

State of Hawaii
Department of the Attorney General



2008 GOALS AND OBJECTIVES

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TABLE OF CONTENTS

Section 1: Introduction	1
Section 2: Department-Wide Goals and Objectives	2
Section 3: Division Descriptions.....	16
Section 4: Legal Services Divisions	
Administration Division	20
Appellate Division	22
Civil Recoveries Division	23
Civil Rights Litigation Division	27
Commerce and Economic Development Division	30
Criminal Justice Division	33
Asset Forfeiture Unit.....	35
Environmental Crimes Unit.....	37
Drug Nuisance Abatement Unit.....	39
Internet and Technology Crimes Unit.....	42
Missing Children Center – Hawaii	45
Medicaid Fraud Control Unit.....	47
Tobacco Enforcement Unit.....	49
Wire, Oral, and Electronic Communication Surveillance Unit	54
Education Division	55
Employment Law Division	57
Family Law Division	59
Health and Human Services Division	61
Labor Division.....	63
Land/Transportation Division.....	65
Legislative Division	68
Public Safety, Hawaiian Home Lands, and Housing Division	71
Tax Division	73
Tort Litigation Division	77
Section 5: Public Services Divisions	
Child Support Enforcement Agency	80
Crime Prevention and Justice Assistance Division	82
Hawaii Criminal Justice Data Center.....	89
Office of Child Support Hearings.....	97
Section 6: Investigations Division	100
Section 7: Administrative Services Office	
Information Systems and Technology Unit.....	102
Fiscal Office	104
Personnel Office	105
Library Services.....	107

SECTION 1: INTRODUCTION

This report is mandated by Act 100, Session Laws of Hawaii 1999, as amended by Act 154, Session Laws of Hawaii 2005.

This report describes department-wide goals and objectives, and the goals and objectives of each division. Division supervisors are given maximum flexibility to structure division goals and objectives according to respective division management plans.

SECTION 2: DEPARTMENT-WIDE GOALS AND OBJECTIVES

MISSION

- To provide excellent legal and public services in a timely manner.

CORE VALUES

- 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.
- 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.
- We believe that the Department should operate on and treat employees based on the principle of merit.
- We believe that 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

- 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.
- 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.
- 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.
- To assist and coordinate statewide programs and activities that improve the criminal justice system and law enforcement.

OBJECTIVES AND POLICIES

- People's Representative: Safeguard the rights and interests of the people of the State of Hawaii by undertaking appropriate legal actions on their behalf.
- Litigation: Represent the State, its agencies, and its officers in civil proceedings in state and federal courts.
- Administrative Hearings: Represent the State, its agencies, and its officers in administrative proceedings.
- 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.
- Legal Opinions and Advice: Provide legal opinions and advice to the Governor, the Legislature, judges, and state departments and officers.
- Rules and Legislation: Assist state departments and agencies in reviewing rules and legislation.
- Contracts: Draft, review, and approve as to form various legal documents.
- 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.
- Investigations: Investigate criminal and civil matters as appropriate.
- 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.
- 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.

ACTION PLAN

The primary factors that 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 management oversight of the service delivery. These factors will be addressed as follows:

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).

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.

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

Management Oversight: The Attorney General continues its efforts to reorganize certain areas within the department to create efficiencies in the delivery of legal services.

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: 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.

Year Five

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: See goals and objectives of Administrative Services Office.

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

Update

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: A training committee has been appointed. 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 five 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. 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. Continuous 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: 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. 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 continues to implement others as resources permit.

MEASUREMENT PROCESS

The Attorney General measures progress in accomplishing department goals and objectives in part by periodic surveys of its clients. The Attorney General routinely monitors the timeliness of responses to clients who request formal legal opinions. In 2004 and 2005, the department conducted extensive surveys of all of its clients regarding the quality of services provided. The results of these surveys were reviewed carefully and applied in management decisions.

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

- The major legal challenge to laws and programs benefiting Native/native Hawaiians has been the federal court lawsuit, *Arakaki v. Lingle*. This lawsuit, filed in 2002, explicitly challenges as unconstitutional the Hawaiian Homes Program and OHA, and by implication every law and program that provides benefits to Native/native Hawaiians because they are Native/native Hawaiians. The importance of this lawsuit cannot be overstated--our State Constitution establishes OHA and our Admissions Act requires the State to administer the Hawaiian Homes program. Were these programs declared unconstitutional or otherwise illegal, the impact on Hawaii would be devastating. The department made it a priority to defend this lawsuit with all possible resources and vigor.

The Attorney General appeared personally in this case, and we convinced federal judge Susan Mollway to dismiss the lawsuit. The Ninth Circuit Court of Appeals, while upholding much of the dismissal, allowed some of the lawsuit to proceed. We believed the Ninth Circuit decision was incorrect, and we asked the Supreme Court of the United States to reverse that decision and, in essence, to order the lawsuit dismissed. The Supreme Court did so, and remanded the case to the Ninth Circuit, which found in favor of the State on every issue presented to it. At an April 16, 2007 hearing, Judge Mollway entered a written order stating that no issues remain in the case. While victory in this one action will not end the legal challenges, the victory is a significant one.

- The department conducted extensive negotiations with the United States Department of Justice (DOJ) to avoid entering into a consent decree and putting the Hawaii Youth Correctional Facility (HYCF) essentially under the supervision of the federal court. Instead, the department entered

into a written agreement with DOJ with no consent decree or ongoing federal court supervision. The agreement is working well, and HYCF is making significant progress.

- The department assisted in the successful federal prosecution of four Honolulu Airport employees for conspiracy to commit mail fraud. A deputy attorney general served as one of two lead prosecutors. The jury returned guilty verdicts against all defendants on all counts. The defendants received jail sentences ranging from 60 to 108 months and were ordered to pay restitution totaling \$4.6 million.
- In an effort to help stem soaring drug prices and recover inflated prices paid by the State and Medicare consumers, the department filed a lawsuit against 44 pharmaceutical companies. The lawsuit filed in the First Circuit Court alleges that, for more than a decade, the drug makers published inflated prices for prescription drugs, causing Hawaii's Medicaid program and Medicare consumers to overpay millions of dollars in drug costs. The State will seek tens of millions of dollars in the lawsuit. The complaint seeks to have actual damages trebled, and attorney fees and costs awarded to the State and Medicare participants who paid co-payments for drugs. The State in 2007 has settled with one drug manufacturer for \$1.15 million.
- In August 2006, the DNA Registry Unit was created to provide enforcement for the newly amended HRS Chapter 844D, which provides for a statewide DNA database for all convicted felons. The department is responsible for locating convicted murderers and sex offenders who are not on parole or probation and obtaining DNA samples from them. There are approximately 30,000 such unsupervised felons.

All DNA Registry Unit Special Agents received training in the buccal swabbing method for collecting DNA samples and are able to provide training to other agencies. The unit has trained officers of the Hawaii Paroling Authority in the buccal swab collection method.

