division and office. Division supervisors were provided with maximum flexibility to structure division goals and objectives according to respective division management plans.

PART II: DEPARTMENT-WIDE GOALS AND OBJECTIVES

Core Values

1. We believe in the bedrock principle of the rule of law, and the primary guiding role that principle plays in the operation of this Department.
2. We believe that the Department and its employees should strive to uphold the highest principles of ethics, honesty, and fair play, and to set an example consistent with the Attorney General's position as Hawaii's chief legal and law enforcement officer.
3. We believe that the Department should operate on and treat employees based on the principle of merit.
4. We believe the Department should provide employees a safe, drug- and alcohol-free workplace and the support necessary for employees to do their best and accomplish their goals.

Goals

1. To safeguard the rights and interests of the people of the State of Hawaii, by being the defender of and advocate for the people, and undertaking appropriate legal and other actions on their behalf.
2. To protect the State's interest in all legal matters by providing excellent and timely legal advice and representation to the executive, legislative, and judicial branches.
3. To preserve, protect, and defend the constitution and laws of the State of Hawaii and the United States, to enforce the State's constitution and laws, and to facilitate the enforcement of federal law.
4. To assist and coordinate statewide programs and activities that improve the criminal justice system and law enforcement.

Objectives

1. People's Representative: Safeguard the rights and interests of the people of the State of Hawaii by undertaking appropriate legal actions on their behalf.
2. Litigation: Represent the State, its agencies, and its officers in civil proceedings in state and federal courts.
3. Administrative Hearings: Represent the State, its agencies, and its officers in administrative proceedings.
4. Criminal Prosecutions: Prosecute criminal offenses such as public corruption, bribery, fraud, environmental crimes, high technology crimes, and Internet crimes against children, and other crimes when necessary and appropriate.

5. Legal Opinions and Advice: Provide legal opinions and advice to the Governor, the Legislature, judges, and state departments and officers.
6. Rules and Legislation: Assist state departments and agencies in reviewing rules and legislation.
7. Contracts: Draft, review, and approve as to form various legal documents.
8. Law Enforcement: Enforce federal, state, and local laws, rules, and regulations; and monitor the operations of the Hawaii Career Criminal Program, the Witness Security and Protection Program, and the Victim-Witness Program.
9. Investigations: Investigate criminal and civil matters as appropriate.
10. Federal Funds for Crime Prevention Programs: Seek, apply for, and administer federal funds and other resources to enhance and expand the capabilities of criminal justice and juvenile justice programs.
11. Policy Development for Criminal Justice Programs: Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs.

Department Action Plan

General: The department has achieved a high measure of success in meeting its objectives. Following are recent examples of this success:

- Performed a vital role in terminating the federal court's thirteen-year supervision of the Hawaii State Hospital. The court supervision began in 1991 as the result of a civil lawsuit involving conditions at the hospital, and ended in 2004.
- Significantly assisted the State in ending federal court's oversight of special education (Felix). The department performed a vital role in securing the dismissal of the Monitor and Master from the Felix case, and in obtaining relief from the State's obligation to pay attorney's fees and cost. The court's jurisdiction is expected to terminate in May 2005. Pursuant to the stipulation setting forth the terms under which the parties are to proceed until May 2005, the defendants will continue to prepare and post quarterly reports on the Internet and with the court.
- Completed 675 matters related to taxation in fiscal year 2003, resulting in collections for the State that included \$1,260,309 in tax appeal matters, \$34,475 in foreclosure matters, \$1,080,638 in bankruptcy matters, \$557,744 in trust matters, and \$273,075 in other matters related to taxation.
- Since July 2004, collected \$3,259,017 for the State in a variety of tax appeal and bankruptcy cases.
- Worked with representatives of the University of Hawaii and the Department of Land and Natural Resources to clarify and resolve problems concerning management of the Mauna Kea science reserve.

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- Assisted, and continues to assist, the Department of Land and Natural Resources to implement Act 82 (2003), relating to signage warning of dangerous natural conditions on improved public lands.
 - Handled the administrative prosecution of cases involving major damage to natural resources.
 - Resolved 65 civil and administrative actions involving the Department of Health or the Department of Human Services, collecting \$1,886,682 for the State. Many of these settlements also included supplemental projects to benefit the environment.
 - Performed a significant role in facilitating the opening of the fishing village project.
 - Filed 1,232 petitions for child welfare. More than 99% of these petitions were sustained.
 - Filed 165 truancy petitions. Most of these petitions were sustained, with the subject children coming under the protective supervision of the Family Court and the Department of Education.
 - Filed 302 petitions for involuntary hospitalization. In most cases, the patient became well enough to be discharged, or well enough for voluntary admission before the scheduled hearing. Of the petitions that went to hearing, nearly all were sustained.
 - Successfully defended, on behalf of the Child Support Enforcement Agency, all CSEA-related administrative appeals filed throughout the State
 - Drafted an agreement so that paternity information from the Department of Health could be used by the Child Support Enforcement Agency. As a result, the Child Support Enforcement Agency was brought into federal compliance, and was guaranteed federal incentive funds.
 - Assisted the Child Support Enforcement Agency in establishing a mechanism on the Big Island, through the Hawaii County Economic Development Opportunity Council, whereby non-custodial parents can be placed in jobs, thus removing them from welfare rolls and allowing them to financially provide for their children.
 - Successfully defended ongoing federal court challenges to the constitutionality of the Office of Hawaiian Affairs, the Hawaiian Home Lands program, and other programs intended to benefit Hawaiians.
 - Successfully defended a lawsuit filed against the State by the Office of Hawaiian Affairs seeking payment of all airport revenues and other benefits to which OHA was entitled under invalidated Act 304.
 - Successfully defended a state constitutional challenge to the timeliness of the Governor's notice of intent to return bills to the legislature.

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- Successfully defended a state constitutional challenge to the timeliness of the Governor's exercise of the veto power.
 - Successfully established the absolute immunity of government lawyers carrying out the State's oversight of charitable trusts.
 - Handled a large number of appeals that are awaiting decision in state and federal appellate courts, including:
 - Appeals involving the assertion of the public trust doctrine against the State of Hawaii.
 - Appeals involving the application of the federal ERISA law to the State's Patient Bill of Rights and other Hawaii health care statutes.
 - Appeals involving the absolute and qualified immunity of State of Hawaii employees named as defendants in civil rights cases.
 - Cases involving the sovereign immunity of the State of Hawaii.
 - Cases involving the discretionary function exception to the State Tort Liability Act and cases involving the proper apportionment of liability to the State in joint tortfeasor cases.
 - Cases involving claims of civil rights and other constitutional violations against the State, including claims of employment discrimination and improper conditions of confinement.
 - Class action cases against the Employees' Retirement System for unpaid benefits and for attorneys' fees and costs.
 - Appeals from DUI administrative license revocations.
 - Represented the State as amicus or intervenor in cases in which parties challenged the constitutionality of a Hawaii statute, as, for example, the Hawaii statute on grandparent visitation rights or the Hawaii statute on disposition of derelict vehicles.
 - Performed a vital role in the establishment of Family Visitation Centers in every county, for visitation and exchange services between children and their non-custodial parent or family members. These centers are funded through a federal Violence Against Women Act grant awarded to the department.
 - Increased investigation and prosecution of cases involving financial exploitation of elderly dependent adults. Recent achievements include the following:
 - Secured felony theft and money-laundering convictions of a respite service provider and a contract caregiver, involving \$25,000 stolen from an 80-year-old man who had been released from a hospital into their care.
 - Filed the State's first civil suit against a man who financially exploited an elderly couple. The suit seeks injunctive relief and severe civil penalties, and is the first such case under section 28-94 of the Hawaii Revised Statutes.

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- Increased prosecutions and convictions for physical abuse of the elderly.
 - Recovered \$1.1 million from providers who have wrongly billed the state Medicaid program. This money was recovered in both national and local cases. Some of the recovered money constitutes penalties and investigative costs that fund the unit and enable it to function independently of state general funds.

In 2003 and 2004, the department established additional specialized units within the criminal justice division:

- The Drug Nuisance Abatement Unit was established in 2003 to close down drug houses in neighborhoods throughout the state, and disrupt the distribution and manufacture of drugs. Recent achievements include the following:
 - Filed five lawsuits in 2004 that resulted in disruption of drug distribution in the communities of Wahiawa, Waipahu, and Pearl City on Oahu, and Lahaina and Wailuku on Maui.
 - Performed a vital role in closing down other alleged drug houses by working with the community and with property owners.
 - Responded to 657 complaints, since the establishment of the unit, through a hotline and by other means of referral.
 - Made numerous presentations to community groups regarding actions that communities can take to discourage neighborhood drug dealing.
- The Hawaii Internet and Technology Crimes Unit (HITeC) was established in 2003 as a merger of two federal grants -- the Hawaii High Technology Crimes Unit (HHTCU) and Hawaii Internet Crimes Against Children Task Force (HICACTF) -- to coordinate efforts and resources in developing and implementing innovative approaches to increase the investigation and prosecution of computer crimes and Internet crimes against children in Hawaii. Recent achievements include the following:
 - Formed a multi-agency task force consisting of state, county, and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training, and education, and forensic resources in combating these crimes.
 - Created a fully equipped and operational computer forensics lab, which assists in the recovery, processing, and examining of digital evidence in criminal cases on all islands of the State of Hawaii. The task force has completed approximately 70 forensic examinations and provided technical support on about 50 occasions.
 - Identified and imported training to increase task force participants' investigative and forensic capabilities. There have been about 30 trainings for task force members to develop and advance investigative and prosecutorial abilities.

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- Arrested and charged 12 Electronic Enticement of a Child (a class B felony) cases of which 7 have been sentenced in state or federal court. To date, the department is the only agency that conducts, investigates, and prosecutes operations in this area full-time.
 - Continued efforts to educate the public regarding Internet Safety and Technology Crimes (including Identity Theft). A web site for Internet safety is available at www.hicac.com, and a web site for Technology Crimes is under construction. Approximately 150 presentations have been made on all islands.
 - The Environmental Crimes Unit was established in 2004 to investigate and prosecute environmental crimes that pose substantial risks to public health and the environment. These include violations of laws relating to air and water quality, solid and hazardous waste, underground storage tanks, pesticides, and restricted or regulated chemicals. The unit also investigates and prosecutes violations of environmental regulatory integrity, such as fraud, false reporting, and concealment. Recent achievements include the following:
 - Conducted investigations in all counties.
 - Responded to more than 160 telephone calls requesting information and referrals.
 - Secured the felony conviction of an Oahu man for knowingly causing or allowing a water pollutant to enter state waters. Without a permit, the defendant had filled in a portion of a lagoon on his property with soil in order to extend his back yard and build a boat ramp. The soil from the fill entered into Kaneohe bay.
 - Secured the felony indictment of two Oahu men on a charge of knowingly causing or allowing a water pollutant to enter state waters. The defendants are alleged to have dumped a tar-like pollutant into a storm drain. The pollutant ran down the drain and into a drainage canal that led to the ocean.
 - Secured the felony indictment, in Kona, on a charge of knowingly discharging wastewater onto the ground. The defendant is alleged to have discharged wastewater, which contained human urine and feces, from his septic truck into the Hilo Forest Reserve.
 - Issued penal summons in two cases involving the illegal dumping of solid waste. In one case, the defendant is charged with 24 counts of Prohibitions against Disposal of Solid Waste without a Permit. He is alleged to have ordered the unpermitted burial of appliances at the old Waipahu Incinerator while he was a superintendent there. In the second case, the defendants are alleged to have ordered their drivers to dump solid waste without a permit.
 - The Cold Case Squad was established to increase the investigation and prosecution of unsolved murders. At the start of 2003, approximately 376 of the murders reported statewide between 1975 and 2002 remained unsolved. To address this problem, the department sought and received in 2004 a federal Byrne grant to establish a Cold Case Squad to investigate and prosecute cold homicide

cases throughout the state, and to develop a statewide, cooperative approach to cold case homicide investigations. The squad will also assist county police departments in solving cold cases.

To sustain this substantial record of accomplishments, the following general support plan is provided. The department's detailed plan is supplemented by individual division and office plans attached at Part IV.

Action Plan Factors: The primary factors that will influence the timely delivery of quality legal services and the achievement of success in all areas are the number of people providing the services; the training of the people delivering the services; the level of information technology supporting the service delivery; and the management oversight of the service delivery. These factors will be addressed in the following manner:

Year One:

Staffing Levels: Using time sheet analysis and other means of evaluation, divisions will determine the optimum level of attorneys and staff needed to deliver services at an acceptable level as determined by the Attorney General. If resources permit, the Attorney General may contract with appropriate consultants (special deputies) to assist with this analysis.

Training: Due to the reduced resource environment, the Attorney General will seek legal professionals who can provide in-house department-wide training to increase budgetary efficiencies. A training committee has been appointed.

Information Technology: See goals and objectives of Administrative Services Office.

Management Oversight: The Attorney General will investigate the need to reorganize certain areas within the department to create efficiencies in the delivery of legal services. Special communication groups, chaired by the Attorney General, have been established outside the chain of supervision to increase the information flow to the Attorney General.

Years Two to Five:

Staffing Levels: The department will continue to conduct analysis to determine staffing levels necessary to provide quality legal services, and seek to increase staffing levels as appropriate to keep pace with growing demand for legal services and support.

Training: The Attorney General will build a long-range training plan and seek funding to support a continuing legal education program.

Information Technology (IT): See goals and objectives of Administrative Services Office.

Management Oversight: The Attorney General will continuously review the department's organization and communication flow to ensure a department structure that enhances optimum productivity.

Update and Status Report of the Action Plan:

Staffing Levels Update: Due to economic constraints, the department has not been able to hire the appropriate resources for certain areas. This is especially evident in the information technology, child support, and legal support staff areas.

Training Update: Economic constraints have made it difficult to ensure that all staff are receiving the appropriate professional training on an ongoing basis, particularly in the area of information technology.

Information Technology Update: Within the last four years, the department has undergone significant modernization in information technology. The department has implemented a modern networking environment, standard office tools, a case management software system, and a document management software system. Critical business tools such as Internet and e-mail access have been provided to approximately 75 percent of the total staff and nearly 100 percent of the legal staff. The advent of new business productivity tools will allow staff to concentrate on their true work functions instead of routine and mundane tasks that they were forced to do in the department's obsolete IT environment. In 2003, the department established a secure, internal website that allows employees to efficiently access and share information such as directories, forms, news, and research. Upgrading of the department's public website is in progress to make information about the department more easily accessible to the public.

Management Oversight Update: Reorganization took place during 1999-2002. The Department of Education received additional representation through the 1999 bifurcation of the Administration and Education divisions. In 2002, because of legal representation conflicts, the Tort/Litigation division was divided into two separate divisions. In the separation, the Civil Rights Litigation Division was created. In 2003, at the invitation of the Attorney General, the Conference of Western Attorneys General assembled a team of experienced administrators from other attorney general offices. This review team conducted a week-long assessment of the department's operations and provided a report of its findings and recommendations. The department has implemented some of the recommended changes and is in the process of implementing others as resources permit.

Five Years:

Staffing Levels: The Attorney General will have a process in place to continuously review staffing levels to keep them in line with the demand for legal services.

Training: The department will continue to seek funding to provide the training necessary to ensure the high quality of legal services.

Information Technology (IT): See goals and objectives of Administrative Services Office.

Management Oversight: The department will continue routine internal reviews to discover new efficiencies.

Measurement Processes

The Attorney General will measure progress in accomplishing department goals and objectives by periodic surveys of its clients. For clients who request formal legal advice, the Attorney General will routinely monitor the timeliness of opinions provided. In 2004, the department conducted an extensive survey of all of its clients regarding the quality of services provided. The results of this survey were reviewed carefully and applied in management decisions.

PART III: ATG DIVISION DESCRIPTIONS**Administration Division (ADM):**

ADM is a legal division principally responsible for commercial and financial related legal issues. The division provides legal advice and litigation support to various departments and offices, including the Office of the Governor; the Office of the Lieutenant Governor; the Department of Accounting and General Services (including the State Foundation of Culture and the Arts, the Stadium Authority, and the State Procurement Office); the Department of Budget and Finance (including advice regarding bond matters and advice to the Employees' Retirement System, the Employer-Union Health Benefits Trust Fund, and the Office of the Public Defender); the Judiciary (including the Commission on Judicial Conduct, the Office of Disciplinary Counsel, the Judiciary Personnel Appeals Board, and the Judicial Selection Commission; other areas of the Judiciary are advised by the Education Division); the Hawaii State Land Use Commission; and the Hawaii State Commission on the Status of Women.

Administrative Services Office (ASO):

ASO is a staff support office that provides fiscal, personnel, data processing, library, messenger, and reception services, and other support services, to the department and its operating divisions.

Appellate Division (APPD):

APPD is a legal division that has oversight responsibility for all state and federal appeals in the department. The division also serves as the primary contact point with other states for filing amicus briefs in the United States Supreme Court and other federal courts in pending cases that involve state issues.

Child Support Enforcement Agency (CSEA):

CSEA is a public support division that provides assistance to children by locating parents, establishing paternity and support obligations (both financial and medical), and enforcing those obligations.

Civil Recoveries Division (CRD):

CRD is a legal division that pursues claims for monies owed to the State. Some examples of these claims are traffic fines, delinquent lease rents, third-party reimbursements, and salary or benefit overpayments.

Civil Rights Litigation Division (CRLD):

CRLD is a legal division that provides legal defense to the State, its departments and agencies, and certain state employees in lawsuits or other claims that involve allegations of constitutional or civil rights violations. This defense includes, but is not limited to, answering legal complaints filed in court, investigating claims, conducting discovery, filing motions as determined to be necessary, and representing state interests at arbitrations, mediations, and trials.

Commerce and Economic Development Division (CED):

CED is a legal division that provides legal services and litigation support to the Department of Commerce and Consumer Affairs, the Department of Business, Economic Development, and Tourism, and the Department of Agriculture, and to almost all of the boards and commissions attached to these departments. CED also enforces the antitrust laws, administers the laws providing for the commissioning of notaries public, and provides legal services to the Board of Trustees of the State's Deferred Compensation Plan and to other state agencies involved in administering tax deferral programs.

Crime Prevention and Justice Assistance Division (CPJA):

CPJA is a public support division that coordinates statewide programs, activities, research, and grants for the improvement of the criminal justice system, crime victim services, and community crime prevention efforts. The Juvenile Justice Information System, which tracks youths from arrest to parole, is also a responsibility of the division.

Criminal Justice Division (CJD):

CJD is a legal division that performs prosecutorial functions on behalf of the State, such as welfare fraud, tax fraud, unemployment fraud, unauthorized practice of law, and public corruption. The Missing Child Center-Hawaii is administratively attached to this division, and is Hawaii's only clearinghouse assisting in the recovery of missing or abducted children.