- The Cold Case unit was established in 2004 through a federal grant to increase the investigation and prosecution of unsolved murders throughout the state, and to develop a statewide, cooperative approach to cold case homicide investigations. This unit has been staffed with highly qualified investigators, and has started the active review of unsolved murder cases received from county police departments. In partnership with the Naval Criminal Investigative Service, the unit carried out the inaugural Cold Case Homicide Investigations Methodology and Protocol Training Seminar.
- On December 7, 2005, the Cold Case unit helped to obtain a murder indictment against Jenaro Torres, a former Pearl Harbor police officer, for the 1992 murder of a base cashier, Ruben Gallegos. This was the first case to be prosecuted by the department's Cold Case Unit, and was prosecuted without the body of the victim. The jury took less than two hours to return a guilty verdict for the offense of Murder in the Second Degree, as charged. Torres was sentenced to life imprisonment with a mandatory 15-year minimum term of imprisonment for using a firearm in the commission of the murder. The prosecution was based on a multi-agency effort between NCIS, the FBI and the Cold Case Unit.
- On December 14, 2006, the Cold Case unit's work led to the indictment of Melvin Kumukau and Aaron Meyer for the murder of a store owner in Moiliili 29 years ago.
- In *Slingsluff v. State of Hawaii*, where a pro se inmate alleged a civil rights claim under 42 U.S.C. §1983 along with medical malpractice and negligence claims, the department was successful in getting the federal claim dismissed based on the failure to exhaust administrative remedies.
- The department's motion to dismiss was granted by the federal district court in *Canosa v. Condon, et al.*, where an inmate filed a civil rights complaint alleging the violation of his due process rights with respect to a prison adjustment hearing.

- In *Resep v. Sakai, et al.*, an inmate alleged that he received inadequate medical care in violation of the Eighth Amendment. After the State filed a motion for summary judgment arguing that the facts showed no deliberate indifference by the medical staff, the plaintiff voluntarily dismissed his lawsuit.
- The department was successful in getting motions for summary judgment granted in civil rights lawsuits filed by prisoners in *Samonte v. Maglinti* and *Grindling v. Nouchi, et al.*
- An inmate filed multiple lawsuits against the State. The inmate variously alleged inadequate access to the law library and legal materials, retaliation, and deficient medical treatment. The department was successful in getting all of his lawsuits dismissed on motions for summary judgment. The department was also successful in a case that the inmate appealed to the Intermediate Court of Appeals (ICA) after the State's motion for summary judgment was granted. The ICA affirmed the lower court's granting of summary judgment in favor of the State.
- In *Osmund Lee v. State*, a petition for post-conviction relief under Rule 40 of the Hawaii Rules of Penal Procedure was transferred to the civil court when it was deemed to allege a civil rights claim for denial of access to the courts. The department filed a motion to dismiss, which was granted.
- The department prevailed at arbitration in *Caroseli v. State of Hawaii*, where an inmate slipped and fell in the shower of a correctional facility.
- The department prevailed in a federal court bench trial in *Kealoha v. Department of Public Safety*. The plaintiff alleged that his civil rights were violated when he was assaulted by members of a gang with which he was formerly affiliated. Ruling in favor of the State, the Court found that the plaintiff was not credible and failed to prove any of his claims by a preponderance of evidence.
- The department was successful in a state court bench trial in *Kenney v. State of Hawaii*. Plaintiff alleged medical negligence by medical staff at various correctional facilities. The judge found that much of plaintiff's experts' and plaintiff's own testimony was not credible and entered judgment in favor of the State.
- *Armstrong v. Ginlack, et al.* involved an action brought by parents of a mentally disabled minor child. They alleged violations of the minor's rights under the Fourth, Fifth, Eighth and Fourteenth Amendments, section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). The federal district court granted the State's motion for summary judgment and dismissed the entire case.
- In *Dearing v. State of Hawaii*, plaintiff alleged that the Department of Education violated 42 U.S.C. §2000d (Title VI) by retaliating against him for complaining about racial discrimination in a State high school's football program. The federal district court granted the State's motion for judgment on the pleadings.
- In *Alan H. v. State of Hawaii*, the department prevailed on Plaintiffs' attempt to obtain a declaratory judgment that the Department of Education violated the Supremacy Clause of the United States Constitution, failed to comply with its own notice requirements under the Hawaii Administrative Rules, and violated the stay-put provisions under the IDEA.
- In 2007, the department has seen a continued trend of an increase in the number of lawsuits and claims filed, with more trials in the past year than in previous years. Nevertheless, the department has been successful in resolving a substantial number of its cases by dismissal through the filing of dispositive motions. Several cases have been voluntarily dismissed against the State without any money being paid by the State. Recent examples include *Evangelista v. Hayashi, et al.*, *Pang v. State of Hawaii, et al.*, and *Yoon v. Director of Transportation etc., et al.*

- In *Kobashikawa v. State of Hawaii*, plaintiffs were ordered to pay the State \$5,000 in order to have the case dismissed when it became clear that there was no basis for liability against the State and the lawsuit should not have been filed in the first place. The department has prevailed on liability in many of its arbitration hearings and settled cases for substantially less than actual value.
- Cases where the department prevailed on liability in arbitration include *Todd Weeks v. State of Hawaii*, *Stephen Wessing v. State of Hawaii*, *Daniel Caroseli v. State of Hawaii*, *Michael Lancaster v. State of Hawaii*, *Mitchell Quarles v. State of Hawaii*, and *Miguel Cabrera v. State of Hawaii*.
- In *Cho v. State of Hawaii*, a lawsuit potentially worth millions of dollars, plaintiffs alleged that they had sustained injuries or illnesses caused by long-term exposure to lead, mercury, and arsenic during their ten-year occupancy of a government leased cottage on the grounds of a public intermediate school. The department prevailed at trial, and the ICA affirmed the trial court's finding in favor of the department. The plaintiffs then filed a writ of certiorari to the Hawaii Supreme Court. The Hawaii Supreme Court affirmed the ICA's judgment on appeal in favor of the State.
- The department has entered information regarding more than 2,600 sex offenders onto the state sex offender registry and more than 1717 sex offenders on the department's public access website. The cumulative number of hits on the website exceeds 9 million.
- The department has actively enforced compliance with the sex offender registration law and prosecuted non-compliant sex offenders. In fiscal year 2007, 33 offenders were charged in court with non-compliance, of which 13 had been convicted, 18 were awaiting service of bench warrants, and 2 were pending trial at the time of this report.
- In fiscal year 2007, the department collected \$16,164,594 owed to various departments of the State, including \$3,200,971 in Hawaii Health Systems Corporation's delinquent accounts; \$1,276,958 in child support obligations for the Child Support Enforcement Agency; \$3,200,971 for the Department of Transportation for delinquent lease rents, salary overpayments, and property damage claims; \$7,645,851 for the Department of Human Services; \$65,102 for party workers' compensation reimbursements; and \$672,416 for delinquent taxes.
- In fiscal year 2007, the department closed 440 tax related matters, 388 charitable solicitation matters, 386 trust or nonprofit related matters, and collected \$8,537,767.
- As of July 26, 2007, the department collected \$64,950 in registration fees for the Solicitation of Funds for Charitable Purposes Special Fund, \$6,810.00 of which were fines imposed on solicitors or professional fundraising counsels for violations of the law.
- In fiscal year 2007, in civil and administrative actions involving the Departments of Health or Human Services, the department collected \$1,141,693 for the State.
- The department completed the review of 594 separate contracts for the Department of Health and the Department of Human Services.
- Following the settlement in 2006 of the ACLU action against HYCF and state employees that alleged discrimination against wards at the youth correctional facility on the basis of gender identity, the department assisted HYCF to develop appropriate policies regarding lesbian, gay, bisexual, and transgendered youth who are held at the facility. With the assistance of a consultant retained pursuant to the agreement, training for the HYCF staff has been ongoing on the policies and most of the staff has completed training. The department assisted HYCF to create an implementation plan under the settlement agreement and provides regular reports to plaintiffs on the status of the implementation, with the last report due in October 2008.

- The department assisted the Department of Health in achieving dismissal of the United States Department of Justice case concerning the State's system for the delivery of adult mental health services, *United States v. State of Hawaii*.
- The department defended and settled several actions concerning appropriate residential placements for clients of the Departments of Health and Human Services with complex needs.
- The department obtained court orders for involuntary treatment of approximately 44 residents of the Hawaii State Hospital who required medication for their own safety or that of others but refused to take it.
- On behalf of the Department of Health, the department negotiated with the Environmental Protection Agency an interim settlement with the City and County of Honolulu of injunctive relief for the highest-priority force main problems in the City and County's sewage collection system. The interim settlement has been submitted to the United States District Court for approval. Remaining claims in the EPA/DOH action against the City and County based on its sewage system will be resolved separately; negotiations began in October 2007.
- The department trained the Hawaii State Committee of Blind Vendors on the Sunshine Law and Uniform Information Practices Act.
- The department assisted the Department of Health to develop emergency rules that allow noncommercial kitchens to feed the homeless without obtaining a food establishment permit. Those rules have now become permanent.
- The department devised a model environmental covenant for use in implementing Hawaii's new Uniform Environmental Covenants Act
- In fiscal year 2007, the department filed 728 petitions for child welfare (more than 99% of these petitions were sustained), 169 truancy petitions (most of which were sustained with the subject children coming under the protective supervision of the Family Court and the Department of Education), 67 adult protective services/guardianship petitions, 205 adoption petitions, and 456 petitions for involuntary hospitalization. In most of the involuntary hospitalization 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.
- In fiscal year 2007, the department prevailed in 17 child custody appeals, most of which were brought by parents whose parental rights were terminated.
- In fiscal year 2007, the department defended, on behalf of the Child Support Enforcement Agency, 14 CSEA-related administrative appeals filed throughout the State.
- The department handled appeals in state and federal appellate courts, including:
 - Appeals involving the assertion of the public trust doctrine against the State.
 - 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 employees named as defendants in civil rights cases.
 - Cases involving the sovereign immunity of the State.

- 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.
- In fiscal year 2007, the department assisted in the issuance of bonds in the amount of \$571,190,000 as follows:
 - General Obligations Bonds \$350,000,000
 - Special Purpose Revenue Bonds (SPRB) \$270,710,000
- From July 1, 2007 through September 30, 2007, the department assisted in the issuance of bonds in the amount of \$51,645,000 as follows:
 - Harbor System Revenue Bonds \$51,645,000
- The department prevailed in a preliminary injunction lawsuit involving public access channel for cable television.
- The department prevailed in procurement challenges relating to the Judiciary Complex in Kapolei.
- The department successfully defended the Campaign Spending Commission in a campaign spending violation challenge.
- The department defended the Board of Land and Natural Resources in a challenge by a private landowner who was fined for conducting illegal grading activities on Kauai.
- The department issued a formal attorney general opinion relating to the time frame in which the chief justice must act to appoint district court judges. AG Op. 07-01.
- In *Awakuni v. Awana*, the department received a favorable ruling from the Hawaii Supreme Court, validating the decisions of the Hawaii Employer-Union Benefits Trust Fund (EUTF) in determining the health benefits plan for State and county employees. The Court determined that the EUTF is an arm of the State and is entitled to assert the defense of sovereign immunity and that the EUTF did not abuse its discretion in adopting a two-tier structure for its health benefits plan.
- In *Tauese v. Ritz-Carlton Kapalua* (consolidated appeals from a declaratory action and an agency appeal), the Hawaii Supreme Court upheld the constitutionality of HRS § 386-98, the workers' compensation fraud provision. Appellant had alleged the statute was unconstitutional on its face and as applied by the Department of Labor and Industrial Relations; the Court rejected Appellant's arguments. The case was, however, remanded for a determination of fraud using a clear and convincing rather than a preponderance of the evidence standard.
- In *Director v. Si-Nor, Inc.*, the Hawaii Labor Relations Board (HLRB) issued a ruling upholding a citation by the Director of Labor and Industrial Relations for a willful occupational safety and health violation issued against Si-Nor, Inc. for workplace violence. The department successfully defended HLRB's decision before the Circuit Court, which rejected the employer's appeal. Si-Nor appealed to the ICA but withdrew its appeal.

- *Befitel v. Global Horizons, Inc.* made clear that when the head of a department brings suit on behalf of the State, there is no diversity of citizenship and suit cannot be maintained in the federal court. In this case, the Director of Labor and Industrial Relations initiated a collection action in state district court for unpaid unemployment insurance assessments. Global Horizons, Inc. removed the case to federal district court on diversity grounds. The Court ordered the case remanded to state court after determining that the suit, brought in the name of the Director of Labor pursuant to statute, was a suit on behalf of the State and therefore there was no diversity of citizenship. An appeal from this ruling was dismissed.
- In *Director v. Global Horizons, Inc.*, the Hawaii Occupational Safety and Health Division (HIOSH) inspected various worksites throughout the State where seasonal nonimmigrant workers from foreign countries were employed. During the course of that program, several farms that used seasonal laborers employed by Global Horizons were inspected. Based upon its inspections of the housing sites maintained by Global, HIOSH issued several citations against Global for various temporary labor camp violations and electrical and general duty violations. Five of the cases went to trial, and the Hawaii Labor Relations Board issued final decisions and orders affirming most of the citations, including those pertaining to shelter, toilet facilities, insect and rodent control, electrical, and a general duty clause violation involving a broken window pane.
- *Hawaii Home Infusion Associates v. Befitel* established that when a declaratory ruling as to the validity of a rule is sought pursuant to HRS § 91-7, the action must be maintained in the circuit where the plaintiff resides or has its principal place of business. Plaintiff, which does business on the Island of Kauai, filed a declaratory action in the first circuit court, challenging a workers' compensation rule. On appeal, the Hawaii Supreme Court dismissed the case for lack of jurisdiction because the plaintiff failed to file its complaint in the fifth circuit court where had its principal place of business.
- In *Jou v. National Interstate Insurance Co.*, Jou essentially brought a bad faith action against National Interstate, combined with a HRS § 91-7 declaratory action against the Director of Labor and Industrial Relations. Jou's action against the Director sought to strike unidentified administrative rules. No administrative rules were struck by the circuit court, which dismissed the action against the Director. The Hawaii Supreme Court affirmed the circuit court's decision and denied Jou's request to have any fees and costs assessed against the Director.
- In fiscal year 2007, the department reviewed for legality a total of 379 contracts, 851 other documents, and 21 sets of new or amended administrative rules in addition to issuing 156 legal advice letters for the Departments of Transportation and/or Land and Natural Resources. The department initiated 4 new court cases, handled 44 new cases filed against State agencies or officials, and closed out 8 eminent domain cases.
- The department continued to work on lawsuits challenging the Department of Transportation's exemption of Hawaii Superferry from the requirement to perform an environmental assessment under chapter 343, Hawaii Revised Statutes.
- The department worked on acquiring 1,104 acres of Pupukeya-Paumalu from the Trust for Public Lands. The land will be operated as a state park.
- At the time of this report, the department was working on 22 contested cases pending before the Board of Land and Natural Resources.
- The department acquired a new client, the Legacy Land Conservation Commission, which is established to advise and recommend the acquisition of legacy lands as resources for the State.
- The department worked on three contested cases before the Commission on Water Resource Management concerning water in West Maui streams. Two of the three cases have been

resolved, leaving for continuing work the establishment of instream flow standards and the issuance of a water use permit.