Education Division (EDU):

EDU is a legal division that principally provides legal advice and support to the Department of Education and the Board of Education. Other clients include the Charter School Administrative Office and the Charter Schools; the Hawaii Teacher Standards Board; the Research Corporation of the University of Hawaii; the Hawaii State Public Library System; the Judiciary (including general consultation with and advice to the staff attorney's office, and representation of judges in writs and civil lawsuits; other areas of the Judiciary are advised by the Administration Division); the Campaign Spending Commission; and the Office of Elections.

Employment Law Division (ELD):

ELD is a legal division that provides legal representation and advice to the Department of Human Resources Development and to all state departments and agencies on employment-related issues. ELD also represents all state employers in mandatory arbitration hearings.

Family Law Division (FLD):

FLD is a legal division that handles all state litigation under the jurisdiction of Family Court, such as child and adult protection, guardianships, truancy, adolescent mental health cases, and involuntary civil mental commitment hearings. Clients include the Department of Health, the Department of Human Services, the Department of Education, and the Office of the Public Guardian. FLD also provides support to the Child Support Enforcement Agency.

Hawaii Criminal Justice Data Center (HCJDC):

HCJDC is a public support division that is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), the statewide sex offender registry, and the issuance of state identification cards.

Health and Human Services Division (HHSD):

HHSD is a legal division that provides the principal legal services and support to the Department of Health and the Department of Human Services.

Investigations Division (INVES):

INVES conducts investigations in support of the department's civil, criminal, and administrative cases. Investigations involve such areas as homeland security; Internet crimes against children; high technology computer crimes; drug nuisance abatement; environmental crimes; tobacco tax enforcement; airport, harbors, and highways; cold homicide cases; and other criminal and civil matters.

Labor Division (LBR):

LBR is a legal division that provides legal services and litigation support to the Department of Labor and Industrial Relations and the boards and agencies administratively attached to that department. In connection with its enforcement of the various labor laws, the division also collects penalties, fines, and reimbursements.

Land/Transportation Division (L/T):

L/T is a legal division that provides legal advice and support in all land use, development and permitting issues, shoreline certifications, and quiet title and accretion claims. Division clients include the Department of Land and Natural Resources, the Department of Transportation, and the Commission on Water Resource Management.

Legislative Division (LEG):

LEG is a legal division that provides legal services on matters pertaining to legislation and to proposed administrative rules. The division coordinates the preparation and review of all legislative bills proposed by the executive branch agencies and coordinates the review, monitoring, and evaluation of all legislative bills during and after each session of the Legislature. In addition, the division coordinates, monitors, and reviews the preparation of administrative rules of the Department of the Attorney General. This division also performs the final review of the formal opinions issued by the Attorney General and performs the initial review of complaints involving the Sunshine Law.

Medicaid Investigations Division (MID):

MID is a legal division that investigates and prosecutes fraud and overbilling by Medicaid providers. Funded by both special and federal funds, MID is the only government agency in Hawaii that prosecutes Medicaid fraud committed by Medicaid providers, including large corporate providers as well as private health care practitioners. MID is also the only agency that concentrates on medical fraud. MID also prosecutes crimes of abuse, neglect, and exploitation of patients in medical and nursing facilities.

Office of Child Support Hearings (OCSH):

OCSH is an office funded with state and federal funds that provides a fair and impartial administrative forum for the expeditious resolution of child support disputes. Once a part of the Child Support Enforcement Agency, the office has been a separate office of the department since 1992. OCSH has concurrent jurisdiction with the court in proceedings in which a support obligation is established, modified, or terminated. Attorney hearings officers issue orders establishing, modifying, terminating, and enforcing child support obligations.

Public Safety, Hawaiian Home Lands, and Housing Division (PSHHD):

PSHHD is a legal division that provides legal services and support to the Department of Public Safety, the Department of Hawaiian Home Lands, the Housing and Community Development Corporation of Hawaii, and the Hawaii Community Development Agency.

Tax Division (TAX):

TAX is a legal division that provides legal representation and advice to the Department of Taxation and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division contains an informal bankruptcy unit devoted to handling all bankruptcy cases for the Department of Taxation and the Department of Human Services. The division represents the Attorney General in the oversight and enforcement of charitable trusts, public charities, public benefit corporations, and private foundations. The division is also responsible for the department's registration and bonding function for professional solicitors under chapter 467B, Hawaii Revised Statutes. The division is the custodian of certifications by charities that issue charitable gift annuities under section 431:204(b), Hawaii Revised Statutes.

Tort/Litigation Division (TLD):

TLD is a legal division that provides legal defense to personal injury lawsuits and claims made against the State and its departments and agencies. The division does not have primary responsibility for giving advice and counsel to any state department or agency, to provide representation in criminal matters, or to collect monies owed to the State. In general, the services provided by the division include accepting service of legal complaints for the Attorney General, answering legal complaints made against state department and agencies, investigating claims, conducting discovery on claims, and representing state interests in arbitrations, mediations, and trials.

**ADMINISTRATION DIVISION
GOALS AND OBJECTIVES**

GOAL 1: **Develop cross-training of deputies in all subject-matters handled by the division to improve depth capacity.**

Objective 1: To develop subject-matter expertise in more than one deputy to increase depth and capacity of the division.

Action Plan: Implement an assignment process that involves deputies to be partnered with deputies normally assigned to specialized areas of expertise to assist in the legal research and opinion writing in order to gain exposure and familiarity with matters affecting a variety of clients serviced by the division.

Process: Partner deputies on assignments so that each deputy will gain exposure to assignments in areas other than their usual subject-matter expertise.

GOAL 2: **Improve work performance of support staff.**

Objective 1: Identify concerns and impediments to work performance of support staff.

Objective 2: Develop training and mentoring program to improve skills of support staff.

Action Plan: Implement an attendance monitoring and reporting system to track attendance and provide for coverage in times of absences.

Process: Keep log of attendance and regularly meet with staff to discuss problems, work conditions, and interpersonal concerns within the division.

GOAL 3: **Improve utilization of legal assistant support.**

Objective 1: Identify areas where legal assistant can handle work presently being performed by an attorney.

Objective 2: Expand the areas of expertise of the legal assistant.

Action Plan: Immediately determine what matters can be assigned to legal assistant and determine whether training is necessary before assignment can be delegated.

Process: Survey deputies to identify matters that can be delegated to legal assistant and have deputy mentor, train and supervise legal assistant until matter can be fully delegated.

GOAL 4: Provide quality, consistent, pro-active legal services to client agencies.

Objective 1: Continue to consult with clients to determine areas for improvement in the delivery of effective legal services.

Action Plan: Meet with clients to discuss areas that could use improvements.

Process: Circulate opinions issued by division with division attorneys so that attorneys are aware of issues involving client agencies.

GOAL 5: Improve division expertise in sunshine law matters.

Objective 1: Provide consistent advice to client agencies on matters relating to the sunshine law.

Objective 2: Improve attorney expertise on matters relating to the sunshine law.

Action Plan: Continue monthly brown bag sessions to discuss sunshine law issues affecting the division.

Process: Expose all division deputies on sunshine law issues.

ADMINISTRATIVE SERVICES OFFICE (ASO)

INFORMATION SYSTEMS AND TECHNOLOGY UNIT

The goals established by the Information Systems and Technology Unit (IST) last year have not changed. Some progress has been made during the past year toward attainment of these goals. However, more could have been accomplished if the current budgetary constraints were lifted. Regardless of the fiscal climate, IST will continue to focus its efforts in the coming year to complete or move closer to realizing our goals.

GOAL #1 CONTINUE TO MAINTAIN THE HIGHEST POSSIBLE LEVEL OF DAY-TO-DAY OPERATIONAL SUPPORT FOR ALL COMPUTER RELATED HARDWARE AND SOFTWARE.

OBJECTIVE 1: Ensure that IST staff receives the necessary training on an on-going basis for existing hardware (i.e., courses to repair and troubleshoot personal computers; PC operating systems) and software (i.e., courses on network design and installation; network operating systems; network security; telecommunication design and installation; iManage administration; SQL programming; web design and development; E-mail administration; work flow application design and development; and new or updated versions of applicable software).

GOAL #2 IMPLEMENT AND ENHANCE WIDELY USED TELECOMMUNICATION TECHNOLOGIES SUCH AS E-MAIL, LOCAL AREA NETWORKS, INTERNET, INTRANET, AND WEB SITES.

OBJECTIVE 1: Set up a department-wide Network (Local and Wide Area Networks) for all divisions on Oahu as well as all the legal offices in Hilo, Kona, Maui, and Kauai. Major features will include Internet access for all departmental personnel and remote access to file servers (i.e., traveling out of State).

OBJECTIVE 2: Set up the department's own E-mail servers.

OBJECTIVE 3: Develop work flow applications.

OBJECTIVE 4: Integrate certain existing business functions into the department's public websites (i.e., disseminating information to the public, online access to forms and applications, etc.).

OBJECTIVE 5: Continue development (i.e., adding more content, divisional pages) of recently implemented departmental Intranet.

GOAL #3 CONTINUE DEVELOPMENT AND ENHANCEMENT OF CASE MANAGEMENT SYSTEM (PROLAW) AND DOCUMENT MANAGEMENT SYSTEM (iMANAGE).

OBJECTIVE 1: Continue development of case management system (ProLaw) as more screens and reports are requested.

OBJECTIVE 2: Acquire necessary training to adequately support, maintain, and upgrade document management system (iManage) without the need to engage consultants.

GOAL #4 PROVIDE ALL DEPARTMENTAL PERSONNEL WITH ADEQUATE COMPUTER HARDWARE AND SOFTWARE.

OBJECTIVE 1: Budget annually to acquire 100 to 135 personal computers and 10 to 15 laser printers (ideally setting up a three-year replacement cycle) to ensure that the department will not be saddled in a situation of having only very old and outdated computer hardware.

OBJECTIVE 2: Plan and budget for the periodic acquisition of upgrades (new versions/releases) to department-wide software (i.e., Microsoft Office, ProLaw, iManage). Due to operational issues (i.e., uniformity, functionality), each software upgrade should be purchased for everyone at the same time.

ACTION PLAN

ADDITIONAL STAFFING

IST consists of three systems analysts, one computer programmer, one data processing user support technician, and one computer operator, who provide information technology support to more than 70 percent of the department's personnel. IST is tasked with the functional responsibility of providing all information technology services for the entire department, with the exception of the Hawaii Criminal Justice Data Center Juvenile Justice Information System Project and the Child Support Enforcement Agency.

IST provides day-to-day operational support to more than 550 personal computers and printers; provides day-to-day maintenance and operational support to the department's local and wide area network; maintains the department's case management system (ProLaw) and document management system (iManage); develops and maintains all PC database applications; maintains the department's E-

mail accounts; develops and maintains the department's Intranet; maintains the majority of the department's websites; and is tasked with eventually developing workflow applications. IST's workload has steadily increased from year to year as the department has grown and moved into several new locations, and is projected to continue increasing. Due to budget constraints, IST staff has not increased in almost twelve years. To undertake these new responsibilities and accomplish our goals, additional staffing will be required.

FIRST YEAR

GOAL #1 CONTINUE TO MAINTAIN THE HIGHEST POSSIBLE LEVEL OF DAY-TO-DAY OPERATIONAL SUPPORT FOR ALL COMPUTER RELATED HARDWARE AND SOFTWARE.

OBJECTIVE 1: Ensure that IST staff receive necessary on-going technical training.

Due to budget restrictions and the enormous initial effort that was required to support the newly implemented case management and document management systems, IST staff were not able to attend technical training in the past two years. Hopefully, IST staff will be able to enroll in much needed technical training in the coming year. On-going training is essential for the department to remain progressive and take advantage of emerging computer/information technology.

GOAL #2 IMPLEMENT WIDELY USED TELECOMMUNICATION TECHNOLOGIES SUCH AS E-MAIL, LOCAL AREA NETWORKS, INTERNET ACCESS, AND WEB SITES.

OBJECTIVE 1: Set up a department-wide network (local and wide area networks) for all units on Oahu as well as all the legal offices on Hilo, Kona, Maui, and Kauai.

This objective has already been achieved. However, IST staff is now tasked with the day-to-day administration, maintenance, and operational support of the department-wide network.

OBJECTIVE 2: Set up the department's own e-mail servers.

Because a huge effort will be required to administer our own E-mail server, it was decided to defer the implementation of this objective until additional positions are approved and created. E-mail is now being provided through an E-mail server at the Department of

Accounting and General Services Information and Communication Services Division (ICSD).

OBJECTIVE 3: Develop work flow applications.

Additional training and staffing will be needed before Workflow applications can be developed. Some of the required training could not be obtained from local training vendors (classes are being cancelled due to insufficient enrollment). The requirement for additional staffing is also applicable to achieving this objective.

OBJECTIVE 4: Integrate some existing business functions into the department's public websites (e.g., disseminating information to the public, and online access to forms and applications).

IST staff has undertaken a project to redesign all of the department's public websites using the new departmental template for the executive branch developed by ICSD. The primary objective of this project is to make the department's websites more user friendly by providing more content and easier navigation. This project is scheduled to be fully implemented by July 2005. There will be a continuous effort to integrate more business functions into the department's public websites after this project is completed.

OBJECTIVE 5: Continue development (e.g., more content and divisional pages) of recently implemented departmental Intranet.

Most major components of the departmental Intranet have been implemented. However, IST staff will continue to develop all remaining planned components of the Intranet (i.e., Community Page, expand content of departmental directory, implement online telephone directory), develop and implement occasional enhancements, and provide on-going maintenance and support.

GOAL #3 CONTINUE DEVELOPMENT/ENHANCEMENT OF NEWLY IMPLEMENTED CASE MANAGEMENT SYSTEM (PROLAW) AND DOCUMENT MANAGEMENT SYSTEM (iMANAGE).

OBJECTIVE 1: Continue development of case management system (ProLaw) as more screens and reports are requested.

It is projected that a huge effort will still be required during the coming year to further develop additional ProLaw screens and reports. IST will continue to receive more programming requests as the users become more aware of the potential capabilities and use for this application.

OBJECTIVE 2: Acquire necessary training to adequately support, maintain, and upgrade iManage without the need to engage consultants.

Due to budgetary constraints, IST's heavy workload, and scheduling conflicts, the IST staff tasked with maintaining and supporting the iManage application was not able to attend the iManage Administration course needed to implement new versions/releases of the application. Funding for this training will be sought during this coming year.

GOAL #4 PROVIDE ALL DEPARTMENTAL PERSONNEL WITH ADEQUATE COMPUTER HARDWARE AND SOFTWARE.

OBJECTIVE 1: Budget annually to acquire 100 to 135 personal computers and 10 to 15 laser printers (ideally setting up a three year replacement cycle) to ensure that the department will not suffer from very old and outdated computer hardware.

OBJECTIVE 2: Seek funding for the periodic acquisition of upgrades of department-wide software (i.e., Microsoft Office, ProLaw, iManage). To ensure uniformity and functionality, each software upgrade should be purchased for all users at the same time.

SECOND YEAR

GOAL #1 CONTINUE TO MAINTAIN THE HIGHEST POSSIBLE LEVEL OF DAY-TO-DAY OPERATIONAL SUPPORT FOR ALL COMPUTER RELATED HARDWARE AND SOFTWARE.

OBJECTIVE 1: Ensure that IST staff receive necessary on-going technical training.

On-going training for is essential for the department to remain progressive and take advantage of emerging computer/information technology. Sufficient funds for technical training will be sought.

GOAL #2 IMPLEMENT WIDELY USED TELECOMMUNICATION TECHNOLOGIES SUCH AS E-MAIL, LOCAL AREA NETWORKS, INTERNET ACCESS, AND WEB SITES.

OBJECTIVE 1: Set up a department-wide network (local and wide area networks) for all units on Oahu as well as all the legal offices on Hilo, Kona, Maui, and Kauai.

This objective has been achieved, but IST is now tasked with the ongoing day-to-day administration, maintenance, and operational support of the department-wide network.

OBJECTIVE 2: Set up the department's own e-mail servers.

Due to the huge effort that will be required to achieve and maintain this objective, it must be deferred until funding is obtained for additional staff.

OBJECTIVE 3: Develop work flow applications.

IST staff has not been able to acquire from local vendors the training necessary for this objective because classes have been cancelled due insufficient enrollment. Additional staffing will also be required to achieve this objective. Until the above obstacles can be addressed, the development of workflow applications, if any, will be very limited.

OBJECTIVE 4: Integrate some existing business functions into the department's public websites (e.g., disseminating information to the public, online access to forms and applications).

This will be an ongoing effort as new business functions evolve.

OBJECTIVE 5: Continue development (e.g., more content and divisional pages) of recently implemented departmental Intranet. All major components of the departmental Intranet should be completed during the first year of this plan, but IST staff will be tasked with occasional enhancements and on-going maintenance and support.

GOAL #3 CONTINUE DEVELOPMENT/ENHANCEMENT OF NEWLY IMPLEMENTED CASE MANAGEMENT SYSTEM (PROLAW) AND DOCUMENT MANAGEMENT SYSTEM (iMANAGE).

OBJECTIVE 1: Continue development of case management system (ProLaw) as more screens and reports are requested. It is projected that IST will continue to receive requests for development of additional screens and reports. This will become part of the on-going support for this application.

OBJECTIVE 2: Acquire necessary training to adequately support, maintain, and upgrade document management system (iManage) without the need to engage consultants.

The primary course to administer iManage should already have been taken by one of the IST staff during the first year of this plan. However, more

in-depth technical training will still be required to ensure that IST staff will be able to maintain this application without the need to engage the services of outside consultants.

GOAL #4 PROVIDE ALL DEPARTMENTAL PERSONNEL WITH ADEQUATE COMPUTER HARDWARE AND SOFTWARE.

OBJECTIVE 1: Budget annually to acquire 100 to 135 personal computers and 10 to 15 laser printers (ideally setting up a three-year replacement cycle) to ensure that the department will not suffer from very old and outdated computer hardware.

OBJECTIVE 2: Plan and budget for the periodic acquisition of upgrades of department-wide software (i.e., Microsoft Office, ProLaw, iManage). To ensure uniformity and functionality, each software upgrade should be purchased for all users at the same time.

FIFTH YEAR

Most of the goals and objectives listed in this plan should be completed before the fifth year, with the exception of the need for continuous on-going operational hardware and software support, on-going technical training for IST staff, and the continuous need to budget for the replacement of outdated computer hardware and software. Rapid advances in information technology may require adjustment of these goals and objectives.

FISCAL OFFICE

The goals established in prior years have not changed. However, our action plans constantly change to reflect the needs of the department. The fiscal office staff has been trained to use ProLaw and iManage. It was discovered that the reporting portion of ProLaw did not meet the division's needs, but the iManage software has been a great time-saver for the office as we are able to easily share worksheets among the staff. We have not revised our action plan on the study and installation of a purchase order system. Our plan to implement the Department of Accounting and General Services statewide purchase order system was not completed because of a 50% reduction in our staff. As a result, we have not implemented this system and have no plans to join the DAGS purchase order system.