- Beginning in 2003, the department brought an enforcement case involving unpermitted activity affecting the conservation district against James Pflueger, Pflueger Properties, and Pila'a 400 LLC because of injury to a beach and coral reef on Kauai caused by a large mud slide generated by unpermitted ground moving work. The BLNR assessed a fine of \$4,032,996.93 for penalties and damage to state land. The fine and penalty were upheld on appeal to the Circuit Court. The case is now on appeal in the ICA.
- *Heffner v. Young* was a federal action in which plaintiff claimed the BLNR members and the Department of Land and Natural Resources committed due process, double jeopardy, racketeering, and Takings Clause violations when they demanded that she allow a public right of way across her property as a condition of receiving a conservation district permit. The Ninth Circuit ruled against Heffner on her assertions that the defendants violated due process and double jeopardy. The court also found the defendants' acts were not extortionate and did not constitute racketeering. The Ninth Circuit said the District Court had correctly abstained from deciding Heffner's takings claim until there is a definite state court ruling on the question of ownership.
- The Hawaii Supreme Court ruled in favor of the State in the case of *Captain Andy's Sailing, Inc. v. Department of Land and Natural Resources*. In Federal District Court Captain Andy won a decision that ORMA permit fees paid to the State were unconstitutional. The company then sued in state court to recover the fees. The court held that the proper basis for the return of the fees was section HRS § 40-35(a), and that Captain Andy had failed to bring a timely action to recoup the money.
- In *UFO Chuting of Hawaii Inc. v. Young*, the State was sued in Federal District Court in a challenge to a state statute which banned among other things parasailing between December 15 and May 15 of each year on the west and south shores of Maui. One purpose of the ban was to protect whales. The court found that the statute was reasonable and nondiscriminatory and therefore not preempted by the federal system of Coast Guard licensing. However, the court found that the law was preempted by the Marine Mammal Protection Act. Congress then passed a law that said Hawaii could enforce any state law relating to the conservation and management of humpback whales. The district court held that the federal law exempted Hawaii from the relevant section of the Marine Mammal Protection Act and was constitutional. The Ninth Circuit affirmed the decision in all respects.
- In fiscal year 2007, the department's Office of Child Support Hearings (OCSH) processed a total of 5,354 cases (3,685 hearing cases and 1,669 non-hearing cases).
- In 94% of the hearing cases (3,432 out of 3,685), OCSH issued final orders or decisions within 30 days of the hearing.
- In 85% of the non-hearing cases (1,587 out of 1669), OCSH issued final orders within 7 days of receipt of the uncontested case file.
- A total of 14 appeals were filed in FY 2006-2007. The appeal rate remains below 1%.
- Between September 1, 2006 and September 1, 2007, the department successfully prosecuted 14 counts of pollution in 9 separate criminal cases, obtaining guilty or no-contest pleas from 4 companies and 10 individuals, including 5 company owners.
- The department prosecuted major and persistent polluters. Five of the seven criminal cases involved defendants that had been cited or previously warned by the Department of Health for one or more pollution violations.

- The department has succeeded in obtaining meaningful punishment in environmental crime cases, especially those involving company owners. Sentences for company owners and managers ranged from fines of \$2,500 for petty misdemeanor pollution offenses, to significant amounts of community service work in felony pollution cases, e.g., 300 hours in one case, and 500 hours in another.
- 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:
 - Administering and overseeing a multi-agency task force consisting of 23 state, county, and federal law enforcement agencies which was organized to coordinate investigations and prosecutions as well as maximize sources of technological and investigative expertise, training, education, and forensics in combating these crimes. State, county, and federal law enforcement agencies in Guam will be joining our task force by the end of 2007.
 - Maintaining a fully equipped and operational computer forensics lab to assist 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 100 forensic examinations and provided technical support on about 80 occasions in the last year.
 - Identifying, importing, and hosting about 35 trainings to increase, develop, and advance task force participants' investigative, forensic, and prosecutorial capabilities.
 - Prosecuting a significant number of Electronic Enticement of a Child cases which are subject to a mandatory one year jail with no possibility of a deferral and are subject to repeat offender sentencing. To date, the department is the only agency that conducts, investigates, and prosecutes operations in this area full-time.
 - Participating in Project Safe Childhood, FBI Innocent Lost Task Force, Child Sex Abuse Response Task Force, Hawaii Identity Theft and Fraud Task Force, National ICAC Task Force Working Group, and National Association of Attorneys General Multistate Working Group regarding MySpace and other social networking sites.
 - Continuing efforts to bring awareness and prevention presentations to the public regarding Internet Safety and Identity Theft. A web site for Internet safety is available at www.hicac.com and a web site for Technology Crimes is available at www.hitechcrimes.com. Approximately 60 presentations are conducted across the state annually.
- The department's Missing Child Center-Hawaii has offered training to law enforcement agencies in improving ways of recovering children. In the past year, MCCH offered seven training opportunities which included DNA related to Missing Persons and Unidentified Remains, Online Enticement, Child Abduction Response Team, Investigating Strategies for Missing and Abducted Children, and Missing and Abducted Children: a Survival Program for First Responders. A total of over 600 law enforcement officers were trained at the various trainings.
- The department's Tobacco Enforcement Unit was formed in 2000 in response to the Attorney General's obligation to enforce the Master Settlement Agreement (MSA); the State's Tobacco Liability Act ; and the cigarette tax stamp requirements and prohibition against the sale of prohibited export and foreign cigarettes in HRS Chapter 245. In fiscal year 2007, the State

received more than \$36.8¹ million in MSA settlement moneys. In total, the State has received \$323,053,662.30 in MSA settlement moneys.

- Due to the department's diligent enforcement, cigarette tax revenues for fiscal year 2007 totaled \$88,771,666, which represents an increase of \$3,069,588 or approximately 3.5% over the comparable period in fiscal year 2006. Moreover, an increase in tax rate coupled with continued vigorous enforcement contributed to a \$48.7 million increase in cigarette tax revenues in fiscal year 2007 over the cigarette tax revenues of \$40,049,539 collected in fiscal year 2000.

Cigarette Tax Revenues by Fiscal Year

FY 1999-2000	\$40,049,539
FY 2000-2001	\$51,739,469
FY 2001-2002	\$62,609,477
FY 2002-2003	\$70,586,392
FY 2003-2004	\$77,541,843
FY 2004-2005	\$83,135,360
FY 2005-2006	\$85,702,483
FY 2006-2007	\$88,771,666

- Following is a summary of Tax Stamp Enforcement Activities in fiscal year 2007:
 - In April 2001, the department began a vigorous campaign to seek out those who were violating the cigarette tax stamping requirements of Chapter 245.
 - Approximately 1,386 known retail establishments sell tobacco products: 1,034 on Oahu, 147 on Hawaii, 111 on Maui, 9 on Lanai, 13 on Molokai, and 72 on Kauai. The department has conducted inspections on Kauai, Oahu, Maui, Molokai, Lanai, and Hawaii. The department has made felony arrests on Oahu, Maui, Hawaii, Molokai, and Kauai.
 - In fiscal year 2007, the department conducted 1,641 retail checks or Chapter 245 compliance inspections statewide. The department made 5 felony arrests for cigarette violations and seized 7,973 sticks. Since April 1, 2001, the department's inspections have resulted in more than 160 felony arrests and the seizure of over 2,235,073 illegal cigarettes.
 - In fiscal year 2007, 2 criminal tobacco prosecutions resulted in \$12,000 in fines. In total, the department has prosecuted 117 tobacco cases, resulting in criminal fines of \$180,000. In addition, in fiscal year 2007, the department successfully prosecuted 17 tax cases, which resulted in criminal fines of \$136,500 and restitution ordered in the amount of \$158,139.
 - In total, 50 cigarette prosecutions have resulted in court ordered forfeiture of cigarettes as part of a defendant's criminal sanction. In addition, the department has secured 67 civil administrative forfeiture orders or stipulations to the forfeiture of confiscated cigarettes.
 - In fiscal year 2007, the department secured 15 administrative forfeiture orders for a variety of administrative forfeiture cases from the neighbor islands.
 - Beginning December 1, 2006, every retailer engaged in the retail sale of cigarettes and other tobacco products is required to obtain a retail tobacco permit. In addition, every holder of a retail tobacco permit is required to keep a complete and accurate record of the permit holders' cigarette or tobacco product inventory. This requirement is a tool to ensure that all tobacco products sold at retail are compliant and that all tobacco taxes are

¹ MSA payments totaled \$36,857,166.01 for fiscal year 2007.

paid. In fiscal year 2007, taxes from tobacco products other than cigarettes were \$5,587,849, which represents an increase of \$3,029,716 over the \$2,558,133 collected in fiscal year 2006.

Fiscal Year	Tax from other tobacco products
2001-2002	\$2,898,728
2002-2003	\$1,709,547
2003-2004	\$1,842,697
2005-2006	\$2,558,133
2006-2007	\$5,587,849

- Following is a summary of MSA Enforcement Activities in fiscal year 2007:
 - \$36,857,166.01 was paid to the State under the MSA.
 - Seven Non-Participating Manufacturers (NPM), either directly or through a distributor, retailer, or similar intermediary, sold cigarettes to consumers within the State; six complied with Chapter 675. The department initiated litigation against one NPM for sales in 2006 and prior years. In addition, the department litigation against four other NPMs, who are not on the Hawaii Tobacco Directory for sales in prior years. The five lawsuits are pending at the time of this report. Since its inception, the Tobacco Enforcement Unit has successfully filed 23 actions against tobacco product manufacturers that have not complied with the requirements of Chapter 675.
 - Pursuant to Chapter 675, for 2006 sales, six NPMs placed \$54,602.26 into qualified escrow funds (99.9% compliance rate).
 - Pursuant to Chapter 486P, the department updated the tobacco directory listing compliant tobacco product manufacturers and their brands.
 - Pursuant to Chapter 245, only those cigarettes listed in the tobacco directory may be stamped and sold.
 - At the end of fiscal year 2007, 31 participating manufacturers were listed in the tobacco directory.
 - At the end of fiscal year 2007, 12 NPMs were listed in the tobacco directory.
- The department applied for and received \$4,087,070 in federal funds to carry out programs that address crime and victim issues. State moneys for career criminal, victim assistance, weed and seed, sex assault prevention, and witness protection totaled \$4,146,083. There were a total of 97 subgrants for both federal and state crime funds. At the end of the year, two applications for federal funds, totaling \$399,980, were pending.
- The department's Crime Prevention and Justice Assistance Division sponsored and conducted 25 workshops and seminars in which more than 1,494 individuals participated. Topics included community mobilization, underage drinking, truancy, use of Juvenile Justice Information System, and use of a program assessment tool. There were 71 community events that provided outreach to educate individuals on crime prevention as well as crime and safety issues. Approximately 37,642 persons participated in these community events. Another 63 individuals contacted the Research and Statistics Branch for information on crime, and many others used the division's website to access information.
- The department worked with local television stations that contributed \$10,350 of airtime for McGruff public service announcements.

- The Crime Prevention and Justice Assistance Division produced fifteen reports on topics ranging from hate crimes, the annual state crime statistics, evaluation of the Community Action Seminar, juvenile offenders, and reports related to the use of offender assessment instruments.
- The Crime Prevention and Justice Assistance Division coordinates the efforts of various agencies and topics. In this endeavor, CPJA facilitated 13 groups which had 48 meetings attended by 582 individuals. The groups included the McGruff Truck Coalition, VAWA Advisory Committee, Juvenile Justice Information Committee and Subcommittees, Victim Witness Coordinators, community prosecutors, forensic laboratories, and Visitation Center Network.
- The department worked with the Department of Health in developing a statewide sex assault prevention plan and with the Sex Abuse Treatment Center in developing and implementing standardized forensic protocols in all counties. Both efforts include multi-disciplinary approaches to sex assault.
- In fiscal year 2007, the department held 34 State ID community outreach events, serving more than 2,400 citizens in their local communities, including senior citizen residences and special needs students in schools.
- The department worked on the Livescan project, in which the booking module of the Honolulu Police Department's (HPD) Records Management System was integrated with the electronic booking system (Green Box). This allowed the roll-out of Livescans to all of HPD so that fingerprints of arrestees are now captured and send to the State's Automated Fingerprint Identification System (AFIS) and the FBI's Integrated AFIS (IAFIS) electronically.
- The department implemented Phase I of the Lights-Out Transaction Controller (LOTIC). The LOTIC controls the flow of demographic and fingerprint data in order to make a positive identification of the person being fingerprinted, whether as an arrestee or an applicant for whom a background check is being done. The demographic information is searched against CJIS-Hawaii and the fingerprints are searched against the State's AFIS automatically. The LOTIC then compares the results to determine whether the person has an existing criminal history record or not, or whether human intervention is necessary to make this determination. Since April, the LOTIC has processed over 26,000 transactions. After monitoring the automated identification results along with manual results, all repeat offenders or applicants with criminal histories are now being identified without human intervention in a matter of minutes with no human intervention. This amounts to approximately 65% of the transactions being submitted.

SECTION 3: DIVISION DESCRIPTIONS

LEGAL SERVICES DIVISIONS

Administration Division

The Administration Division is 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 on 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.

Appellate Division

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 other federal courts in pending cases that involve state issues.

Civil Recoveries Division

The Civil Recoveries Division pursues monies owed to the State. Some examples of these claims are delinquent lease rents, third-party reimbursements, salary or benefit overpayments, loan delinquencies, tax delinquencies, Medicaid estate recoveries and home property liens, complex child support payments, delinquent hospital service payments, false claim actions, contract claims and construction claims. In addition, the division provides advice and counsel to the Department of Defense.

Civil Rights Litigation Division

The Civil Rights Litigation Division 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

The Commerce and Economic Development Division provides legal services and litigation support to the Department of Commerce and Consumer Affairs (including the professional and vocational licensing boards), the Department of Business, Economic Development, and Tourism (including the Aloha Tower Development Corporation, the Hawaii Strategic Development Corporation, the Hawaii Tourism Authority, the High Technology Development Corporation, and the Natural Energy Laboratory of Hawaii Authority), and the Department of Agriculture (including the Agribusiness Development Corporation. The division 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.