GOAL #1 CONTINUE TO PROVIDE QUALITY AND TIMELY FISCAL SERVICES TO MEET THE NEEDS OF THE DEPARTMENT'S PERSONNEL AND TO ENHANCE THE FISCAL STAFF'S ABILITY TO PROVIDE FISCAL, BUDGETARY, AND OTHER REPORTS TO MANAGEMENT.

Objective 1: Utilize available resources and computer technology to enhance the fiscal staff's ability to provide quality and timely services.

ACTION PLAN

ADDITIONAL STAFFING

Since 1990, the fiscal office has consisted of six permanent positions and one temporary position. Since 1991, the department staff has increased approximately 20%, from 580 positions to 694 positions. A comparison of comparable department staff was done, and it showed that our fiscal office was undermanned.

The addition of 114 employees to the payroll has greatly increased the workload of the fiscal staff, which includes maintaining form 5s, preparing payroll adjustment worksheets, preparing TDI or Worker's Compensation claims, making all changes in exemption on the payroll change schedule, inserting pay stubs into envelopes twice a month, preparing taxable mileage and travel worksheets, and ensuring that all W-2 forms are accurate and correct. The increase in the department's employees also translates to an increase in the reimbursements and vouchering handled by the account clerks.

A request has been made to change the temporary account clerk III position to permanent status and to add an Accountant III position. The account clerk position has been on temporary status for over ten years and it has been shown to be a vital part of the fiscal office. Without this position, the permanent account clerks would have their workloads increased by 40%-50%. This increase would result in low morale and possible high turnover for the department.

The justification to add a professional position to the fiscal office instead of a clerical position is that there has been a shift in the department's fiscal focus to one of more analysis and reconciliation due to the tight money situation over the last five years. We have also seen an increase in the amount of federal and special fund accounts that need to be monitored each month. We need a person who understands the principles of accounting and has the knowledge and skills to examine, analyze, and verify financial documents and reports and, if necessary, prepare management reports. We need someone who can plan and work independently in developing, reviewing and analyzing control accounts, and who can understand and interpret policies and procedures both departmentally and statewide. An accountant would also be able to provide accounting, budgeting and selected audit functions for the fiscal office. They could develop forms, procedures and systems for maintaining control of state and federal fund allocations. The accountant would be able to monitor cash balances and would keep special ledgers to insure accuracy of the accounts. The accountant will also be able to research and compile the appropriate documentation to respond to all inquiries pertaining to fiscal matters for which they are responsible. The accountant would be able to provide accounting advisory services to the clerical staff.

There is also a need to upgrade the fiscal staff's computers, which were purchased in 1998 and are showing signs of deterioration.

FIRST YEAR

Our action plan for the first year is to continue to refine the litigation database and make it easier to create a clear and concise litigation report on a timely basis. This goal has been partially accomplished by our ability to access Datamart, which is a database of the most current, up-to-date FAMIS reports. The system allows us to view and/or download current FAMIS information to spreadsheets that can be sorted to meet our current needs.

We must also train the staff on how to access and use the Datamart system so they will be able to retrieve the most current fiscal information for payment inquiries instead of relying on the accountants. Another goal is to have the staff use the iManage system more frequently so that files can be shared within the division.

SECOND YEAR

A second year goal is to have the fiscal office fully staffed, including the new positions, and to ensure that the staff is more proficient in using computers to lessen the manual tasks they now perform. With the implementation of iManage and Datamart, we should be able to maintain good records for vendor payments and supply reports whenever needed without much delay. The key is for the staff to always have updated computer equipment in order to complete the implementation of this goal.

FIFTH YEAR

A fifth year goal is the possible implementation of a statewide purchase order system. From the little training we received on this system, we found it not to be user friendly, which makes it difficult for any department to implement. The bugs have not been worked out, and there is still a need to figure the electronic signature. The main reason for implementing the purchase order system was for easier retrieval of payment information. However, with the Datamart system, we are able to retrieve the current payment information and sort by whatever field we choose.

Evaluate FAMIS Model Procedures Systems to determine whether it still meets the needs of the fiscal office. The payroll system is one of our major concerns because it is time consuming and adjustments are paper intensive and difficult to process. It is our understanding that the Kronis system is still in the pilot program stage with Department of Public Safety. If our department were to go to a time clock system or other electronic timekeeping system, it might reduce the number of employee overpayment situations we experience.

LIBRARY SERVICES

Our goals for the library are essentially the same as last year's goals: We have identified and discarded older and less frequently used library materials to cut costs and save space. While we have not had funds to purchase CD-ROMS to replace some titles, our flat fee contract with Westlaw for research services has enabled us to access West publications such as reporters, legal periodicals, selected treatises, and public records at reduced cost.

GOAL #1 CONTINUE TO MAINTAIN THE BEST POSSIBLE ENVIRONMENT FOR LEGAL RESEARCH IN THE DEPARTMENT IN TERMS OF RESOURCES, FACILITIES AND EQUIPMENT.

Objective 1: Alleviate the lack of space in the library by replacing older or less frequently used materials by acquiring CD-ROMS that can be networked on the Intranet or obtained from Westlaw at a reduced rate.

ACTION PLAN

FIRST YEAR

Discuss options and reach a consensus as to which approach would work best in alleviating the lack of space in the library while still providing sufficient resources to carry out legal research. Identify and eliminate older, redundant, less frequently used materials to save costs.

SECOND YEAR

Review options of getting library materials on CD-ROM to network on department's Intranet.

FIFTH YEAR

Replace older print materials with CD-ROMs or through inexpensive searching through Westlaw.

Objective 2: Reduce expenses significantly in terms of library materials provided to the divisions as well as the library.

ACTION PLAN

FIRST YEAR

Prepare a list of all library materials and related costs for the divisions to review and evaluate and determine the usefulness of materials. Based on the evaluation, propose a plan to reduce costs by eliminating library materials.

SECOND & FIFTH YEAR

Implement plan for cuts in Library's as well as divisional library collections.

PERSONNEL

GOAL #1 CONTINUE TO PROVIDE QUALITY AND TIMELY SERVICE TO MEET THE PERSONNEL NEEDS OF THE DEPARTMENT.

Objective 1: Utilize computer technology to enhance our ability to provide quality and timely services

GOAL #2 IN CONJUNCTION WITH THE DEPARTMENTAL INFORMATION TECHNOLOGY SECTION, EXPLORE FEASIBILITY OF A CENTRAL DEPARTMENTAL COMPUTER NETWORK SYSTEM FOR PERSONNEL MATTERS.

Objective 1: Study the feasibility of a computer network system to facilitate department-wide communication for personnel activities

Objective 2: Establish electronic bank of standard personnel forms to expedite actions

Objective 3: Explore ability to process and transmit departmental actions electronically between divisions, including signatures.

GOAL #3 PROVIDE TECHNICAL ASSISTANCE AND GUIDANCE TO MANAGERS AND SUPERVISORS IN DEVELOPING AND MAINTAINING A QUALITY WORKFORCE.

Objective 1: Prepare policies and procedures to assist in the management of the workforce.

ACTION PLAN

First Year

GOAL #1 CONTINUE TO PROVIDE QUALITY AND TIMELY SERVICE TO MEET THE PERSONNEL NEEDS OF THE DEPARTMENT.

Objective 1: Utilize computer technology to enhance our ability to provide quality and timely services.

We would like to eliminate the time-consuming manual posting of personnel transactions to position and employee cards and other manual recordkeeping such as training records, performance appraisals, vacancy reports, etc. We will conduct surveys of other Departmental Personnel Offices to see if something they have developed may be feasible for us. By working closely with the Departmental Information Technology Section, we will strive to make advances toward this goal. In addition, because of our small staff, we will assure that we are able to provide continuous service by cross-training the clerical staff in personnel-related computer programs.

**GOAL #2 IN CONJUNCTION WITH THE DEPARTMENTAL
INFORMATION TECHNOLOGY SECTION, EXPLORE
FEASIBILITY OF A CENTRAL DEPARTMENTAL COMPUTER
NETWORK SYSTEM FOR PERSONNEL MATTERS.**

Objective 1: Study the feasibility of a computer network system to facilitate department-wide communication for personnel activities

We have regularly been using e-mail, shared drives and the department's Intranet, as described below, to transmit and receive information to and from employees, secretaries and supervisors. The Departmental Personnel Officer has been screening information for confidentiality issues prior to posting to these sites. We will develop a guideline that can be used by staff members to determine what should be posted for general information.

Objective 2: Establish electronic bank of standard personnel forms to expedite actions

We have made great strides in using the e-mail, shared drives and Intranet to develop references for employees, supervisors and secretaries. Now that the basic structure of the Personnel Office site on the Intranet has been developed, we will be refining the site to be even more user friendly and post more information and forms on the site as possible. In addition to the intranet, we have developed a site for secretaries to use that contains memos and documents that have been distributed by the Personnel Office. The site has been organized by subject matter, which is indexed for ease of use. We will continue to add more material and delete outdated material to assure currency of information. In addition, we will provide more training to secretaries so that they will feel more comfortable in providing information to their staff members.

Objective 3: Explore ability to process and transmit departmental actions electronically between divisions, including signatures.

Utilizing the scanner, we have made available to employees documents that contain signatures. We will review the processing of various documents to assess the feasibility

of transmitting documents electronically. Our study must include the legal implications of such electronically transmitted documents as determined by DHRD and our employment law attorneys.

GOAL #3 PROVIDE TECHNICAL ASSISTANCE AND GUIDANCE TO MANAGERS AND SUPERVISORS IN DEVELOPING AND MAINTAINING A QUALITY WORKFORCE.

Objective 1: Prepare policies and procedures to assist in the management of the workforce.

Personnel rules and regulations have changed drastically over the past few years due to Act 253 (Civil Service Reform). We will develop a policies and procedures manual specifically for personnel matters. With the assistance of the department's information technology staff, we will further develop and enhance the secretaries dedicated site to include managerial information and links to other helpful sites, which will provide information such as arbitration decisions, contract interpretations, and other information that will be helpful in managing their staff.

Second Year

As the personnel clerical staff has a high level of computer skill, we will use their knowledge to develop new methods of tracking and monitoring personnel activities to enhance our ability to maintain and provide information in a timely manner and to utilize past records to develop new strategies and enhancements to our processes.

We will provide more training to managers and supervisors on selection interviewing, labor relations, classification principles, and other personnel matters to assist them in their supervision of day-to-day operations.

Fifth Year

We will continue to review and assess how we can better serve the managers, supervisors, and employees by providing information and feedback in a timelier manner.

APPELLATE DIVISION (APPD) 2005 GOALS AND OBJECTIVES

Division Summary and Recent History:

The Appellate Division has oversight responsibility for all state and federal appeals in the department. The division also serves as the primary contact point with other states for filing amicus briefs in the United States Supreme Court and in other courts for pending cases that involve issues important to the state.

Many of the significant and/or difficult cases in the department eventually become the responsibility of the Appellate Division. The division's workload in the past several years has included the following:

- Cases involving Hawaiian rights and entitlements, including cases involving the State's administration of laws, lands, and trust monies intended to benefit Hawaiians;
- Cases in which the State asserts Eleventh Amendment immunity.
- The FEMA case involving FEMA's claim for reimbursement for its services in the aftermath of Hurricane Iniki;
- Cases involving the assertion of the public trust doctrine against the State;
- Cases involving the absolute and qualified immunity of state officers named as defendants on civil rights claims;
- Cases involving legal disputes between the State and the Office of Hawaiian Affairs;
- Cases involving the discretionary function exception to state tort liability and cases involving the State's share of liability in joint tortfeasor cases;
- Cases alleging the unconstitutionality of any state statute or administrative rule or court rule;
- Cases involving constitutional claims asserted against the State, including for example the Eighth Amendment and the Privileges and Immunities Clause;
- Class action cases for unpaid benefits and for attorneys' fees asserted against the Employees' Retirement System;
- Criminal cases involving novel issues;
- ERISA cases;
- DUI license revocation cases.

OVERALL GOAL:

- To ensure and improve the quality of appellate advocacy on behalf of the State.

OBJECTIVES:

Continue to maintain contact with appellate divisions of all other states through the National Association of Attorneys General (NAAG) and particularly through the exchange of amicus briefs in cases with issues that affect numerous states (such as federalism and states' rights issues);

- Continue to provide advice, review, and revision services to other attorneys within the department;
- Continue to serve on the appellate rules committee, which reviews and revises the Hawaii rules of appellate procedure;
- Continue to serve on internal department committees that critique written opinions, briefs, and oral argument, and that oversee complex litigation;
- Continue to serve on the department's contracts committee and various special project task forces.

ACTION PLAN:

The goals and objectives are currently being implemented on an ongoing and continuous basis.

Child Support Enforcement Agency (CSEA) Goals & Objectives

Mission

To promote the well-being of children and the self-sufficiency of families through the timely and accurate establishment and enforcement of child support while providing excellence in customer care.

Goal

To assist children and families in obtaining financial support through locating parents and their assets, establishing paternity and support obligations, and enforcing those obligations by providing timely and efficient child support enforcement services while maximizing federal incentive funding to become less dependent on state general funding for operational costs.

Objective 1: *Maximize federal incentive payments to the Hawaii Title IV-D Program, Child Support Enforcement Agency.*

Action Plan: Ensure that the number of Paternities established meets or exceeds the required rate of eighty percent or higher by September 30, 2005. Create and establish procedures with the County Family Support Divisions to maintain a higher rate of paternity establishment.

Action Plan: Coordinate and receive birthing and paternity data from the Department of Health and the hospitals, which are captured through their electronic system. Continue to input dates that paternity was established using the Voluntary Establishment of Paternity form through the repository of the Department of Health.

Action Plan: Work with the Department of Health to develop a system program interface whereby all birthing and paternity data can be exchanged electronically.

Objective 2: *Improve staff efficiency and knowledge of the Child Support Enforcement Programs.*

Action Plan: Pursuant to the approval of the CSEA's reorganization plan, the State Administration will institute a formalized training program by June 30, 2005. The program will address: (1) new employee training, (2) periodic KEIKI system training, and (3) Title IV-D professional continuing education program using a multi-media approach to employee development.

Action Plan: Solicit best practices in training from other child support enforcement agencies. Evaluate the possibility of privatizing the child support enforcement training program using outsource vendors experienced in operational and technical programs of child support.

Objective 3: *Improve Strategic Planning and implementation of enforcement program requirements.*

Action Plan: Complete a comprehensive strategic plan for review by the CSEA's Advisory Council by January 31, 2005. The strategic plan will include programs addressing the improvement of the KEIKI system as well as more definitive management goals and objectives. Recommendations provided by the State Auditor during the FY2002 Systems audit will be addressed.

Action Plan: Analyze workflow and ensure that all processes are identified, defined, and managed in order to provide the most effective processes to collect, distribute, and enforce child support.

Objective 4: *Complete KEIKI system documentation and optimization using contracted vendors. Complete a data warehousing function using the process of Decision Support System designed by the outside contractor.*

Action Plan: Complete system documentation and optimization by December 31, 2004, which provides greater efficiency in system programming. System optimization will also expedite processing time; the goal is to reduce KEIKI processing time from forty hours per month to eight hours per month.

Action Plan: Complete a data warehousing system by November 30, 2006. This system will provide management with immediate decision making information in the areas of child support enforcement, customer inquiries, financial analysis, and federal reporting information.

Objective 5: *Improve the CSEA's data reliability through system enhancements and system re-programming.*

Action Plan: Continue to prioritize the KEIKI system's issues through the KEIKI Steering Committee, and to allocate programmer resources to assist in each functional area of the agency. Teams comprised of functional leads from the operational staff and IT will concentrate on the following major activities: Locate, Paternity, Case Management, Orders, and Financials.

Action Plan: Establish a procedure by January 1, 2005 to develop quarterly reports in lieu of an annual report of the OCSE-157 to more effectively manage our data reliability and performance. A higher performance will provide higher incentive revenues from the federal government.

Objective 6: *Improve customer services by developing an interactive web site.*

Action Plan: Develop an interactive web site to allow customers to access account information and to request electronically applications and forms pertinent to their case by October 1, 2005. Web pages will also be interfaced with the newly installed Interactive Voice Response system.

Objective 7: *Develop a Direct Deposit program to allow for child support payments to be issued electronically.*

Action Plan: Program KEIKI's financial module to include the electronic deposits of child support payments directly into the custodial parent's bank account by March 31, 2005. This program will expedite child support payments to the children and reduce overhead costs to the state by eliminating manual checks and postage.

CIVIL RECOVERIES DIVISION (CRD) YEAR 2005 GOALS AND OBJECTIVES

GENERAL

GOAL #1: To recover moneys owing to the State of Hawaii.

Objective: To provide timely and effective legal representation to state agencies who need collection assistance.

Action Plan: Continue to work with existing client agencies and advise other agencies on collection potential.

Process: Introduce legislation to provide funding for collection activities. Review agency delinquency reports and continue communications with agencies.

GOAL #2: To review state agency accounts for write offs.

Objective: To develop consistency in the write off of delinquent accounts.

Action Plan: To teach, train, and monitor state agencies in the write off process pursuant to Administrative Directive No. 96-02.

Process: To monitor state agency reports submitted pursuant to Administrative Directive No. 96-02.

JUDICIARY

GOAL #3: To provide efficient and effective representation to the Judiciary in the collection of traffic fines and restitution to the state.

Objective: To increase amounts collected for the Judiciary from traffic fines and restitution to the state.

Action Plan: To have division staff continue to work with the Judiciary staff in coordinating the referral and collection process.

Process: In 2001, the Judiciary team collected \$1,583,952, and its goal for 2002 was to increase collections by 10%. That goal was achieved in 2002, when collections totaled \$1,743,225. The goal for 2003 was to increase the amount collected by the team for the Judiciary by 10%. This goal was not achieved although collections totaled \$1,898,796. The goal for 2004 was to increase that amount by 10%. This goal was exceeded, as collections totaled \$2,261,160. The goal this year is to exceed that amount by 10%.

HAWAII HEALTH SYSTEMS CORPORATION

GOAL #4: To provide efficient and effective representation to HHSC in the collection of its aged delinquent accounts (greater than one year old).

Objective: To increase the amount collected for HHSC from delinquent accounts for services rendered.

Action Plan: To have division staff continue to work with HHSC staff in coordinating the referral and collection process.