Criminal Justice Division

The Criminal Justice Division performs prosecutorial functions on behalf of the State in areas such as welfare fraud, tax fraud, unemployment fraud, unauthorized practice of law, and public corruption. The division is also responsible for prosecuting Internet crimes against children, high technology crimes, Medicaid fraud and elder abuse, violations of state tobacco laws, drug nuisance, environmental crimes, cold homicide cases, and conflict cases from the four county prosecutors' office. 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

The Education Division 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

The Employment Law Division provides legal representation and advice to the Department of Human Resources Development and to all state departments and agencies on employment-related issues. The division represents all state employers in mandatory arbitration hearings, administrative agency hearings, and civil litigation involving disputes over employment matters with the State's employees.

Family Law Division

The Family Law Division 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. The division also provides support to the Child Support Enforcement Agency.

Health and Human Services Division

The Health and Human Services Division provides the principal legal services and support to the Department of Health and the Department of Human Services. The division enforces the State's environmental laws, provides legal advice to all Department of Health and Department of Human Services programs, takes appeals to circuit court from administrative decisions, defends actions against the State in both State and federal court, and handles some appeals in both the State and federal appellate systems.

Labor Division

The Labor Division provides legal services and litigation support to the Department of Labor and Industrial Relations and boards and agencies administratively attached to that department, including the State Fire Council. In connection with its enforcement of the various labor laws, the division also collects penalties, fines, and reimbursements.

Land/Transportation Division

The Land/Transportation Division provides legal services to both the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT). These assignments include servicing all divisions of the DLNR (Aquatic Resources, Boating, Conservation and Resources Enforcement, Forestry and Wildlife, Land, State Historic Preservation, State Parks, and Water Resource Management) and the DOT (Airports, Harbors, and Highways). The division also provides services to the following attached commissions, boards, or agencies: Kaho'olawe Island Reserve Commission, Natural Area Reserves System Commission, Bureau of Conveyances, the four island Burial Councils, Hawaii Historic Places Review Board, Hawaii Invasive Species Council, Commission on Transportation, State Highway Safety Council, and Medical Advisory Board. Most tort litigation involving the DLNR or the DOT is handled by another division, but the Land/Transportation Division handles a number of cases involving the State as a landlord and as a source of permits or as regulator. The division is responsible for all quiet title actions involving the State and virtually all state eminent domain actions, the bulk of which are done on behalf of the state highways program. The division prepares land disposition documents for the DLNR and the DOT and prepares office leases for the Department of Accounting and General Services when state agencies rent private property as tenants. The division reviews for legality its clients' contracts and administrative rules. The litigation that the division handles includes enforcement actions for violations of the State Historic Preservation law and the law governing land use in conservation districts and actions for damage to natural resources of the State. The division is working on several of the DOT's complex construction cases.

Legislative Division

The Legislative Division 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.

Public Safety, Hawaiian Home Lands, and Housing Division

The Public Safety, Hawaiian Home Lands, and Housing Division (PSHHD) provides legal services and support to the Department of Public Safety and its attached agencies and commissions, which include the Hawaii Paroling Authority, the Correctional Industries Advisory Committee, the Corrections Population Management Commission, the Crime Victim Compensation Commission, the Department of Hawaiian Home Lands, the Hawaii Housing Finance and Development Corporation, the Hawaii Public Housing Authority, and the Hawaii Community Development Authority. While most tort litigation cases involving the division's clients are handled by another division, PSHHD still handles a significant amount of litigation, including cases involving Americans with Disabilities Act claims; contractual, construction, eviction, civil rights, public housing, federal compliance, ejectment, foreclosure, and quiet title issues; and Rule 40 petitions of correctional facility inmates. This division also provides advice and counsel on a variety of issues; reviews leases, financial instruments, and other conveyance documents; and reviews provider and vendor contracts, pardon applications, and extradition documents.

Tax Division

The Tax Division 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 occasionally assists other agencies in bankruptcy matters. The division represents the Attorney General in the oversight and enforcement of laws pertaining to 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 and professional fundraising counsels under HRS chapter 467B, and enforcement of the State's charitable solicitation laws. The division is the custodian of certifications by charities that issue charitable gift annuities under HRS § 431:204(b).

Tort Litigation Division

The Tort Litigation Division 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.

PUBLIC SERVICES DIVISIONS

Child Support Enforcement Agency

The Child Support Enforcement Agency provides assistance to children by locating parents, establishing paternity and support obligations (both financial and medical), and enforcing those obligations.

Crime Prevention and Justice Assistance Division

The Crime Prevention and Justice Assistance Division 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.

Hawaii Criminal Justice Data Center

The Hawaii Criminal Justice Data Center 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.

Office of Child Support Hearings

The Office of Child Support Hearings 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. The office 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.

INVESTIGATIONS DIVISION

The Investigations Division conducts investigations in support of the department's civil, criminal, and administrative cases. These 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.

ADMINISTRATIVE SERVICES OFFICE

The Administrative Services Office provides fiscal, personnel, data processing, library, messenger, and reception services, and other support services to the department and its operating divisions.

SECTION 4: LEGAL SERVICES DIVISIONS

Administration Division

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 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.

GOAL 6: Improve division expertise in procurement, land use reform and negotiating and drafting of development agreements.

Objective 1: Develop expertise in land use reform.

Objective 2: Anticipate the need to handle negotiations in development agreements to meet the needs of various state agencies engaged in private/public joint efforts in major development and redevelopment projects.

Action Plan: Focus training on procurement and development issue to gain expertise in subject matters.

Process: Identify seminars and training and send deputies to these training sessions to learn and network with experts in the field.

Appellate Division

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 and particularly through the exchange of amicus briefs in cases with issues that affect numerous states (such as federalism and states' right 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.

Civil Recoveries Division

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

Objective: To provide timely and effective advice and legal representation to state agencies that require collection assistance.

Action Plan: Continue to work with existing client agencies and advise other agencies on collection potential. File actions on behalf of the State in false claims, reimbursement, and other plaintiff claims.

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

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

HAWAII HEALTH SYSTEMS CORPORATION

GOAL 3: To provide efficient and effective representation to HHSC in the collection of its aged delinquent accounts (greater than one year old). The goal for 2008 is to increase the amount collected by 20%.

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

Action Plan: Continue to work with HHSC staff in coordinating the referral and collection process. Obtain new computers to interface with the HHSC database for direct inputting of payments.

Process: In 2004 new computers were obtained and referrals increased. Collections for 2004 totaled \$1,229,923. The goal for 2005 was to increase that amount by 20%. That goal was met as collections for 2005 totaled \$1,660,887. The goal for 2006 was to increase the amount collected by 10%. That goal was met as collections for 2006 totaled \$2,500,813, a 50% increase. The goal for 2007 was to increase the amount collected by 20%. That goal was also met as collections for 2007 totaled \$3,200,971, a 28% increase. The goal for 2008 is to increase the amount collected by 20%.

CHILD SUPPORT ENFORCEMENT AGENCY

GOAL 4: To provide efficient and effective representation to CSEA in the collection of payments in difficult child support and FIDM cases. The goal for 2008 is to increase the amount collected by 5%.

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

Action Plan: Continue to work with and encourage the CSEA staff to increase referrals.

Process: Collections for 2004 totaled \$1,349,711; \$1,457,434 in 2005; \$1,282,882 in 2006, and \$1,276,958 in 2007. The goal for 2008 is to increase that amount by 5%.