Process: In 2001, the HHSC team collected \$1,769,916, and its goal for 2002 was to maintain that amount. Collections in 2002 totaled \$1,021,284, a decline was due to the lack of referral of delinquent accounts from HHSC. The goal for 2003 was to increase that amount by 10%. That goal was met, as collections in 2003 totaled \$1,189,879. Referrals from HHSC continue to remain low. The goal for 2004 was again to urge HHSC to refer cases to the HHSC team, to seek new computers, and to increase the amount collected in 2004 by 10%. In 2004, new computers were obtained and referrals increased. Collections for 2004 totaled \$1,229,923. The goal for 2005 is to increase that amount by 20%.

CHILD SUPPORT ENFORCEMENT AGENCY

GOAL #5: To provide efficient and effective representation to CSEA in the collection of payments in difficult child support and FIDM cases.

Objective: To increase amounts collected for CSEA from the collection of payments in difficult child support and FIDM cases.

Action Plan: To have division staff continue to work with the CSEA staff in coordinating the referral and collection process.

Process: In 2001, the CSEA team collected \$1,769,916, and its goal for 2002 was to maintain that amount. Collections in 2002 totaled \$1,556,623, a decline due to the loss of an attorney position. The goal for 2003 was to maintain collections for CSEA at \$1,500,000. This goal was not achieved due to a decline in the referral of FIDM cases. Collections in 2003 totaled \$925,406. The goal for 2004 was to increase that amount by 10%. The goal for 2004 was met, as collections totaled \$1,349,711. The goal for 2005 is to increase that amount by 10%.

HUMAN SERVICES

GOAL #6: To provide efficient and effective representation to the Department of Human Services in the collection of its Medicaid third party liens, home property liens, and estate recovery liens.

Objective: To maintain amounts collected for DHS from Medicaid third party liens, home property liens, and estate recovery liens.

Action Plan: To have division staff continue to work with DHS staff in coordinating the referral and collection process. Also, to develop a program for the recovery of unreported and unpaid third party liens.

Process: In 2001, the DHS team collected \$3,805,225, and its goal for 2002 was to increase collections by 10%. That goal was achieved in 2002, when collections totaled \$4,209,446. The goal for 2003 was to increase the amount collected by another 10%. This goal was not met due to the down time that occurred when DHS hired a private processing company. The team did collect \$3,784,417 in 2003. The goal for 2004 was to increase that amount by 10%. This goal was exceeded, as collections in 2004 totaled \$5,253,848. The goal for 2005 is to maintain that amount.

AGRICULTURE

GOAL #7: To provide efficient and effective representation to the Department of Agriculture Loan Division for its delinquent loans.

Objective: To counsel and advise the Loan Division and to collect delinquent loans for DOA.

Action Plan: To have division staff continue to work with DOA staff in improving and coordinating the referral and collection process.

Process: In 2001, the Agriculture team collected \$2,497,329, and its goal for 2002 was to maintain that amount. Collections in 2002 totaled \$1,761,287, a decline due to fewer referrals. The goal for 2003 was to maintain collections for Agriculture at \$1,500,000. This goal was not met again due to a decline in the number of referrals. Collections in 2003 totaled \$518,721. The goal for 2004 was to collect \$200,000. This goal was met, as collections in 2004 totaled \$217,991. The goal for 2005 is to collect \$100,000.

BUSINESS AND ECONOMIC DEVELOPMENT

GOAL #8: To wind down representation to the Department of Business, Economic Development, and Tourism in the collection of its delinquent loans.

Objective: To assist in the collection of delinquent loans for DBEDT.

Action Plan: To have division staff wind down the collection of delinquent loans referred to the Civil Recoveries Division.

Process: In 2001, the DBEDT team collected \$1,062,996, and its goal for 2002 was to maintain that amount. Collections in 2002 totaled \$305,724, a decline due to fewer referrals. The goal for 2003 was to maintain collections for DBEDT at \$1,000,000. The goal was not met due to the continuing decline in referrals. The collections in 2003 totaled \$226,256. The goal for 2004 was to collect \$200,000. This goal was not met, as the loan program was terminated; however, collections in 2004 totaled \$96,925. As this program has been terminated, the Civil Recoveries Division is winding down its involvement.

CONSTRUCTION AND CONTRACT CLAIMS

GOAL #9: To provide efficient and effective representation to state agencies that have major construction or contract claims and to prosecute appropriate false claims.

Objective: To increase the level of advice and representation offered to state agencies in their major construction or contract claims and to review false claims.

Action Plan: To train and work with DOT and DAGS staff to increase the recoveries and mitigate the claims from major state construction and contract claims.

Process: In 2001, the Contracts team collected \$290,000 and saved the State \$2,975,000. Its goal for 2002 was to increase the amount collected by 100%. That goal was achieved in 2002, when collections totaled \$1,153,783. The goal for 2003 was to maintain collections at \$1,000,000. This goal was not achieved due to fewer referrals. Extensive training to DOT and DAGS in contract management and the revision of contract documents has been achieved. The goal for 2004 was to collect \$1,000,000. This goal was not achieved. There were no collections in 2004, as construction problems were conferred early due to the training and pending litigation has not yet rendered a judgment. The goal for 2005 remains \$1,000,000.

HUMAN RESOURCES AND DEVELOPMENT AND EDUCATION

GOAL #10: To provide efficient and effective representation to DHRD and DOE in the recovery of third party liens on workers compensation liens.

Objective: To increase the amount collected from third party workers compensation liens.

Action Plan: To have division staff work with DHRD and DOE staff in coordinating the referral and collection process.

Process: In 2001, the Workers' Compensation team collected \$183,622. Its goal for 2002 was to increase the amount collected by 10%. Collections in 2002 totaled \$64,925. The goal for 2003 was to increase the amount collected for DHRD and DOE by 100% in 2003 and 10% each year thereafter. This goal was achieved as collections totaled \$196,063. The goal for 2004 was to increase this amount by 10%. The goal for 2004 was not achieved, as collections totaled \$138,576. The goal for 2005 is to collect \$220,000.

TRANSPORTATION

GOAL #11: To provide efficient and effective representation to DOT in the collection of its delinquent lease rents, salary overpayments, and property damage claims at the airports, highways and harbors.

Objective: To maintain the amount collected for DOT in the collection of its delinquent lease rents, salary overpayments, and property damage claims at the airports, highways, and harbors.

Action Plan: To have division staff continue to work with DOT staff in coordinating the referral and collection process.

Process: In 2001, the DOT team collected \$712,541. Its goal for 2002 was to increase the amount collected by 100%. That goal was achieved in 2002, when collections totaled \$1,451,006. The goal for 2003 was to maintain collections at this amount. This goal was not achieved, as DOT harbors converted to a new computer system and referrals declined. Collections in 2003 totaled \$1,378,892. The goal for 2004 was to increase that amount by 10%. This goal was achieved, as collections totaled \$1,696,152 in 2004. The goal for 2005 is to maintain that collection amount.

MISCELLANEOUS

GOAL #12: To provide efficient and effective representation to general funded departments in their collection of liquidated claims, such as salary overpayments, loans, and reimbursements for damage to state property.

Objective: To increase the amount collected for PSD, DOE, and DAGS in salary overpayments, loans, and reimbursements for property damage claims.

Action Plan: To have division staff utilize ProLaw to track its collections, to provide a legal assistant to organize the files and prepare demand letters and complaints, and to continue to work with PSD, DOE, and DAGS staff in coordinating the referral and collection process.

Process: In 2000, the Miscellaneous team collected \$79,337. Its goal for 2004 was to increase that amount to \$200,000. That goal was not met, as collections in 2004 totaled \$46,997. The goal for 2005 continues to be \$200,000.

DEFENSE

GOAL #13: To provide advice and counsel to the Department of Defense/State Civil Defense.

Objective: To assist and enable DOD to carry out its mission of providing for the defense of the State and its people from natural or man-made disasters or emergencies or mass violence.

Action Plan: Continue to participate in and to conduct training in areas that will prepare DOD and the State for natural and man-made disasters or emergencies and assist in additional Homeland Security readiness; to review contracts; and to draft and review appropriate legislation.

Process: Training and preparation has been stepped up since 9/11. In 2002, this team participated in and assisted in providing numerous training classes/workshops to the Department of Defense and members of the Civil Defense system. The goal for 2003 was to continue to provide quality representation and training and maximize available resources to prepare for any contingency that may arise. The goal for 2004 was to continue to provide quality representation and to assist in pursuing legislation that is necessary for man-made disasters or mass violence. The goals for 2004 continue for 2005.

**CIVIL RIGHTS LITIGATION DIVISION (CRLD)
GOALS AND OBJECTIVES**

GOAL 1: PROVIDE QUALITY LEGAL REPRESENTATION TO ALL CLIENTS

Objective 1: Provide assistance to division deputies with regard to issue identification and case strategies, and other aspects of case handling.

Action Plan: Facilitate discussion of case specific issues as requested. At the present time, deputies are encouraged to present issues and solicit input on their cases at the weekly division meetings¹, or to request ad hoc meetings to discuss issues, as-needed. Informal one-on-one mentoring by more experienced deputies is also encouraged, and is occasionally mandated by specific case assignment.

Objective 2: Continue to improve the level of competence of all division staff with regard to their specific job responsibilities.

Action Plan: Explore the availability of training opportunities, including in the areas of trial advocacy, computer skills, legal writing and legal research, and encourage staff to take advantage of all such opportunities. This past year, division deputies attended training in litigation skills and new rules of discovery, and several clerical staff attended brown bag seminars presented by local organizations. Continue to make efforts toward establishing a system of in-house training, drawing upon the expertise of division members and other department personnel.

Objective 3: Facilitate positive relationships with the division clients.

Action Plan: Encourage the identification and implementation of improved means of communication with clients. Reinforce with division deputies the importance of keeping clients apprised of significant case events. This past year, the nature of certain cases has required intense client interaction, both to obtain and provide relevant information. Also, an effort was made this past year to provide the Department of Public Safety with a computer-generated update on pending cases, since a large portion of the division's cases involve that department.

Objective 4: Assist with client training, as requested.

¹ The Civil Rights Litigation Division and the Tort Litigation Division currently have joint meetings on a weekly basis.

Action Plan: Participate in client training upon request of the client. This includes the provision of informal advice over the phone or in person, and participation in formal training. Staff from the Civil Rights Litigation Division have previously participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will be doing so again this year.

Objective 5: Promote the use of informal, mini Litigation Review Committees (LRC's).

Action Plan: In addition to the weekly division meetings, the Civil Rights Litigation Division continues to routinely utilize informal, mini LRC's as a means of discussing case-specific issues, such as issues relating to liability, case strategy, and case value. Depending on the issues being presented, the participation of deputies from other divisions who may have relevant expertise is typically sought. This practice improves the level of service we are able to provide to our clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

GOAL 2: INCREASE THE LEVEL OF KNOWLEDGE OF DIVISION DEPUTIES AND LEGAL ASSISTANTS IN SUBSTANTIVE CIVIL RIGHTS LAW

Objective 1: Continue to identify sources of relevant information.

Action Plan: Encourage the use of current business tools, such as the Internet, as a foundation of continuous learning. Explore the availability of speakers, seminars, videotapes, workshops, etc. relating to current civil rights issues. Facilitate interaction between Civil Rights Litigation Division deputies and deputies from other divisions who handle cases involving civil rights issues (e.g., ADA, Section 504). The ability of division staff to participate in formal training regarding the relevant substantive law has been difficult due to fiscal limitations.

Objective 2: Facilitate the development of a division library.

Action Plan: Continue efforts to obtain treatises and other publications of specific relevance to the division, such as treatises regarding prison litigation, civil rights law, etc.

GOAL 3: PROMOTE A POSITIVE WORK ENVIRONMENT

Objective 1: Encourage open communication among all division staff members.

Action Plan: Continue to include clerical staff in division meetings as appropriate, to improve communication and increase participation of all Civil Rights Litigation Division personnel in matters of concern/interest to the division. The division supervisor will also continue to have an open-door policy and invite input/comments from all division staff regarding day-to-day concerns and/or input on how the division can be improved.

Objective 2: For support staff, increase their understanding of the overall legal process (i.e., how their work “fits in” with the handling of a case).

Action Plan: As time permits, encourage staff members (both legal assistants and legal clerks) to attend trial sessions and hearings in order to facilitate a better understanding of the overall legal process and the integral part they play in our division’s handling of a case. It is anticipated that this practice will facilitate positive morale and increase staff members’ pride in their work. This past year, staff members have attended depositions, court hearings and arbitration proceedings.

Objective 3: Consider a division retreat to promote positive relationships among division personnel.

Action Plan: A division retreat was not held this past year, but hopefully will be arranged during the coming year.

Objective 4: Seek and accept assistance from volunteers/externs.

Action Plan: This past year, the division had the benefit of two volunteers during the summer months, one of whom was a law student. The division has also been fortunate to have volunteer assistance from students in the legal assistant program at Kapiolani Community College.

GOAL 4: CONTINUE ADDRESSING PRACTICAL CONCERNS OF THE CIVIL RIGHTS LITIGATION DIVISION

Objective 1: Continue to resolve space issues.

Action Plan: Identify additional storage space, if any, within Hale Auhau. Facilitate movement of closed file boxes to storage in order to increase space and improve the professional appearance of the division. Last year, the division was faced with significant space issues because of the numerous boxes of documents relating to the Burns-Vidlak and Tapaoan class action lawsuits. We have since been able to send the Burns-Vidlak boxes to storage at Shafter Flats, and are in the process of moving the Tapaoan boxes to a more accessible storage facility, since that case remains pending.

COMMERCE AND ECONOMIC DEVELOPMENT DIVISION (CED) GOALS AND OBJECTIVES

The Commerce and Economic Development Division (CED) is somewhat unusual among legal services divisions in the Department of the Attorney General in that it has two separate missions.

1. Provide a full range of legal services including advice and counsel, document, rules, and legislation review, and advocacy in litigation in administrative and judicial fora for its client departments. CED currently provides legal services to the Department of Commerce and Consumer Affairs, the Department of Business, Economic Development, and Tourism, the Department of Agriculture, and their attached agencies. CED also advises agencies with tax deferring benefit programs including deferred compensation and tuition savings programs.
2. Administer chapter 456, Hawaii Revised Statutes, which involves the commissioning and regulation of notaries public.

Given these distinct responsibilities, this report is organized into two parts, with the first addressing the duties of the division as legal counsel and the second discussing its operational role regarding the notary program.

PART I. LEGAL SERVICES TO CLIENT AGENCIES

OVERALL GOAL: To provide legal services that are timely, effective, efficient, and of high quality, to all client agencies.

GOAL 1. Monitor distribution of workload and timeliness of output for each attorney in the division.

Objective 1. Conduct case review meetings with each attorney in the division on a regular rotating basis.

Objective 2. Review timesheets at least quarterly to assess workload distribution.

Objective 3. Adjust assignments so that each major client has both a primary and a secondary attorney to ensure continuity of service during leaves or at times of excess workload.

Objective 4. Develop system for tracking receipt of administrative rules for review and for monitoring timeliness of return of rules to client.

- Objective 5. Involve attorneys with less litigation experience more actively in cases so that experienced litigators may provide mentoring and more attorneys will be comfortable in handling litigation.
- Action Timetable: Objectives 1, 2, and 3 will be addressed on an ongoing basis throughout the year. Objective 4 will be addressed over the coming year.
- GOAL 2. Develop mechanisms to obtain feedback from directors of client departments and other key staff on routine basis.
- Objective 1. Maintain practice of monthly meetings with the director of DCCA to discuss pending matters, upcoming issues, and any areas of concern.
- Objective 2. Contact directors of other client departments to ascertain what method for routinized communication is desirable for them.
- Action Timetable: Both objectives are ongoing projects.
- GOAL 3. Ensure that CED plays an appropriate role in antitrust enforcement, in multistate initiatives such as those involving the National Association of Attorneys General, and in responding to consumer complaints and that CED coordinates and cooperates with other state and federal agencies in Hawaii and in other jurisdictions.
- Objective 1. Monitor consumer complaints and consumer protection initiatives and maintain communication between CED and other agencies (such as the Office of Consumer Protection, the Regulated Industries Complaints Office, the Public Utilities Commission, the Insurance Division, the Securities Enforcement Unit, and other private and federal entities) so that consumer complaints are appropriately and quickly referred for handling.
- Objective 2. Establish and monitor the appropriateness of guidelines for prioritizing use of resources in responding to requests for participation in NAAG multistate efforts and in-house antitrust efforts.
- Action Timetable: As to Objective 1, there has always been confusion arising from overlap in responsibilities in responding to complaints or inquiries from consumers or others particularly in areas such as charitable solicitations, health care and insurance, and other types of consumer protection issues. Great strides have been made in

meeting this objective particularly in coordinating multistate initiatives between CED and OCP. Guidelines for prioritizing our resources are being applied and modified as necessary.

- GOAL 4: Improve technology support for staff and attorneys.
- Objective 1. Modernize and upgrade the division's computer systems, including e-mail and Internet access, and networking capability.
- Objective 2. Conduct hands-on workshops to improve skills of all staff in using the technology to best advantage.
- Action Timetable: This is an ongoing process throughout the department.

PART II. OPERATING THE NOTARY PROGRAM

- GOAL 1: To modernize and upgrade the regulation of notaries public.
- Objective 1. Adopt administrative rules implementing the current law governing the regulation of notaries.
- Objective 2. Develop a hearings process to adjudicate cases involving notary misconduct or denials of commissions.
- Objective 3. Acquire the equipment and implement the computerization of the recordkeeping function of the notary program to replace the current manual filing system and to permit microfiche or other electronic storage of records.
- Objective 4. Develop a system for computerization of processing notary applications.
- Action Timetable: The rules required by Objective 1 have been drafted and are undergoing internal review. Objective 2 will be addressed following adoption of the rules. Objectives 3 and 4 are longer range objectives that are contingent on sufficient funding.

PROCESS FOR MEASURING PERFORMANCE

The division supervisor for CED is charged with overseeing the implementation of these goals and objectives and will make a review of progress on a quarterly basis.

CRIME PREVENTION & JUSTICE ASSISTANCE DIVISION (CPJA)
HIGHLIGHTS FOR FY 2004

This was a year of turn over in staff. During the course of the year, five positions were empty, and by the close of the year, there were three vacancies (to be filled in the next fiscal year). This was the first year in which so many resignations occurred after many years of few staff leaving the division. The vacancies slowed some of our work, but the existing staff persevered and did their best under the conditions. On a positive note, after two years, the Research Statistician position was filled, and a Research Analyst is on loan from the Judiciary to the Research & Statistics Branch. The branch also has a student intern to assist them. With new staff comes a renewed energy to the division.

This year 28 workshops and seminars were conducted, with more than 1,069 individuals participating. Topics included stalking, JJIS use, community mobilization, child discipline, and civil rights compliance. There were 68 community events that reached out to educate individuals on crime prevention as well as crime and safety issues. Approximately 54,170 persons participated. Another 112 individuals contacted our Research Branch for information on crime, and many others utilized the division's website to access information.