HUMAN SERVICES

GOAL 5: 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. The goal for 2008 is to increase the amount collected by 10%.

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

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

Process: Collections in 2004 totaled \$5,253,848. The goal for 2005 was to maintain that amount. That goal was exceeded as collections in 2005 totaled \$7,229,500, a 37% increase. \$7,059,500 was collected in 2006 and \$7,645,851 was collected in 2007. The goal for 2008 is to increase that amount by 10%.

CONSTRUCTION AND CONTRACT CLAIMS

GOAL 6: 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: Extensive training to personnel in DOT and DAGS in contract management and revision of contract documents was carried out in 2003 and 2004. Training in contract management for the client agencies has been ongoing.

HUMAN RESOURCES AND DEVELOPMENT AND EDUCATION

GOAL 7: To provide efficient and effective representation to DHRD and DOE in the recovery of third party liens on workers compensation liens. The goal for 2008 is to increase the amount collected by 20%.

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

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

Process: Collections in 2004 totaled \$138,576. The goal for 2005 was to collect \$220,000. This goal was achieved as collections in 2005 totaled \$238,718. Collections in 2006 totaled \$54,100 and collections in 2007 totaled \$65,102, a 20% increase. The goal for 2008 is to increase that amount by 20%.

TRANSPORTATION

- GOAL 8:** 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. The goal for 2008 is to match the amount collected in 2006.
- Objective:** To increase 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:** Continue to work with DOT staff in coordinating the referral and collection process.
- Process:** In 2004 collections totaled \$1,696,152. The goal for 2005 was to maintain that collection amount. That goal was exceeded in 2005 as collections totaled \$2,805,939. The goal for 2006 was to match that amount. That goal was exceeded as collections totaled \$3,100,394. The goal for 2007 was to again match that amount. This goal was met as collections in 2007 totaled \$3,200,971. The goal in 2008 is to again match the amount collected in 2006.

MISCELLANEOUS

- GOAL 9:** 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. The goal for 2008 is to increase collections by 25%.
- Objective:** To increase the amount collected for PSD, DOE, and DAGS in salary overpayments, loans, and reimbursements for property damage claims.
- Action Plan:** Use ProLaw to track collections, provide a legal assistant to organize the files and prepare demand letters and complaints, and continue to work with PSD, DOE, and DAGS staff in coordinating the referral and collection process.
- Process:** Collections in 2004 totaled \$46,997, in 2005 totaled \$149,998, in 2006 totaled \$134,756, and in 2007 totaled \$156,205, a 16% increase. The goal for 2008 is to increase that amount by 20%.

TAX

- GOAL 10:** To provide efficient and effective representation to the Department of Taxation (DoTAX) in its collection of difficult collection cases. The goal for 2007 is to increase collections by 20%.
- Objective:** To increase the amount collected for DoTAX from its difficult collection cases that have been levied.
- Action Plan:** Provide a legal assistant to organize the files, search for assets, and work with DoTAX staff in coordinating the referral and collection process. Provide an investigator to update debtor information. Provide a deputy to issue demand letters and pursue collection remedies. Encourage DoTAX to refer more cases for collection by CRD.
- Process:** This team began as a pilot project in March 2004. In 2005 collections totaled \$671,288; collections in 2006 totaled \$496,308; and collections in 2007 totaled \$672,416. The goal for 2008 is to increase that amount by 20%.

DEFENSE

- GOAL 11:** To provide advice and counsel to the Department of Defense/State Civil Defense.

- Objective: To assist and enable the DOD to carry out its mission of providing for the defense of the State and its people from natural or man-made disasters, emergencies, or mass violence.
- Action Plan: Continue to participate in and conduct training in areas which will prepare DOD and the State for natural and man-made disasters or emergencies and assist in additional Homeland Security readiness; to review contracts.
- Process: Training and preparation has been stepped up since 9/11. This team continues to participate in and assist in providing training classes/workshops to DOD and State Civil Defense.

Civil Rights Litigation Division

GOAL 1: PROVIDE QUALITY LEGAL REPRESENTATION TO 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 weekly division meetings,² 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, as fiscal resources will allow. Continue to make efforts toward establishing a system of in-house training as time permits, drawing upon the expertise of division members and other department personnel.
- Objective 3:** Facilitate positive relationships with 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, particularly regarding potential settlement or other case resolution. Additional efforts will be made to ameliorate the concerns of state employees sued in their individual capacities, especially employees who are being sued for the first time and are not familiar with the litigation process. With the change in the federal rules relating to electronic discovery (e-discovery) and the obligations of the departments and its employees to avoid spoliation issues, the deputies will meet with the appropriate agency employees at the earliest possible opportunity when there is potential litigation or a lawsuit is filed to ensure compliance with e-discovery requirements.
- Objective 4:** Assist with client training and special projects, as requested.
- 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. CRLD also provides staff to assist with special client projects, as requested. This past year, both CRLD and TLD deputies again participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will likely be doing so again in the future.
- Objective 5:** Promote the use of informal, mini Litigation Review Committees (LRCs).
- Action Plan:** In addition to the weekly division meetings, CRLD continues to routinely utilize informal, mini LRCs as a means of discussing case-specific issues, such as issues relating to liability, case strategy, and case value. Depending on the issue being presented, the participation of deputies from other divisions who may have relevant expertise is often sought. This practice improves the level of service CRLD is able to provide to its clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

² The Civil Rights Litigation and the Tort Litigation Division continue to have joint meetings on a weekly basis.

Objective 6: Reduce the number of meritless or frivolous lawsuits.

Action Plan: Emphasize to the deputies the need to immediately identify legally unsupportable claims and file dispositive motions at the earliest opportunity. Take a firm line with respect to settlements to send a message to the plaintiff bar and the courts that unless compelling reasons exist, cases will not be settled when the State has no liability, even for a nominal amount.

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, and workshops relating to current civil rights issues. Facilitate interaction between CRLD 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 continues to be difficult because of fiscal limitations.

Objective 2: Facilitate the acquisition of relevant materials.

Action Plan: Continue efforts to obtain treatises and other publications of specific relevance to the division, such as treatises regarding prison litigation or civil rights law. This includes obtaining materials disseminated at relevant seminars, held both locally and on the mainland.

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 meetings as appropriate, to improve communication and increase participation of all CRLD personnel in matters of concern or interest to the division. The division supervisor will also continue to have an open-door policy and invite input or comments from all division staff regarding day-to-day concerns and 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 CRLD'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 again attended depositions, court hearings and arbitration proceedings.

Objective 3: Seek and accept assistance from volunteers/externs.

Action Plan: This past year, CRLD and TLD were fortunate to have the benefit of a legal assistant extern during the summer months. The volunteer was able to assist with substantive matters (e.g., doing legal research and drafting deposition summaries) and also with various aspects of case preparation, such as compiling and marking exhibits. This legal assistant student was very pleased with her experience and reported back to her

instructors at Kapiolani Community College that she would highly recommend other students to provide volunteer services to both CLRD and TLD.

GOAL 4: **MAXIMIZE USE OF DEPARTMENTAL/OTHER TECHNOLOGY**

Objective 1: Facilitate increased proficiency among division staff in the use of ProLaw, iManage, and the departmental intranet.

Action Plan: Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside resources. TLD and CRLD have created a databank of expert depositions and expert information in iManage to replace the databank that started on Summation. A training session was held to explain how the databank can be accessed and searched. Deputies and legal assistants are encouraged to attend training on Westlaw in an effort to strengthen their legal research skills and provide increased assistance to their assigned deputies.