The division applied for and received \$8,239,612 in federal funds to carry out programs that address crime and victims issues, as well as crime research. State monies for career criminal, victim assistance, and witness protection totaled \$2,304,575. There were a total of 94 subgrants for both federal and state crime funds. At the end of the year, two applications for federal funds were pending, for a total of \$517,497.

Leveraging our state funds to accomplish efforts to support and educate communities, the staff was able to engage partners to contribute \$65,903 to our \$18,497. This does not include many in-kind donations made by many agencies and organizations. A golf fundraiser by a service organization raised funds for the McGruff program. The television stations contributed over \$2 million of airtime for our public service announcements.

Eight reports were produced, with topics ranging from juvenile data crime mapping, profiles of sexual assault victims, drug arrests, firearms registration, hate crimes, evaluation of the Community Action Seminar, and the annual state crime statistics.

The Juvenile Justice Information System completed their Release 16, which finally completes the interface with all the juvenile justice agencies in the State. The Juvenile Justice Information Committee began discussion and implementation of their strategy.

Collaboration Efforts in Planning and Implementing

To maximize the resources of the division, the staff, as a standard operating style, collaborates with many agencies and organizations to plan and implement efforts. This past year, 34 major collaborative efforts engaged staff.

Twelve collaborative efforts were in the community and crime prevention area. Some of the efforts include:

- a. Kupuna ID. This was launched in September and includes partners like the police and fire departments, the state and county elderly affairs offices, the AARP, the Alzheimer Association, and State Farm Insurance. During the year, 2,956 Kupuna ID cards were distributed.
- b. The McGruff Truck and crime prevention education program includes utility and cable companies, schools, police, and the military.
- c. Children and Youth Day involves the many youth-serving agencies, the state legislators, Parks and Recreation.
- d. The Lieutenant Governor's community "talk story" and the Ad Hoc Committee meetings, and community prosecution (sharing and identification of effective techniques to assist communities to get rid of drugs and have a better neighborhood). The Lieutenant Governor's effort to develop a strategy and implementation plans to address the substance abuse issue in Hawaii has been supported by the various branches. The Research Branch assisted in developing a survey to solicit community input and worked with the Department of Business, Economic Development, and Tourism and the Aloha United way to input all drug treatment and prevention services on a geographical information system format. Division staff is a member of the Ad Committee that meets every two weeks to complete the strategic plan, as well as review draft documents. It is anticipated that this will be completed early next fiscal year.

Some of the ten collaborative efforts related to crime victims included partnering with

- a. The Sex Abuse Treatment Center to collect and analyze their victim data.
- b. Prosecutors, medical examiner, police, the Judiciary, and domestic violence agencies to develop a domestic violence fatality review team and legislation;
- c. Schools, domestic violence service providers, and police to support students who witness violence at home or in the community.
- d. Domestic violence agencies, prosecutors, military, the Judiciary, the US Attorney, immigrant service agencies, and the University of Hawaii to provide training on stalking and educating other agencies and the public on this crime.
- e. State and county offices on aging/elderly, Department of Human Services, police, and prosecutors on elder abuse and exploitation.
- f. Department of Human Services, Department of Health, Crime Victim Compensation Commission, visitor industry, police, immigration service agencies, and organizations that work with the disabled and elderly to develop a crime victim strategic plan that focuses on visitors, non-English speaking immigrants, disabled individuals, and the elderly who may become crime victims.

Of the eleven collaborative efforts that deal with the criminal justice system and offenders, a few are:

- a. The Neighbor island Drug Task Force to coordinate the interdiction of drugs in our State. Partners include the police departments, Department of Land and Natural Resources, and many federal law enforcement agencies.

- b. Interagency Council on Intermediate Sanctions is a system-wide effort to reduce recidivism. Division staff have been active on the Working Group, Program Committee, Research Committee, Policy Committee, as well as working on the CPAI (an assessment instrument for services that work with criminal offenders), the sex offender treatment team re-vitalization, and the collection and analysis of data. This is a major effort in the State and the division has taken it on as an ongoing assignment.
- c. SHOCAP on the Big Island involves the police, prosecutors, Family Courts, schools, mental health center, child protective agency, and University to address this population.
- d. Research efforts began with the University, Mothers Against Drunk Driving, the police, and prosecutors on the analysis of data on drunk drivers.

**CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION
(CPJA)**

Multi-Year Plan
(Fiscal Years 2004-2008)

Department Program Objective (as it relates to the division)

To assist or coordinate statewide programs or activities for the improvement of law enforcement and criminal justice.

VISION:

To be a pivotal unit within the department and in the State government on crime-related issues.

MISSION: --To inform and educate the community, policy-makers, and government agencies on crime-related issues and concerns in order to create a safer environment;
--To assist agencies in improving crime-related services and operations;
--To promote the involvement of communities in creating a safer environment;
--To stimulate creative ideas in dealing with crime.

GOAL 1 **To provide user-oriented information in order to promote informed decision making on crime-related issues.**

Objective: Provide assistance to criminal justice agencies' research-related initiatives

- Assist the Intermediate Sanctions effort in establishing an evaluation and research infrastructure by 2004.
Outcome: Two applications to the federal Department of Health and Human Services and Department of Justice were submitted to fund an evaluation and research infrastructure. Both were not awarded. The University of Hawaii and the criminal justice agencies worked together to submit the applications. The University intends to resubmit the application to the DHHS in the next fiscal year after making some changes. In the interim, two federally funded researchers (one with the division and another with the Judiciary) are working with the Intermediate Sanctions effort to collect and analyze data. It is the beginning of the research and evaluation effort.

Objective: Expand and improve program evaluation efforts.

- Establish a program evaluation research position with federal funds by 2004.

Outcome: Completed. Using the federal Byrne funds, a Project Researcher position was established in February 2004 and filled in March 2004. The Researcher works with the Byrne projects to assess which projects to evaluate. The Intermediate Sanctions projects will be one of the projects evaluated.

- Objective: Increase information dissemination on federal grants (project accomplishments, funding availability, national developments).
- Create monthly grant-specific bulletins on website by 2004.
Outcome: This was not accomplished. With the hiring of a new Specialist, this will be pursued in 2005.

- Objective: Implement changes and enhancements to the JJIS to meet users needs.
- Create an interface with the Hawaii County Police Department's new Records Management System (RMS) by 2004.
Outcome: This was not created. The Hawaii County Police Department had some issues with their vendor, and so their timeline was changed. They intend to have the adult system addressed first, and juveniles in the next fiscal year.
 - Add Family Court detention home processing information by 2004.
Outcome: This was not completed. The detention home does not have any connectivity, and the Family Court has not determined when and if it will have access to the JJIS.
 - Create an interface with Kauai Police Department's new RMS by 2004.
Outcome: This was not created. Like the Hawaii County Police Department, the Kauai Police Department's implementation is not on schedule. This affects their readiness to interface with the JJIS.

GOAL 2 To increase collaborative efforts among communities and agencies in order to address crime-related issues.

- Objective: Train communities in addressing crime problems.
- Conduct annual Community Action Seminar to teach problem-solving and teamwork skills.
Outcome: Completed. The CAS was held on February 2-3, 2004, with a follow-up meeting on May 6, 2004. Of the 25 team action plans submitted, 18 teams returned to the follow up meeting to share their results and what they learned.
 - Publish newsletters as well as a web page to share the efforts of community teams throughout the state.
Outcome: Partially completed. At the May follow up meeting, information on the teams' efforts were shared. This is on the branch's web page in the division's website.

- Objective: Disseminate crime prevention information to students and the community utilizing the McGruff character.
- Increase the number of McGruff Truck School Assemblies to K-3 public school students in order know where to get emergency assistance.
Outcome: Done. 21 School Assemblies were completed, compared to 18 the previous year. It should be noted that 8,380 students participated, compared to 4,470 in the previous year.
 - Support neighbor island McGruff coordinators and their efforts in disseminating crime prevention messages.
Outcome: Done. In the previous year, the McGruff Truck School Assembly was done once in Hawaii. This year six were done on Maui and one on Kauai. Hawaii County did not submit its numbers.
 - Partner with a radio or television station to maximize McGruff air time messages.
Outcome: Done. Two television stations reported that they aired the McGruff public service announcements that totaled \$2 million in air time, compared to \$113,000 last year.
- Objective: Build and strengthen professional relationships between researchers and policymakers.
- Facilitate the quarterly meetings of the Criminal Justice Research Roundtable by 2004.
Outcome: Not done. It should be noted, however, that the staff assisted the University of Hawaii in applying for a federal grant to develop an infrastructure to assist criminal justice policymakers with research. In the development of this application, a committee chaired by staff convened criminal justice representatives and those from the UH, Chaminade, and Brown University to collaborate on the application.
 - Promote sharing of research findings to criminal justice personnel and others.
Outcome: Completed. Four sessions to share crime research findings were completed. Crime mapping with JJIS data was done in September 2003 and June 2004, women on parole (Dr. Marilyn Brown, UH Hilo) in April 2004, and profile of sex assault victims in May 2004.
- Objective: Promote multi-agency collaborative planning and grant applications efforts (government/community, restorative justice)
- Assess current collaborative efforts by 2004.
Outcome: Partially done. The Grants and Planning Branch reviewed the many collaborative efforts they were involved in. A few were dropped, but others added. The other branches continue to work on

the collaborative efforts they began. Throughout the year there were 34 collaborative efforts in the division. The major efforts were for Intermediate Sanctions, Kupuna ID, development of victims strategic plan, stalking protocols and training, and involvement with the Lieutenant Governor's Drug Summit and Ad Hoc Committee.

- Objective: Initiate discussions and recommendations by the Juvenile Justice Interagency Committee (JJIC) on JJIS policy issues.
- Discuss "positive identification" of a juvenile, policies on confidentiality and misuse of data, and guidelines for data requests by 2004.
Outcome: Completed. The JJIC formed committees to discuss these issues. Recommendation on "positive identification" or use of fingerprints included use for law violators but not status offenders. Issues on information security and misuse were assigned to another committee that recommended improvements to agency policies. Another committee on research issues also made recommendations, which will be followed up by the new Juvenile Justice Researcher. The committee on proper/improper use of the JJIS drafted an internal management document in preparation the JJIS administrative rules.

GOAL 3 To obtain and optimize resources in order to address crime-related issues.

- Objective: Pursue funding opportunities to continue development of the Incident Based Reporting System and crime research and data needs.
- Assist police departments in seeking funding sources for police departments in 2004; continue as needed.
Outcome: Not done. With the change in police department administration, IBRS is not at the forefront. There also seems to be some hesitancy at the national level to move quickly on this. A current federal grant will end next year, which will advance the Maui Police Department toward the IBRS.
 - Continually seek non-general fund resources to advance crime research.
Outcome: Done. Three victim-related discretionary grants were awarded to the Department for a total of \$1.7 million. Two applications for federal monies were submitted at the end of the fiscal year, totaling \$517,000.
 - Seek/initiate partnerships with other organizations for crime research.
Outcome: Done. Staff worked closely with the University of Hawaii to complete an application to develop an infrastructure for crime research that totaled \$2,295,268. Although not awarded, the University intends to resubmit one after making revisions.

- Objective: Conduct policy-relevant GIS/crime mapping research.
- Develop in-house GIS capabilities by 2004.
- Outcome: Not completed. Staff attended training in the use of the GIS, however, one resigned at the end of the fiscal year. It is anticipated that a new staff will have the expertise, and will train others to use the mapping software.
- Objective: Increase the capability of criminal justice and victim agencies to access federal grants.
- Provide discretionary grant information to agencies.
- Outcome: Partially done. As soon as the division receives a notice of grant application, it is sent to any agency that indicated an interest in the topic. We have not developed a system or mechanism to alert everyone, although we encourage agencies to sign up for the federal on-line grants information service.- Assist agencies in applying for grants.

Outcome: Done. Staff assisted the University of Hawaii in three separate grant applications.- Apply for discretionary grants to support crime and victim assistance efforts.

Outcome: Done. Five discretionary grants were submitted, three were awarded and two are pending at the end of this period.

Objective: Improve the administration of federal grants.

 - Develop a multi-year strategy for the use of the Byrne grant that is outcome based by 2004.

Outcome: Completed with the Byrne grant 2004 application.- Assess Violence Against Women and Victims Of Crime grants as to the achievement of the intended goals by 2004.

Outcome: Not completed. The VAWA grant needs to be updated in 2005, so it may be an opportune time to review this. Hawaii was one of six states that received training and technical assistance in developing a crime victim strategic plan this year. By the next fiscal year, it will be completed, and it may then be better measured.- Develop and implement a grants management system by 2004.

Outcome: Not completed. This has been moved to 2005 due to staff time constraints.

Objective: Develop partnerships and collaborate with other organizations to sponsor efforts to prevent crime.

 - Partner with at least one new partner by 2004.

Outcome: New partners included City Elderly Affairs Division, State Office of Aging, AARP, Alzheimer Association, and State Farm Insurance for the Kupuna ID; Kauai Board of Water Supply for the

McGruff Truck program; Hawaii Association of Realtors and the Real Estate Commission in planning a landlord workshop for next year.

- Develop a Senior ID program for senior citizens to keep them safe.
Outcome: Completed. The Kupuna ID was launched in September 2003 at the Senior Fair, and continues. By the end of this year, 2,956 Kupuna IDs were issued.
- Partner with at least two agencies annually.
Outcome: Completed. At the end of the year the division collaborated in 34 efforts in crime prevention/education, victim issues, and criminal justice/offender issues. Collaborative efforts included Intermediate Sanctions, victim strategy development, students who witness violence, community mobilization, crime research, community prosecution, stalking, fatality review teams, elder abuse and exploitation, etc.

Objective: Quality and timeliness of the JJIS data will be improved.

- Provide users with frequent reports on data discrepancies and timeliness of data entry by 2004.
Outcome: Completed. Users received and responded to reports on variations in gender codes, discrepancies in offense dispositions, and missing addresses.

Objective: Better utilize the JIS web page.

- JJIC-related matters will be posted by 2004.
Outcome: Not completed.
- JJIS “software release” and FAQs will also be available by 2004.
Outcome: Completed in June.
- JJIS user manual and results of data summary requests will be on-line by 2006.
Outcome: Partially done. The user manual for Release 16 is accessible to the users on-line at the website.

Objective: Improve throughput and response time of requests.

- Time from user request to implementation will be decreased by 10% by 2004.
Outcome: Not completed.
- Significant portion of regression testing will be automated by 2004.
Outcome: Not completed.

Objective: Move to a “next generation” of the JJIS.

- Complete needs assessment, system requirements, and design alternatives by 2004.
Outcome: In process. An RFP is in progress and the contract will be executed in January 2005.

- Determine the platform for the next generation and the role of the geographic information system (GIS) in the next generation system by 2004.

Outcome: In process. The RFP is in progress and the contract to determine this will be executed in January 2005.

- Define significant security upgrade as well as subsystems for notification and subscription services by 2004.

Outcome: Not completed.

GOAL 4 To promote and advance improvements to the criminal justice system response to communities, victims, and offenders.

Objective: Assess the public's perceptions and concerns regarding crime and criminal justice in Hawaii.

- Begin development of survey instrument with input from agencies by 2004.

Outcome: Not completed. Moved to 2005.

Objective: Assess and prioritize staff involvement in multi-agency planning efforts.

- Determine which efforts to place staff and other resources by 2004.

Outcome: Partially completed.

Objective: Implement a crime victim notification system.

- Facilitate discussion and development of a victim notification process among the county victim offices and the jail/prison by 2004.

Outcome: Not completed. Discussions were done with the county victim coordinators and the Department of Public Safety.

Objective: Develop a coordinated plan for victim assistance in a terrorism or mass violence event.

- Develop MOAs to delineate agency responsibilities, process and funding mechanisms by 2004.

Outcome: Not completed.

GOALS AND OBJECTIVES OF THE CRIMINAL JUSTICE DIVISION (CJD)

Criminal Justice Division (CJD) is comprised of a core unit that prosecute a variety of cases, and eight specialized units that handle cases unique to each unit's subject matter jurisdiction. There is commonality of personnel within CJD, but, as noted above, there is not shared jurisdiction. CJD presently has a complement of eighteen attorneys and fourteen administrative staff members. There are also twenty-one investigators and five auditors assigned to the division. Following is a brief description of each unit and its staffing complement.

The core CJD unit prosecutes crimes committed against the State, crimes committed by state employees, public corruption related cases, cases generated by Airport Sheriff, conflict cases from county prosecutors, and other assignments related to the enforcements of criminal laws in the State. Six attorneys, a paralegal, an auditor, and four clerical support personnel staff it.

The Asset Forfeiture Unit seeks civil seizures of property tied to illegal activity. The unit is responsible for about \$1,000,000 in forfeitures each year. An attorney, who also carries an active criminal caseload, staffs it. A paralegal and a clerk assist in processing the legal documents related to forfeiture, and a property manager is responsible for the logistics, auctions, and physical plant.

The Cold Case Unit is designed to investigate "cold" cases that county law enforcement agencies have insufficient resources to pursue. When up and running, the unit will be staffed by three full-time investigators and an attorney, who will also carry a case load independent of the cold case work.

The Environmental Crimes Unit investigates and prosecutes crimes that are harmful to the State's natural environment. The unit works in conjunction with the Department of Health and the United States Environmental Protection Agency. Two attorneys share the Environmental Crimes Unit caseload, and also have other trial responsibilities. The Environmental Crimes Unit is also assigned an investigator.

The Internet and Technology Crimes Unit investigates and prosecutes white-collar computer fraud cases and computer-related cases, in addition to providing computer forensic services to state, county and federal law enforcement agencies. The unit also focuses on Internet child enticement cases. It has two full-time attorneys, three full time investigators, and an educational specialist/forensic examiner.

The Medicaid Fraud Control Unit investigates and prosecutes provider fraud involving the medical assistance programs as well as patient abuse and neglect statewide. The unit is 75% federally funded, and is staffed by three attorneys, three auditors, seven investigators, and three clerical staffers.

The Missing Children Center - Hawaii promotes timely and coordinated responses from law enforcement agencies when child abduction occurs. It also provides families and victims with social services in cases of child abduction. The center operates a 24 hour hotline to handle inquires related to child abductions. A director and assistant staff the center.

The Nuisance Abatement Unit files civil petitions for injunctive eviction of persons associated with drug houses in our island communities. The unit uses the civil process to remove individuals that have been shown to be associated with illegal drug activity. It is assigned one attorney, who also performs other criminal trial work and two investigators.

The Tobacco Enforcement Unit is responsible for enforcement of the tobacco tax laws and implementation of the Tobacco Master Settlement Agreement. It is funded by tobacco tax revenues pursuant to the Tobacco Master Settlement Agreement, and is staffed by three attorneys, four investigators, an auditor, a paralegal, and a clerk.

The following outline further illustrates the mission of each unit, the major goals and objectives of the Criminal Justice Division, and particular goals and objectives of each specialized unit within the division.

CJD MAJOR GOALS AND OBJECTIVES

GOALS

Vigorous prosecution of crimes against the State of Hawaii, crimes committed by state employees, conflict cases referred to the Criminal Justice Division by county prosecutors, and offenses arising under the jurisdiction of specialized units within the division. Further assimilation of all specialized units into the Criminal Justice Division. Further improvement of case management and data integration within the division. Implementation of “direct filing”, sentencing reform, sex offender registration, and other laws and constitutional amendments that promote efficient law enforcement.

OBJECTIVES

Greater efficiency and utilization of resources to effectively attack the division caseload, which is increasing in both size and scope. Implement more time management guidelines and data capture capability to improve case management within the division. Continue to support legislation that is beneficial to the law enforcement community, including the Law Enforcement Coalition.

ACTION PLANS

Continue to develop and implement division-wide policies that promote consistency in treatment, prosecution, plea negotiation, and sentencing. Coordinate written and oral testimony with the Hawaii Prosecuting Attorneys Association and the state Law Enforcement Coalition in order to give guidance to the legislature as concerns law enforcement issues.

SPECIALIZED UNITS

ASSET FORFEITURE UNIT

The Asset Forfeiture Unit is responsible for administering the State's asset forfeiture program. Each year the unit processes petitions and handles property that results in almost \$1,000,000 of personal and real property associated with criminal enterprise throughout the State being forfeited.

GOAL

Improve operations management of the unit and attempt to increase productivity.

OBJECTIVE

Improve data management system and coordination between the legal and administrative staff assigned to the unit.

ACTION PLAN

Draft an operations manual for the unit and cross-train CJD staff so that the unit can constantly run efficiently, and productivity will improve.

COLD CASE UNIT

The Cold Case Unit is designed to assist, investigate, and prosecute cases that have gone unsolved because of the inability of local law enforcement agencies to dedicate and redirect resources that are necessary to maintaining solvability of current active cases.

GOAL

Establish a protocol for investigation and prosecution of homicides and other violent crimes that have been determined to be “cold cases” due to lack of active investigation.

OBJECTIVE

Increase the number of cases investigated and prosecuted by the unit in its first full year of operation.

ACTION PLAN

Develop review method for “cold cases” that will enable the unit to prioritize investigations with county police and prosecution agencies.

ENVIRONMENTAL CRIMES UNIT

The Environmental Crimes Unit is charged with investigating and prosecuting individuals and entities that fail to adhere to the federal and state environmental laws and regulations, and those who pollute our oceans and land.

GOAL

Establish a protocol for investigation and prosecution of crimes that adversely impact our environment and those that cover the spectrum from illegal dumping to planning and permitting violations.

OBJECTIVE

Increase the number of cases investigated and prosecuted by the unit in its first full year of operation.

ACTION PLAN

Develop timely and effective performance measures involving coordination with the federal and county agencies that are responsible for policing environmental offenses.

INTERNET AND TECHNOLOGY CRIMES UNIT

The Hawaii Internet Crimes Against Children Task Force (HICACTF) and the Hawaii High Technology Crimes Unit (HITeC) are specialized units in the CJD that investigate and prosecute sexually predatory crimes and computer related crimes.

GOAL

HICACTF and HITeC will coordinate enforcement efforts statewide and increase the number of investigations and prosecutions involving county law enforcement agencies.

OBJECTIVE

Creation of a statewide high technology task force to increase the investigative capabilities of county law enforcement.

ACTION PLAN

Provide technical assistance, forensic hardware, and training to first-responders in order to facilitate proper evidence gathering and documentation.

MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit (MFCU) is mandated to investigate and prosecute complaints and allegations of provider fraud, abuse, and neglect that involve the Medicaid and Medicare programs and elder care setting.

GOAL

Increase coordination between county law enforcement and MFCU to ensure review, investigation, and prosecution of all program fraud, exploitation, abuse, and neglect cases statewide.

OBJECTIVE

Expanded law enforcement interaction and increased joint enforcement.

ACTION PLAN

Provide training and technical support for all county law enforcement agencies to familiarize first responders with the nature of fraud abuse and neglect in a health care setting. Encourage referrals to MFCU for specialized investigation and prosecution.

MISSING CHILDREN CENTER - HAWAII

The Missing Children Center - Hawaii (MCCH) is charged with assisting private entities and county law enforcement agencies in implementing measures to coordinate search efforts in the event of a child's abduction.

GOAL

Establish statewide implementation of the "Maile" abducted child alert system within the next year.

OBJECTIVE

Draft a statewide agreement between the county law enforcement agencies for the universal implementation of the "Maile" abducted child alert.

ACTION PLAN

Conduct statewide training and networking to provide the counties with information about funding, counseling, and other resources available to them through the unit.

NUISANCE ABATEMENT UNIT

The Nuisance Abatement Unit (NAU) utilizes civil injunctive relief in order to evict and exclude individuals involved in the trade of illicit drugs, particularly crystal methamphetamine, from communities where they have sold illegal drugs.

GOAL

Develop stronger ties with local law enforcement agencies by information sharing and networking.

OBJECTIVE

Increase filings and abatements statewide to disrupt the distribution and manufacture of illegal narcotics.

ACTION PLAN

Develop a memorandum of understanding with law enforcement agencies to promote a referral system.

TOBACCO ENFORCEMENT UNIT

The Tobacco Enforcement Unit (TEU) is responsible for enforcing proper taxation, importation, transactions of tobacco products, and for administering the present and future tobacco settlement payments under the Master Settlement Agreement.

GOAL

Expanded enforcement of the Tax Stamp Law in order to promote efficient tobacco tax collection, and to curb the illegal tobacco trade, particularly that which targets Hawaii's youth.

OBJECTIVE

Increase State tax revenue by providing a more effective means to assess, collect, and enforce the cigarette tobacco tax.

ACTION PLAN

Greater interaction with the Department of Taxation, federal, state, county law enforcement, and intrastate tobacco enforcement agencies. Enhanced community education.

**EDUCATION DIVISION (EDU)
GOALS AND OBJECTIVES**

GOAL 1: Provide the timely delivery of legal advice and representation to clients

Objective 1: Continue the training program of having attorneys with expertise in certain areas or subjects share their knowledge with the newer attorneys.

Objective 2: Continue to provide training and retraining of clients regarding the laws that affect them in order to build technical competence and confidence in the clients to better perform their duties and reduce the potential for mistakes and liabilities.

Objective 3: Refine client training initiative by utilizing technological tools such as power-point presentations.

Objective 4: Establish a more effective division calendaring system to assist in keeping track of all assignments and due dates.

Objective 5: Hold weekly meetings with deputies and legal assistants to discuss issues that have arisen during the week. This allows for brainstorming and full discussion of how issues should be addressed and how legal issues should be interpreted. Having weekly meetings leads to more consistency within the division and assists the newer deputies in building knowledge.

GOAL 2: Improve the quality of legal services to clients.

Objective 1: Build capacity within the division to have every attorney competent to advise any client serviced by the division.

Objective 2: Continue to work on developing paralegal capacity to assist attorneys and maximize efficiency.

Objective 3: Provide ongoing training and orientation to clerical staff as to the legal tasks and clients' mission to efficiently deliver legal services.

Objective 4: Revise the system of how we keep our legal memo/form bank on issues that are handled by division. We need to work on making our legal memo/form bank user friendly.

Objective 5: Continue to work on developing a division manual for reference and to assist new employees.

Objective 6: Continue the development of a client satisfaction survey to be distributed on a semi-annual basis.

GOAL 3: Increase capacity to handle legislative matters.

Objective 1: Build expertise in the review of legislation involving clients.

Objective 2: Coordinate with clients as to important legislation to propose or support.

Objective 3: Work on a system to better coordinate with all state agencies impacted and involved in important legislation.

GOAL 4: Increase capacity to handle election matters.

Objective 1: Continue to build capacity in order to be prepared to handle election questions and litigation.

Objective 2: Continue to update legal research on election issues in anticipation of election controversies.

GOAL 5: Increase clients' capacity to perform function

Objective 1: Continue discussion with clients to assist them in updating administrative rules to clarify ambiguous areas in the rules.

Objective 2: Develop a training module to train clients in the application of the administrative rules.

Objective 3: Clarify clients' policies so that there is uniform application of clients' rules and understanding of the legal requirements under the law.

Action Plan: **FIRST YEAR**

Continued training of staff and clients, including in the newer areas of the law such as the federal No Child Left Behind Act. Institute a consistent client evaluation program. The evaluations should be used to determine the quality and relevance of the client training initiatives and to expand them, as well as to determine areas where improvement in our services are necessary. The feedback should also be used to identify other areas where training is believed needed and to assist us in planning for future training initiatives. Attorney training will continue as part of division meetings and will address topics relevant to clients. Allowing client participation at division meetings will be arranged. Meetings with clients will continue to discuss clients' needs and concerns. Timely responses to clients will be measured and monitored. We will continue to work on the development of the division manual.

SECOND YEAR

Continued training and retraining of clients will be used as the vehicle to improve clients' performance of duties and instill confidence in clients. Implementing training of staff and clients on the No Child Left Behind initiative will continue.

FIFTH YEAR

There will always be a need to train new employees of the client departments as well as a need to retrain existing employees on changes in the law. Continued training will occur.

PROCESS: Service monitoring through surveys and consultation with clients will be used to determine the success of the initiatives as well as determine what other services are needed by the clients.

**EMPLOYMENT LAW DIVISION (ELD)
GOALS AND OBJECTIVES**

- GOAL 1:** **Provide quality legal representation to all State clientele in all areas of Employment Law.**
- Objective 1:** Improve the legal knowledge of the attorneys and legal assistants.
- Objective 2:** Ensure effective communication with clients.
- Action Plan 1:** Provide training, training seminars, videotapes, brown bag lunches, and in-house training (department and division wide).
- Action Plan 2:** Provide cross-training within the division utilizing attorneys and legal assistants with specialties in certain areas.
- Action Plan 3:** Establish a uniform procedure for addressing employment law claims.
- Action Plan 4:** Establish a mini-LRC within the division to assist lead counsel.
- Action Plan 5:** Improve communications with clientele by timely responding to requests for assistance or by providing a time frame for a response.
- Action Plan 6:** Encourage clientele to confer with Employment Law staff prior to making questionable or unprecedented management and personnel decisions.
- Action Plan 7:** Establish regular meetings with clientele to discuss concerns in general.

During the past year the division lost three of its most experienced deputies, one of whom died of a prolonged illness. While we were successful in recruiting two high quality deputies, the need to reassign cases and train the new deputies resulted in a significant shift in priorities. Out of necessity, we have had to focus on objective 1, action plans 1, 2, and 4. We now conduct regular LRC meetings on every new significant case, both to assist the lead attorneys and to educate the less experienced by involving them in the discussion of issues for the case.

Our action plan to establish a uniform procedure for addressing employment law claims had to be deferred. Now that we have weathered the transition we can once again explore ways to standardize case management by clearly delineating responsibilities among the deputies, paralegals and support staff to each step of the litigation process and integrating each step with links to shell documents, memo banks, forms, etc. Each type of litigation will be customized. Work has started on the civil litigation track and a preliminary draft of the arbitration track is done.

Assignment of staff to cases has been changed to provide more opportunity for less experienced deputies to be first chair on cases with a more experienced second chair to assist. Assignments to cases has been mixed to give each member the opportunity to work with all members of the division. Mini-LRCs have been conducted on selected cases and on several cases we have assigned up to seven deputies with each deputy assigned to do an aspect of the case under the overall coordination of one deputy.

We have made a point of making ourselves available to clients for meetings in advance of taking action or making decisions. Over the last year we have met with the directors or deputies of DAGS, B&F, DCCA, DOE, DHS, DHRD, PSD, DOT, and RCUH.

GOAL 2:

Initiate preventive law measures.

Objective 1:

Reduce employment law claims.

Action Plan 1:

Identify State clientele that demands the most time and attention.

Action Plan 2:

Provide preventative training to state clientele in subject areas that dominate litigation and administrative hearings.

Action Plan 3:

Coordinate training for clientele with other divisions within the department as well as with other state agencies.

Action Plan 4:

Develop a system of categorizing and inventorying court and administrative decisions for use by legal staff and clientele.

Action Plan 5:

Develop a system to consistently inform clientele of major court and administrative decisions and trends in employment law.

We are reassessing this goal. Under the current labor environment the only way to truly reduce employment law claims is to not take any personnel actions. This of course is not possible so we have focused on assisting clients with taking action in a way that maximizes our chance to ultimately prevail.

We had previously identified two areas where we believe we can provide preventative training. One is to train workers compensation adjusters in DHRD in case presentation before the Disability and Compensation Division of the Department of Labor. We have offered on several occasions and, while they have yet to take us up on our offer, we believe the director is supportive. The other is a general offer to a number of departments to assist in training/advising employees assigned to do personnel investigations.

Action Plan #5 may be overtaken by events. DHRD has begun putting all arbitration decisions on a web site and eventually may add prohibited practice complaints and contract interpretations.

We have identified a significant problem area developing with the charter schools. We have been meeting regularly with DOE and DHRD in an effort to address these matters through legislation, collective bargaining, etc.

**FAMILY LAW DIVISION (FLD)
2004 Goals and Objectives
Progress Report**

Goal: Provide high quality legal representation in Family Court to our various Clients.

Objective 1: Improve the basic legal knowledge of the attorneys and legal assistants.

Action Plan 1: We have continued to have occasional out-of office training provided by the court, our clients, and the Child Justice Center, and in-office training by experts in our area. The retirement of our deputy on Kauai and the anticipated resignation of several other deputies has necessitated basic Family Law training that is ongoing. We continue a bi-weekly question and answer session at which we discuss issues that come up at court as well as changes in the law.

Action Plan 2: The office manual is an ongoing project.

Action Plan 3: The memo bank is available on the office network (P-drive) so that all deputies statewide in the Division have access. Everyone is encouraged to add to this database and it is widely used and added to.

Action Plan 4: We continue to meet with the court on an as-needed basis. A new contract for attorney services on Oahu has meant extra meetings to iron out problems. The supervisor continues to attend a monthly meeting with the Oahu Administrative Judge. This meeting includes the supervisors from the Prosecutor's and the Public Defenders' office. There are also ongoing meetings between the court and deputies on several of the neighbor islands.

Action Plan 5: We continue our "trial deputy" system and the bi-weekly trial case conference that is used for assigning trials is very productive.

Action Plan 6: We continue to have twice-a-month staff meetings with the deputies rotating the responsibility of minute taking. A change from Fridays to Mondays has resulted in more productive meetings.

Action Plan 7: Post-court briefing takes place on a regular basis, both informally and at staff meetings and at our bi-weekly question and answer sessions.

Action Plan 8: We continue to maintain statistics to support requests for assistance and to keep this office and our clients informed of our workloads. Although this previously was mostly focused on the activities of the deputies, we have added new statistics to look at the workloads of the rest of the staff.

Objective 2: Foster effective communication and understanding with clients.

Action Plan 1: Client training is still happening on a regular basis including the Departments of Education, Health, and Human Services.

Action Plan 2: We continue to meet with the Departments of Education, Health, and Human Services regularly.

Action Plan 3: Good communication is relatively easy through phone and e-mail contacts. Because our deputies are in court almost daily, they also are able to communicate with the client face to face on a regular basis.

Objective 3: Ensure that effective coordination is maintained with other legal services divisions that provide legal advice and counsel to the clients we represent in Family Court.

Action Plan 1: This happens on an as-needed basis.

Action Plan 2: Our meetings with the Education Division have been fairly regular and very productive. We are still working on establishing a routine with the Health and Human Services Division.

Objective 4: Ensure that appropriate legislation is introduced to address issues encountered at Family Court.

Action Plan 1: We continue to assess whether issues at Family Court raise the need to make legislative changes. We are in touch with clients to discuss possible legislation.

FLD 2005 Goals and Objectives

Goal: Provide high quality legal representation in Family Court to our various clients.

Objective 1: Improve the basic legal knowledge of the attorneys and legal assistants.

Action Plan 1: Continue to have monthly trainings on substantive and procedural issues. These trainings will ideally be statewide using the State's videoconferencing capabilities. Continue alternate week question and answer sessions.

Action Plan 2: Continue to update and keep the office manuals current.

Action Plan 3: Continue to update the network memo bank.

Action Plan 4: Continue to meet regularly with the court to deal with problems and improve practice.

Action Plan 5: Continue our organization plan of having senior deputies assigned to do all the trials to eliminate the chaos of doing trials part of the time and regular reviews as well. Continue alternate week trial case conferences. Continue to cross train all deputies in the various types of cases so they can rotate through them. Continue to model good practice for new deputies.

Action Plan 6: Continue twice-a-month staff meetings.

Action Plan 7: Continue regular post-court briefings to discuss current problems and anticipate future issues.

Action Plan 8: Continue to monitor the work we do so that we can be sure the work is being done efficiently, and that we have an adequate number of people doing it. Reevaluate the statistics we keep to ensure that we are clear on what outcomes we are looking for.

Objective 2: Foster effective communication and understanding with clients.

Action Plan 1: Continue client training for all the agencies we represent.

Action Plan 2: Continue to meet with clients on a regular basis.

Action Plan 3: Maintain good communication with the client so emergencies can be handled expeditiously.

Objective 3: Ensure that effective coordination is maintained with other legal services divisions who provide legal advice and counsel to the clients we represent in Family Court.

Action Plan 1: Meet with appropriate deputies to discuss the issues.

Action Plan 2: Maintain rapport with the advice and counsel deputies so that issues that need to be litigated will be clearly understood by the deputy doing the litigation.

Objective 4: Ensure that appropriate legislation is introduced to address issues encountered at Family Court.

Action Plan 1: Be sensitive to issues that arise in Family Court or by new Federal legislation that may require changes in our statutes.

Process: Continue to monitor through evaluation of attorneys, through meetings with clients and the court, and through our statistics whether we are meeting our goals and objectives.

HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES

I. GOAL: CJIS-HAWAII.

To commence planning for additional strategic phases of CJIS-Hawaii enhancements including “lights-out” real-time identification for arrested offenders, paperless processing, statewide firearms registration, and wants/warrants information.

II. OBJECTIVES:

The production implementation of the statewide criminal history record repository, renamed CJIS-Hawaii, took place in November 2002. We continue to enhance and expand the system with new features.

A. Post-Implementation.

1. Monitor and address data quality under the new data structures for CJIS-Hawaii.
2. Fully implement change control management.
3. Aggressively address missing dispositions in CJIS-Hawaii.

B. Paperless Processing.

1. Expand paperless integrated livescan and mugphoto technology to the Maui County Police Department and Honolulu Police Department, interfacing to their local Records Management Systems (RMS).
2. Implement a Horizontal Integration pilot at the Hawaii County Police Department to eliminate all arrest forms that are disbursed manually to criminal justice agencies and replace it electronically.

C. Start-up planning and design phases for:

1. “Lights Out” real-time identification, in conjunction with the AFIS upgrade to MetaMorpho.
2. Additional Wants/Warrants information from county Records Management Systems (RMS) as such subsystem components are installed and implemented.
3. Additional firearms registration information from county RMS as such subsystem components are installed and implemented.

HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES

I. GOAL: Accurate and Timely Identification through the State's AFIS.

The goal of the Criminal Identification Section of the HCJDC is to provide the statewide law enforcement agencies with the ability to make **accurate and timely** identification of arrested individuals, latent (crime scene) fingerprints, and applicants who require fingerprinting pursuant to local, state, and federal laws. Real-time positive identification of offenders is the ultimate achievement.

II. OBJECTIVES:

In order to accomplish this goal, a "phased" approach is being used to achieve the level of technical and operational integration required. The following objectives describe these major objectives:

A. Upgrade of the State's AFIS to MetaMorpho.

1. Migration to the MetaMorpho platform is a requirement for other initiatives, such as "lights out" processing with CJIS-Hawaii.
2. Commence planning of customization, installation, and implementation phases for MetaMorpho.

B. "Lights Out" Processing.

1. Commence detailed design phase for "lights out" processing with CJIS-Hawaii.
2. Design the interface that will allow CJIS-Hawaii and AFIS to directly exchange information for real-time "lights out" identification of offenders.

C. Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.

1. Continue to explore all revenue sources, including federal grants, local law enforcement resources, and legislation for funding of more integrated livescan and mugphoto equipment. Statewide deployment of this technology is now necessary to achieve "lights out" processing under MetaMorpho.
2. Convert the final two counties (Maui and Honolulu) to integrated livescan and mugphoto equipment.

- D. Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.
 - 1. Sync data from CJIS-Hawaii to the FBI's Interstate Identification Index (III) now that we are a participating state.
 - 2. Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS).
 - 3. Continue to deploy and implement the technical mechanism to transfer information to IAFIS, including the return of the FBI response directly to the submitting agency.

HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES

I. GOAL:

The goal of the Criminal History Record Checks Unit of the HCJDC is to provide criminal history record checks and current sex offender registration information to criminal justice agencies, agencies mandated by state statutes, and the public, in a timely and user-friendly manner.

II. OBJECTIVES:

- A. Improve the timeliness and accessibility of criminal history record information to authorized entities.
 - 1. Assist more non-criminal justice agencies to deploy livescan technology to capture and transmit applicant fingerprints to the State's AFIS and to the FBI's IAFIS with 24-hour turnaround responses.

- B. Fully implement the sex offender registry statute (Chapter 846E, Hawaii Revised Statutes (HRS)) and ensure that the most accurate, complete, and timely information on each sex offender on the registry is available to law enforcement agencies and the public by:
 - 1. Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.
 - 2. Working with the prosecutors and police departments to file complaints on non-compliant sex offenders, including those who fail to register and those who fail to respond timely and accurately to the 90-day verification notices.
 - 3. Continue to work with the Prosecuting Attorney offices statewide to display public sex offender information on the website, as civil due process hearings are held on each qualifying offender.

- C. Provide ready access to public conviction information by planning for dissemination of this information via the Internet.
 - 1. Design and develop a prototype for the website.
 - 2. Implement statewide.

HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES

I. GOAL:

To aggressively pursue outreach initiatives for the State ID program and to improve convenient service to the public.

II. OBJECTIVES:

- A. Fully implement the renewal by mail option for senior citizens and other qualifying applicants.
- B. Provide services to communities with limited access to the program.
 - 1. Continue the successful quarterly visits to Molokai and Lanai.
 - 2. Explore and arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings from our office.
- C. Complete Phase II of the new automated system.
 - 1. One-to-Many fingerprint matching to ensure that an applicant is not already in the database under another record.
 - 2. Cash Drawer software options to have better reporting for each operator's daily transactions.
 - 3. Portable equipment to better facilitate our outreach efforts.
- D. Fully implement Rules and Regulations.
 - 1. Pending review by departments.
 - 2. Hold public hearings.
 - 3. File rules and implement.

HEALTH & HUMAN SERVICES DIVISION (HHSD)
Goals and Objectives

Progress Report, November 2004

Goal 1: Expand division's capacity to represent clients in complex litigation

- We continue to work with specialized outside counsel in several large cases, an opportunity that provides excellent learning experiences for our deputies.
- Over the last year we have begun working on several new, complex matters.
- More deputies are handling litigation. Cross-training and teamwork are helping to build their skills.

Goal 2: Improve division's ability to provide timely, effective legal advice

- We have provided focused training for our clients and some outside groups in areas such as responding to subpoenas; enforcement of our clients' licensing laws; involuntary treatment orders; compliance with federal case law on the rights of persons with disabilities; the Hawaii penal code's provisions on mental status; and compliance with federal court orders affecting our clients.
- Deputies have attended training or seminars sponsored by outside groups regarding environmental laws; the rules of civil procedure; current issues in public welfare; developments in behavioral health law; and criminal enforcement of environmental laws.
- Teams of deputies who share subject matter continue to meet regularly and discuss common issues.

INVESTIGATIONS DIVISION (INV)
GOALS AND OBJECTIVES

GENERAL GOALS AND OBJECTIVES

- To provide specialized, technical and skilled investigative services in criminal, civil, and administrative matters for legal services divisions and as directed by the Attorney General
- To keep the Attorney General informed of criminal intelligence information affecting the State.
- To coordinate and ensure that investigative requests are reviewed, assigned, and completed in a timely manner.
- To ensure the accurate and timely completion of investigative reports.
- To ensure that the Investigations Division keeps abreast with the rapidly changing technology being used by criminals to hide and launder illegal monies.
- To facilitate housing for additional personnel in the newly-created positions.
- To aggressively enforce existing and new tobacco tax violations.
- To continue the aggressive investigation and apprehension of sexual predators of children through the Internet.
- To aggressively enforce environmental crimes.
- To continue the development of procedures and coalition cooperation in dealing with homeland security matters and natural and manmade disasters.
- To upgrade clerical positions and hire additional support staff.
- To increase personnel appropriately to fill the increasing demand for services.
- To create new Criminalist/Scientific Investigator position.

ACTION PLAN

- Continue to upgrade obsolete equipment to effectively fulfill our divisional requirements to the department in pursuing and preventing criminal activity by criminals with the use of increasingly advanced technology.
- Improve/add communication equipment.
- A re-organization is planned to facilitate the increase of efficiency and effectiveness of the division. By restructuring our division, we will be able to utilize the skills of the special agents to their optimum application and eliminate reporting to more than one supervisor. The elimination of investigative overlap and overload will equalize investigative output of agents performing complex and demanding tasks with those performing recurring tasks. The main goal of our re-organization is to efficiently utilize our manpower and skills to fulfill the rapidly rising demands placed on the department.

PERFORMANCE

During the fiscal year 2003-2004, the Investigations Division has handled approximately 5,184 requests for services.

The division will maintain records of performance for the division in meetings and successfully complete investigations of money laundering, computer crimes, identification fraud, tobacco tax, child pornography, internet crimes against children, workplace violence, white collar crimes, and Interpol; to include indictments and convictions of these types of cases.

LABOR DIVISION (LBR)

Goals and Objectives

GOAL 1: PROVIDE QUALITY AND TIMELY LEGAL SERVICES TO CLIENT DEPARTMENT AND AGENCIES.

Objective 1: Continue to improve the skills and efficiency of each member of the division.

Action Plan: Provide and make available relevant training to deputies and staff. Review and update all division training manuals as necessary. Review standard forms and update as necessary. Annually review department legal services manual on legislation. Continue in-house division training for all deputies and staff, utilizing discussions on current cases. Identify training programs outside of department and seek funding to attend such programs. This is an ongoing and continuous process.

GOAL 2: UTILIZE THE NEW TECHNOLOGY IN THE DEPARTMENT (PROLAW, iMANAGE, LOTUS NOTES, DEPARTMENTAL INTRANET) TO ITS FULLEST POTENTIAL.

Objective 1: Ensure that each member of the division is proficient in the use of the new technology to increase efficiency and sharing of information.

Objective 2: Continue to use the calendaring and reminder systems.

Objective 3: Identify information to post on the departmental Intranet in order to share knowledge within the division and department.

Action Plan: Train each member of the division on an ongoing basis, taking advantage of training offered in-house, as well as by sharing knowledge on an informal basis.

GOAL 3: MAINTAIN POSITIVE CLIENT RELATIONSHIPS AND IMPROVE THOSE RELATIONSHIPS AS NECESSARY.

Objective 1: Encourage early consultation by the clients to avoid or minimize future problems and to allow the clients to better understand our role.

Action Plan: Meet as needed with clients to identify clients' priorities and legal needs, both short and long term; look for ways to improve the flow of information between clients and deputies; inform clients of staffing assignments and changes, absences, etc., when they may affect delivery of legal services.

Objective 2: Heighten clients' awareness of legal issues that confront them on a regular basis.

Action Plan: Identify areas of training in legal issues to facilitate the clients' ability to deal with daily legal issues. Provide legal training as the need arises.
Inform clients of existing training programs in legal and non-legal areas.

LAND/TRANSPORTATION DIVISION
Goals and Objectives
Fiscal Year 2004

This is the sixth annual report prepared by the Land/Transportation Division in response to section 7 of Act 100, 1999 Haw.Sess.Laws 368, 369.

In its first report in 1999, the Division established one goal and five objectives for the division as follows:

GOAL: To Provide High Quality, Timely Legal Services on a Sustained Basis.

FIVE OBJECTIVES: We listed in the 1999 report five objectives that needed to be met in order to achieve the division's goal. The five objectives were the following:

1. Improve the quality of written work
2. Improve litigation skills
3. Attain and sustain optimum efficiency in the provision of legal services
4. Sustain good relations with clients
5. Eliminate backlog of assignments

We believe that the stated goal and the five objectives are still appropriate. However, in 2003 we added a sixth goal which read as follows:

"6. Increase and improve training for deputies and support staff."

ACCOMPLISHMENTS IN FY 2003-2004:

In FY 2004, the division reviewed a total of 310 contracts, 920 other documents, and 25 sets of new or amended administrative rules in addition to rendering 213 legal advice letters. The division initiated 13 new court cases and handled 68 new cases filed against state agencies or officials. Also, the division closed out 12 eminent domain cases.

All of the deputies attended training on public records law. Additionally, three of the deputies put on a workshop on evidence for the rest of the division. We also had training in reading site maps.

The year 2004 has been a rebuilding year for the division because several of its most senior and versatile deputies left the division. Two became deputy directors

in client agencies, one joined a private firm and one became a staff member for the Kahoolawe Island Reserve Commission, a client of the division. Because the deputies who left in 2004 often were used as trainers, we were not able to meet completely our training goal for 2004. We will continue to focus on training in 2005.

In 1999 along with the goal and objectives the division submitted in its first annual report, we presented an action plan to show how we expected to implement each objective in one, two, and five years. We have satisfactorily completed our one and two year action plans for all of the objectives except the fifth objective (Eliminate Backlog). Nevertheless, in FY 2004 we did clear out a good portion of the backlog. For example, our plan for eliminating backlog called for the completion of 10 eminent domain cases, and we closed out 12.

We do not believe it is necessary at this time to change our action plans for any of our six objectives.

In our annual report for FY 2002, we presented the following modified action plan for Objective No. 5:

"New Action Plan for Objective No. 5:

Objective 5 was Eliminate Backlog of Assignments. We have had some success in this area but need to do more. Our revised action plan for this objective is as follows:

FIRST YEAR (2003)

- a. Complete 10 eminent domain cases in backlog.
- b. Complete or otherwise close out 25 opinion requests from backlog category.

SECOND YEAR (2003-2004)

- a. Complete additional eminent domain cases in backlog.
- b. Complete or close out additional opinion requests in backlog.

FIFTH YEAR (2008)

- a. Complete remaining eminent domain cases in backlog.
- b. Complete or close out remaining opinion requests in backlog."

Last year we added one new objective described as, "Increase and improve training for deputies and support staff." The action plan to help us achieve this goal consists of the following:

Action Plan for Objective No. 6:**FIRST YEAR (2004)**

- a. Assign deputies to do training in areas they know well.
- b. Identify other training resources.
- c. Identify new topics for training by consulting with deputies and staff and others.

SECOND YEAR (2005)

- a. Continue above.
- b. Involve as many people in the division as possible trainers.
- c. Consult with clients about training need of deputies and possibility of clients helping to pay for training in areas where training is not readily available.
- d. Plan procedural manuals for deputies, staff. Find ways to assure they are kept current (may be a departmental project).

FIFTH YEAR (2006)

- a. Continue above.
- b. Have completed manuals in use.

Process for Measurements:

Our 1999 report included a statement of the process we would use to evaluate the effectiveness of our program plan. We indicated that we would use the following measures of effectiveness:

- a. annual written evaluation of deputies by supervisor,
- b. client's evaluations, and
- c. departmental variance reports.

We plan to continue to use these measures. Additionally, the new computer program, ProLaw, efficiently produces clear, useful statistics on workload and accomplishments. The new printouts have helped us achieve more accurate workload data and thus facilitate bringing our pending workloads up-to-date.

**LEGISLATIVE DIVISION (LEG)
Goals and Objectives**

GOAL 1: Coordinate the legal services review of legislative proposals of the Executive Branch.

Objective 1: Ensure the timely review of legislative proposals by divisions possessing pertinent subject matter expertise.

Objective 2: Ensure the accurate and effective review of legislative proposals by the divisions to which the proposals were referred.

Action Plan: **Years One and Two:** Continue to refer legislative proposals to divisions possessing pertinent subject matter expertise; continue to set internal staggered deadlines for the review of legislative proposals by the divisions and maintain the manual and computerized logging methods that have been used to keep track of hard copies of legislative proposals sent to divisions for review; continue to attach to legislative proposals checklists to assist divisions in the review of legislative proposals; and continue to review and double-check the legislative proposals reviewed by the divisions.

Year Five: Seek sufficient funding and data processing staff support to implement procedures to provide for the distribution, review, and editing of legislative proposals in electronic form through a local area network instead of through the use of hard copies.

Process: Maintain records of performance of the divisions in meeting internal and Governor's Office deadlines and report the information to the Attorney General.

GOAL 2: Coordinate the legal services review of legislative bills pending before the Legislature.

Objective 1: Ensure the effective review of pending legislative bills by divisions possessing pertinent subject matter expertise.

Objective 2: Assist in the reporting of problems discovered during the review of legislative bills by preparing a list of bills to be tracked, determining whether hearings have been scheduled for the bills

with problems, ensuring that appropriate testimony is prepared, and reviewing testimony and legal advice letters on those bills.

Action Plan: **Years One and Two:** Continue to obtain, copy, and distribute bills and legislative committee reports in hard copy form to divisions possessing pertinent subject matter expertise needed to effectively review specific bills; continue to maintain the Legislative Bill Tracking System on the ProLaw Information Management System to provide information on the referrals of bills and to provide necessary reports; and continue to maintain manually prepared problem bill lists.

Year Five: Seek sufficient funding and data processing staff support to be able to refer to divisions for review legislative bills and legislative committee reports in electronic form through a local area computer network and to incorporate into the new legislative bill tracking system problem bill indicators that will allow computer-generated lists of problem bills.

GOAL 3: **Coordinate the legal services review of passed legislative bills referred by the Governor for review.**

Objective 1: Ensure the timely review of passed legislative bills by divisions possessing pertinent subject matter expertise.

Objective 2: Assist in ensuring the accurate and effective review of passed legislative bills by the divisions to which the proposals were referred.

Objective 3: Ensure the timely and accurate preparation of suggested veto documents for the Governor.

Action Plan: **Years One and Two:** Continue to coordinate the review of passed bills with the Legislative Coordinator of the Office of the Governor to attempt to have a reasonable bill review schedule; continue to set internal staggered deadlines for the review of passed bills by the divisions before the deadlines set by the Office of the Governor and distribute hard copies of the passed bills to divisions possessing the pertinent subject matter expertise to effectively review the bills; continue to review and double-check the bills and the reports prepared by the divisions before the reports to the Governor are sent to the Office of the Attorney General for approval; and continue to review, edit, and transmit suggested veto documents to the Governor.

Year Five: Refer to divisions for review passed legislative bills with pertinent legislative committee reports in electronic form through the department's local area computer network instead of hard copies; maintain computerized records of referrals and deadlines; and review, edit, and transmit reports on passed bills and suggested veto documents to the Governor in electronic form instead of hard copies.

Process: Maintain records of the performance of the divisions in meeting the internal and Governor's Office deadlines and in preparing accurate and complete reports to the Governor on passed bills; and prepare a report to the Attorney General listing the performance information.

GOAL 4: **Provide to government officials of the Executive, Legislative, and Judicial Branches appropriate legal services on legislative matters and matters pertaining to administrative rules.**

Objective 1: As specifically assigned by the Attorney General or the First Deputy Attorney General, continue to provide timely and accurate legal advice on legislative matters and matters pertaining to administrative rules.

Objective 2: Ensure that the administrative rules of the Department of the Attorney General are prepared and adopted in accordance with the administrative rules format and the Hawaii Administrative Procedure Act.

Action Plan: **Years One and Two:** Continue to maintain access to computerized legal research services and to maintain a complete set of bills and pertinent committee reports for immediate reference twenty-four hours a day and prepare legal advice in hard copy form; and continue to review hard copies of proposed administrative rules of the Department of the Attorney General.

Year Five: Perform legal research, review documents and rules, and prepare and deliver legal advice in electronic form to expedite research, preparation, and delivery.

GOAL 5: **Assist in the promotion of uniform state laws.**

Objective 1: Provide staff support and assistance to the Commission to Promote Uniform Legislation.

Objective 2: Participate in and monitor the activities of the National Conference of Commissioners on Uniform State Laws.

Action Plan: **Years One, Two, and Five:** Continue to prepare meeting notices, agendas, and minutes for the Commission to Promote Uniform Legislation in compliance with the Sunshine Law; assist in seeking legislative appropriations of funds for the payment of Hawaii's dues for the National Conference of Commissioners on Uniform State Laws and for the payment of the registration and travel expenses for Hawaii's commissioners to attend the National Conference's annual meetings; continue to prepare bills to enact uniform laws for introduction by legislators; and continue to annually prepare for the Commission to Promote Uniform Legislation reports to the Legislature on the activities of the National Conference and the Commission to Promote Uniform Legislation.

OFFICE OF CHILD SUPPORT HEARINGS (OCSH) GOALS AND OBJECTIVES 2005

I. INTRODUCTION

The mission, goals, objectives and action plans established in prior years for the OCSH continue to define and guide our daily work. However, as the focus of the department continues to evolve, the focus of the OCSH goals, objectives, and action plans will also evolve. OCSH will be focusing on Training, Customer Service and Security, and Public and Interagency Communication as its goals and objectives this year and the years ahead.

II. GOALS, OBJECTIVES, AND ACTION PLANS

GOAL 1: Provide appropriate training for the OCSH supervisor, hearings officers, legal assistant, and clerks.

Objective 1: Enhance the supervisory and leadership skills of the division supervisor.

Action Plan 1: Send supervisor to the Hawaii Leadership Academy, or similar program, for supervisory and leadership training.

Objective 2: Improve the legal knowledge of the hearings officers.

Action Plan 1: Utilize budgeted funds to send at least one hearings officer for training at the National Judicial College.

Action Plan 2: Provide training to hearings officers in subjects that will enhance their legal knowledge and judgment. The training will include Department of Human Resources training sessions, attendance at the Hawaii Bar Convention, Family Law seminars, teleconferencing, and cross training within the department and the division.

Action Plan 3: Continue to meet regularly to review cases and discuss recent developments in case law, statutes, and legislation.

Action Plan 4: Continue to update and utilize the OCSH Decision Bank, Appellate Court Decision Digest, and legal research conducted by the legal assistant. These resources enable the hearings officers to easily research prior appellate and OCSH treatment of particular legal issues to use as guidance in their rulings.

- Objective 3:** Assist legal assistant in performing her duties by providing appropriate training.
- Action Plan 1:* Send legal assistant to training that will enhance her productivity and efficiency, including training in desktop publishing, web design/maintenance, and Westlaw.
- Objective 4:** Assist clerical staff in performing their duties by providing appropriate training.
- Action Plan 1:* Send clerical staff to training which will enhance their productivity and efficiency, including training in computer systems they use at work such as ProLaw, iManage, Word, Lotus Notes and Excel. Send legal clerk to training that will assist her in her duties in procurement activities and personnel transactions.
- GOAL 2:** Provide a safe and convenient forum for hearing participants.
- Objective 1:** Provide parties to hearings with alternatives to personally appearing, which would address their security concerns.
- Action Plan 1:* Improve and expand information provided to parties in hearing documents sent by OCSH before each hearing, on the OCSH website, and in response to verbal or written inquiries.
- Objective 2:** Improve the configuration of the hearing rooms to enhance the security and professionalism of OCSH hearings.
- Action Plan 1:* Purchase hearing-friendly furniture for hearings rooms.
- GOAL 3:** Increase responsiveness to inquiries from the public and hearing participants.
- Objective 1:** Provide tools for staff who field phone inquiries to assist callers quickly and consistently.
- Action Plan 1:* Develop standard responses to common questions which will include specific contact information for other agencies that may be involved in the caller's inquiry and references to the OCSH website for more information. Make responses available to staff so they may provide substantial assistance to each caller.

- GOAL 4:** Increase efforts to educate hearing parties and the public regarding child support administrative hearings and the administrative process for child support in Hawaii in general.
- Objective 1:** Educate hearing participants and the public about the hearing process and procedures.
- Action Plan 1:*** Provide current information regarding the administrative process for child support in Hawaii and Frequently Asked Questions to the public via the OCSH website as well as the informational pamphlet completed in 2003. Review and update informational materials enclosed in documents parties receive about the hearing. Include the website address on OCSH publications and letterhead.
- Action Plan 2:*** Encourage OCSH hearings officers to volunteer for activities at various legal forums, including the Volunteer Legal Services Hawaii, the Richardson School of Law, the Family Court of the First Circuit, the Hawaii Women Lawyers, the Kapiolani Community College, and Ask A Lawyer Clinic to educate Hawaii attorneys and the public regarding OCSH proceedings.
- GOAL 5** Continue to facilitate good interagency working relationships with agencies including but not limited to the CSEA Hawaii, IV-D programs nationwide, State Judiciary, Corporation Counsel, Family Law Section of the HSBA.
- Objective 1:** Network with affected agencies to discuss pertinent child support issues.
- Action Plan 1:*** Continue ongoing process of meeting, coordinating, consulting, and resolving issues with affected agencies.

**PUBLIC SAFETY, HOMELANDS, AND HOUSING DIVISION
(PSHHD)**

ACCOMPLISHMENTS

GOAL NO. 1. Maintain a Strong Communication Network With the Client.

As outlined in the plan, PSHHD goes to each of the clients' office for a regularly scheduled weekly meeting, and more often as required. The Hawaiian Home Lands Unit also attended a retreat with DHHL. The other clients did not believe a retreat to be necessary. Client evaluations were generally positive. Out of 66 evaluations, 23% rated the deputy as outstanding, 39% rated the deputy as exceeding expectations, 35% rated the deputy as meeting expectations, and only 3% rated the deputy as needing improvement.

GOAL NO. 2. Maintain the Quality Level of Legal Services to the Agency Clients.

As outlined in the plan, PSHHD has met with each of the clients to discuss their expectations from our office. No different methods of evaluation were suggested. We have also implemented the department-wide computer tracking system to flag matters that are not completed on a timely basis. No significant or systemic deadline deviations were identified. As indicated above, client evaluations were generally positive.

GOAL NO. 3: Expand the Current Training Schedule and Communication Network for the Division and the Agency Clients.

PSHHD employees went to twelve classes on legal research, three classes on self-improvement, and two classes involving substantive legal education. We also conducted three client-training sessions on sunshine law, information practices law, and recent federal legislation regarding religion in correctional institutions.

2005 PSHHD GOALS AND OBJECTIVES

GOAL NO. 1. Continue Training Within the Division.

Objective 1: Cross-train employees in different aspects of their client's legal needs.

Objective 2: Provide further training for employees within their existing field of expertise.

ACTION PLAN: Timetable

1. Some employees will be reassigned to different branches of their client at the beginning of the fiscal year. They will meet with their newly assigned branches, and receive in-house training from the attorney previously assigned to that client.
2. Training for employees within their existing field of expertise will occur throughout the year.

PERFORMANCE MEASUREMENT:

1. Continue to maintain a single list of training sessions attended and given, and compare with the baseline established this year.

GOAL NO. 2. Maintain the Quality Level of Legal Services to the Agency Clients.

- Objective 1: Review legal services with the clients, thereby obtaining input from the clients about the perceived challenges in obtaining legal services.

ACTION PLAN: Timetable

1. Review legal services with the clients in the first quarter of the next fiscal year, and monitor the information systems established to evaluate legal service performance by the end of the current fiscal year.

PERFORMANCE MEASUREMENT:

1. The supervisor evaluations and the client evaluation will provide us with a method to gauge whether the quality of legal services is being maintained.

**TAX DIVISION
2005 GOALS AND OBJECTIVES**

I. TAX ADMINISTRATION

GOAL 1: Provide professional advice and legal representation to the Department of Taxation (“DOTAX”) and assist in its efforts to diligently administer and enforce the State’s tax laws fairly, efficiently, and with integrity for all taxpayers.

Objective 1: Diligently prosecute or defend cases in the Tax Appeal Court involving taxes administered by DOTAX, with appropriate consideration for the issue, amount and circumstances.

Action Plan: Supervise and monitor litigation of deputy attorneys general including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from AOR or Complex Litigation Committee whenever necessary or appropriate.
- Periodic reports to client on case status.

Process: Continue the report card from the DOTAX. Review annually how the Tax Division has met this objective. Provide appropriate feedback to deputies on the handling of their cases.

Objective 2: Protect and defend the State’s tax claims (whether secured or unsecured) in the U.S. Bankruptcy Court, foreclosure suits, and interpleader actions with appropriate consideration for the size of the claim, assets available to satisfy the claim, and other relevant factors.

Action Plan: Supervise and monitor other litigation of deputy attorneys general including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from AOR or Complex Litigation Committee whenever necessary or appropriate.
- Periodic reports to client on case status.

Process: Continue the report card from the DOTAX. Review annually how the Tax Division has met this objective. Provide appropriate feedback to deputies on their cases.

- Objective 3:** Provide legal advice and counsel to DOTAX on proposed legislation, regulations, and interpretations. Whenever possible, the division shall also provide recommendations to DOTAX on possible legislation to close unintended loopholes or to improve tax administration.
- Action Plan:** Supervise and review each legislation, regulation, and case.
- Process:** Review annually how the Tax Division has met its objectives.
- Objective 4:** Be sensitive to and aware of abusive or less than quality service to the public and take appropriate measures to avoid what happened to the IRS in recent Congressional hearings and the IRS Restructuring and Reformation Act of 1998.
- Action Plan:** Encourage and foster frank communications with the DOTAX, professionals (attorneys, accountants, and tax professionals), the business community and the public regarding how the tax system can be improved and specific instances of alleged abuse or less than quality service to the public. Assist taxpayers with legitimate complaints about how they have been treated in getting a satisfactory and reasonable solution to their complaint.
- Process:** Review annually how the Tax Division has met this objective.
- Objective 5:** Vigorously protect the privacy of taxpayer tax returns and return information made confidential by HRS §§ 235-116 and 237-34.
- Action Plan:** Represent the department in defending subpoenas and other requests for confidential taxpayer information.
- Process:** Review annually how the Tax Division has met this objective.
- GOAL 3:** **Improve the quality and timeliness of legal services provided to or on behalf of the DOTAX.**
- Objective 1:** Ensure that legal services provided by the division are both high quality and timely.

- Action Plan:** Supervise and monitor litigation of deputy attorneys general, including periodic cases audits to discuss strategy, development, and resolution. Provide continuing training whenever possible or resources permit. Seek guidance from AOR or the Complex Litigation Committee whenever necessary or appropriate.
- Process:** Provide appropriate feedback and evaluation of legal work performed by deputy attorneys general. Review annually how the Tax Division has met this objective.
- Objective 2:** Improve the quality and timeliness of advice and counsel to the DOTAX on the legal aspects of proposed legislation, regulations, and cases.
- Action Plan:** Supervise and review each legislation, regulation, and case. Coordinate as appropriate with the Legislative Division.
- Process:** Review annually how the Tax Division has met his objective.
- Objective 3:** Improve communication with DOTAX at all levels.
- Action Plan:** Encourage and foster open and timely communication with DOTAX.
- i. Meet frequently, formally and informally, with the Director and Deputy Director.
 - ii. Encourage all Tax Division deputy attorneys general keep DOTAX informed of developments in major cases or issues affecting other taxpayers.
 - iii. Provide periodic status reports to the client.
- Process:** Continue to have an annual report card from the DOTAX. Review annually to how the Tax Division has met this objective.
- Objective 4:** Improve the working relationship with DOTAX at all levels.
- Action Plan:** Encourage formal and informal interaction with DOTAX.
- i. Encourage joint participation in in-house seminars and meetings.

- ii. Encourage the sharing of resources to the extent possible.
- iii. Encourage cross training by AG and DOTAX professionals.

Process: Review annually how the Tax Division has met this objective.

GOAL 4: **Develop and keep the respect of the public including the judiciary, the public and the legal community-for a reputation of competence, integrity, diligence, and fairness.**

Objective 1: Provide for the professional development and growth of all Tax Divisions deputies through training and relationships with tax practitioners and the public.

Action Plan: Efficiently allocate resources to Tax Division deputies' cases and encourage them to expand their practices and train and teach the less experienced Tax Division deputies; provide the less experienced Tax Division deputies the opportunity to work on increasingly challenging cases; and encourage all deputies to develop and grow professionally. Provide positive feedback for work well done. Make the Tax Division an enjoyable and rewarding environment in which to practice law. Hold periodic meetings of Tax Division DAGs for problem solving.

Process: Review annually how the Tax Division has met this objective.

Objective 2: Encourage and foster education and training by third-parties and among each other.

Action Plan: Promote education and training by outsourcing, for example, attending seminars, and by in-house training sessions, for example, brown bags.

Process: Review annually how the Tax Division has met this objective.

Objective 3: The supervisor and senior deputies should strive to set good examples of integrity, diligence, and fairness for the less experienced deputies.

Action Plan: Be prepared, professional, timely, courteous, accessible, and prepared. Meet deadlines. Strive to continuously improve the quality of legal services and representation. Timely return calls and written communication.

Process: Review annually how the Tax Division has met this objective.

GOAL 5: Integrate and maximize the new technology in the Tax Division.

Objective 1: Maximize the new technology in the Tax Division including electronic filing in the U.S. Bankruptcy Court, the department's soon to be available intranet and the department's document management system.

Action Plan: Learn and maximize the benefits of the new network system for all attorneys and staff in the Tax Division, where we can communicate within the department and Tax Division.

Process: Review annually how the Tax Division can improve and integrate technology within the Tax Division, the department, and with the DOTAX.

II. CHARITABLE TRUSTS, PUBLIC CHARITIES AND NONPROFITS

GOAL 1: Vigilantly supervise charitable trusts, public charities, and nonprofit entities, including private foundations, to ensure that such organizations are properly fulfilling their charitable purposes and acting in a manner consistent with their governing documents.

Objective 1: Create a charities enforcement unit with the Tax Division to represent the Attorney General in his capacity as *parens patriae* in proceedings relating to charitable trusts, provide ongoing oversight of charitable trusts and public charities, and, if warranted, commence an investigation or take appropriate action related to such charitable trusts and nonprofit entities.

Action Plan: Seek funding for the establishment of a charities unit and supervise and monitor litigation of deputies including periodic case audits to discuss strategy, development, and resolution.

Process: Assess following 2005 Legislative session.

Objective 2: Implement 2004 Acts 93 and 172 requiring the registration and bonding of professional solicitors and professional fundraising counsel, and annual certification by charities issuing charitable gift annuities and begin enforcement of registration requirements.

- Action Plan:** Develop standard registration, bonding and certification forms, develop online database of registered solicitors and fundraising counsel and enforce requirements against un-registered fundraisers.
- Process:** Monitor development of forms and databases.
- Objective 3:** Educate the public about charitable trusts and nonprofit entities.
- Action Plan:** Upgrade the department's Internet site to provide public information about Hawaii charities laws and regulations, registration data, and provide resources to nonprofits, and conduct outreach through presentations and interaction with the professional community and the public.
- Process:** Review annually how the Tax Division has met this objective.
- Objective 4:** Encourage and support education and training for deputies.
- Action Plan:** Promote education and training by outsourcing, for example, attending seminars, and in-house training sessions, for example, brown bags.
- Process:** Review annually how the Tax Division has met this objective.

**TORT LITIGATION DIVISION (TLD)
GOALS AND OBJECTIVES**

GOAL 1: RESOLVE LEGAL CLAIMS EFFICIENTLY AND ECONOMICALLY BY DEVELOPING AND MAINTAINING A COST-EFFECTIVE LITIGATION CAPABILITY

Objective 1: Develop a litigation information management system that contains case summaries, due dates, and other key information necessary to manage cases.

Action Plan: The Tort Litigation staff has been developing proficiency in the use of ProLaw and iManage. Several support staff also continue to use Summation to assist deputies in preparing for depositions, hearings and trial.

Objective 2: Develop an effective telecommunications system, which is a key aspect of law office management.

Action Plan: The department's provision of Lotus Notes has greatly enhanced the Tort Litigation staff's ability to communicate internally, across divisions, and across departments. This capability has increased efficiency in case management and has facilitated the division deputies' ability to effectively handle cases.

Objective 3: Obtain voicemail for all Tort Litigation staff.

Action Plan: At the present time, only the division supervisor has voicemail. The remaining division staff will also hopefully eventually have this capability, in order to minimize work interruptions and facilitate more expeditious message transmission. Achievement of this objective is contingent upon fiscal considerations.

GOAL 2: PROVIDE QUALITY LEGAL REPRESENTATION TO ALL CLIENTS

Objective 1: Take advantage of training opportunities, including trial advocacy, legal writing and legal research.

Action Plan: The Tort Litigation deputies are continuously encouraged to attend training sessions presented by the local bar association and other organizations, dependent upon budgetary limitations. Division clerical staff are also encouraged to take advantage of training opportunities relevant to their job responsibilities. This past year, division deputies

attended training in litigation skills and new rules of discovery, and several clerical staff attended brown bag seminars presented by local organizations.

Objective 2: Improve communication with clients, particularly regarding case status and outcomes.

Action Plan: Consider implementing a schedule of required status reports to clients. Encourage clients to contact our office with questions and/or concerns. Encourage deputies to have face-to-face meetings with clients, to personalize the representation.

Objective 3: Continue to facilitate the use of informal, mini Litigation Review Committees (LRC's) for case evaluation and other purposes.

Action Plan: The Tort Litigation Division routinely utilizes information LRC's as a means of discussing case-specific issues, such as issues regarding liability, case strategy and case valuation. Depending on the issues being presented, deputies from other divisions are occasionally invited to participate in the LRC's. This practice has proven to be of great assistance to deputies, and will be continued. More expeditious disposition of cases, through motions or otherwise, has been a positive result.

GOAL 3: RISK MANAGEMENT

Objective 1: Assist with State risk management efforts.

Action Plan: Encourage division deputies to provide pro-active advice and training to client agencies on ways to reduce their potential for tort liability. Continue compliance with Section 37-77.5, Hawaii Revised Statutes, which requires the Attorney General to advise client agencies regarding case resolutions and how to avoid future similar claims, by recommending corrective action that will eliminate or mitigate the factors contributing to the State's exposure. The division supervisor and deputies will also continue to maintain a cooperative and collaborative working relationship with the State Risk Management Office at DAGS.

Objective 2: Actively participate in risk assessment working groups.

Action Plan: The division supervisor continues to be the designated risk manager for the Department of the Attorney General, and in that capacity participates in meetings with the State Risk Manager and risk managers for the other State departments when requested. The Tort Litigation Division has also been asked to provide a representative for the risk assessment

working group formed pursuant to Act 82, SLH 2003 (relating to Public Land Liability), which is responsible for addressing signage issues on State land.

Objective 3: Facilitate prompt resolution of appropriate cases in order to minimize loss to the State.

Action Plan: The Tort Litigation deputies are encouraged to participate in alternative dispute resolution in appropriate cases, as approved by the Attorney General, in an effort to resolve cases in a timely fashion. This will assist in avoiding prohibitive case costs, as well as limit exposure for attorneys' fees. This past year, an increasing number of cases were successfully mediated. Novel approaches to settlement have also been attempted, such as having the Plaintiffs' attorneys present their "closing argument" to the Attorney General and other deputies.

GOAL 4: PROMOTE A POSITIVE WORK ENVIRONMENT

Objective 1: Encourage open communication among all division staff members.

Action Plan: The division supervisor will continue to have an open-door policy and invite input/comments from all division staff on specific issues of concern and ways in which the division can be improved. The supervisor will also continue to acknowledge positive case outcomes in order to promote division pride and positive morale.

Objective 2: Consider a division retreat.

Action Plan: It is hoped that a division retreat can be arranged this year. No specific timetable.