PROCESS: Assessment will depend in large part on input and comments from clients, as well as self-assessment through internal discussion and observation of staff morale and other indicators of progress, such as increased work pace and productiveness.

Commerce and Economic Development Division

The Commerce and Economic Development Division (CED) has three separate missions.

1. Provides a full range of legal services including advice and counsel, document, rules, and legislation review, and advocacy in litigation in administrative and judicial arenas for its client departments. (The division 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. The division also advises agencies with tax deferring benefit programs including deferred compensation and tuition savings programs.)
2. Enforces the antitrust laws. In this role, the division reviews mergers, investigates complaints of anticompetitive behavior, and participates with other states and federal agencies in investigations and litigation to require compliance with antitrust laws.
3. Administers 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 antitrust enforcement and the second discussing its operational role regarding the notary program.

PART 1. LEGAL SERVICES TO CLIENT AGENCIES

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

GOAL 1: Improve on using existing knowledge, expertise, and resources within the division to deliver services to all clients.

Objective 1. Develop resource bank for common issues, have team meetings to discuss recurring issues and problems, and cross train attorneys.

Objective 2. Meet regularly with key staff at client agencies to obtain their views on their legal needs currently and in the future, any concerns regarding the provision of legal services.

Objective 3. Assess need for adjustment of assignments within CED to cover services to clients either as primary or to provide attorneys as backup.

Objective 4. Develop resources to handle anticipated increase in litigation workload.

Action Timetable: Throughout the year.

GOAL 2: 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 regularly 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 legal documents for review and for monitoring timeliness of return of documents to client.

Action Timetable: Objectives will be addressed on an ongoing basis throughout the year.

GOAL 3: 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 the Department of Commerce and Consumer Affairs to discuss pending matters, upcoming issues, and any areas of concern.

Objective 2. Contact directors of other client departments to ascertain what method for scheduled communication is desirable for them.

Action Timetable: Both objectives are ongoing projects.

GOAL 4: Enhance the division's involvement in antitrust enforcement, multistate initiatives such as those involving the National Association of Attorneys General, and improve response to consumer complaints.

Objective 1. Maintain communication between the division 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. Improve relationship and coordination between the division and federal agencies with overlapping jurisdiction (U.S. Department of Justice and Federal Trade Commission).

Objective 3. Establish guidelines for prioritizing use of resources in responding to requests for participation in National Association of Attorneys General multistate efforts and in-house antitrust efforts.

Objective 4. Train attorneys providing advice and counsel to state agencies in antitrust issues so that they are sensitive to the antitrust implications of their clients program initiatives.

Action Timetable: Great strides have been made in meeting this objective particularly in coordinating multistate initiatives between the division and the Office of Consumer Protection. Ongoing communication and interaction between the division and federal agencies are developing as each new case arises. Guidelines for prioritizing our resources are being applied and modified as necessary.

GOAL 5: Improve technology skills for staff and attorneys.

Objective 1. Train staff to improve skills and efficient use of new technology.

Action Timetable: This is an ongoing process throughout the department.

PART 2: OPERATING THE NOTARY PROGRAM

GOAL 1: 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.

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 microfiching or other electronic storage of records.

Objective 4. Develop a system for computerization of processing notary applications.

Action Timetable: All objectives are ongoing.

GOAL 2: Increase revenues for the notary program and add a second staff position.

Objective 1. Implement new fee schedule through administrative rules.

Objective 2. Create and fill new position to fully staff the program.

Action Timetable: Both objectives should be accomplished within the next year.

PROCESS FOR MEASURING PERFORMANCE

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

Criminal Justice Division

The Criminal Justice Division includes a core unit that handles many of the division's general responsibilities, and eight specialized units that handle cases unique to each unit's subject matter jurisdiction. The Investigations Division provides investigative support to the Criminal Justice Division.

The core unit prosecutes crimes committed against the State, crimes committed by state employees, public corruption cases, cases generated by airport sheriffs, conflict cases from county prosecutors, cold case homicides, sex offender registration violations, and other cases related to the enforcement of state criminal laws. The unit also assists in the coordination of state and county law enforcement efforts, provides legal support to state departments on criminal justice issues, and attempts to improve state criminal laws and the criminal justice system through legislative advocacy.

Following is a brief description of each of the eight specialized units.

The Asset Forfeiture Unit administers the state Asset Forfeiture Program. It reviews and makes decisions on petitions submitted by the various county prosecutors seeking seizure of property tied to illegal activity. It is responsible for the storage, maintenance and auction of forfeited property. It also handles the distribution of forfeited assets. The unit processes approximately \$1,000,000 in forfeitures each year. Forfeiture proceeds are used, in part, for training and education of law enforcement personnel and purchase of equipment for law enforcement purposes. The unit consists of an attorney, who also carries an active criminal caseload, a paralegal, clerk, and property manager.

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.

The Internet and Technology Crimes Unit investigates and prosecutes white-collar computer fraud cases and other 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 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 two clerks.

The Missing Child Center-Hawai'i works with federal, state, and local law enforcement agencies, as well as other public and private agencies, and assists them in their efforts to recover missing children, reunite missing children with their families, and prevent child abductions in Hawaii. The Center develops and implements programs that promote community awareness about child abduction, and helps to maintain a system to notify the public when a child is missing in Hawaii.

The Nuisance Abatement Unit files civil petitions for injunctive eviction of persons associated with drug houses in 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 and two investigators.

The Tobacco Enforcement Unit is responsible for enforcement of 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 Wire, Oral, and Electronic Communication Surveillance Review Unit is responsible for reviewing applications for interception of wire, oral, or electronic communications prior to their submittal to a designated judge. An attorney will review the application in a timely manner and recommend any necessary additions or changes. A written memorandum recommending approval or disapproval will be submitted with the application to the designated judge. The unit works with local law enforcement officers

and prosecutors from each of the counties to establish standards and procedures to ensure continuity and conformity with the applicable law.

The following outlines the major goals and objectives of the division, and further illustrates the mission of each specialized unit along with their particular goals and objectives.

DIVISION GOALS

- Vigorous prosecution of crimes against the State, crimes committed by state employees, conflict cases referred to division by county prosecutors, and offenses arising under the jurisdiction of specialized units within the division.
- Further development of the Wire, Oral, and Electronic Communication Surveillance Review Unit.
- Further improvement of case-management and data integration within the division.
- Further implementation of “direct filing,” sentencing reform, sex offender registration, DNA database, and other laws and constitutional amendments that promote efficient law enforcement.

DIVISION OBJECTIVES

- Greater efficiency and utilization of resources to effectively manage the division’s 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.

DIVISION ACTION PLAN

- 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 to give guidance to the legislature concerning law enforcement issues.

Asset Forfeiture Unit

The Criminal Justice Division administers the state Asset Forfeiture Program pursuant to Chapter 712A, HRS. Chapter 712A provides for the forfeiture of property used or acquired in connection with the commission of certain criminal offenses and for the distribution of the property, or its proceeds, to law enforcement agencies for law enforcement purposes. The goal of the program is to deprive criminals of the financial benefit of their criminal activities and the means by which they commit crimes, and to use the proceeds and forfeited property to provide law enforcement with additional training and equipment to help fight crime. The division manages the administrative forfeiture process, and stores, maintains, and auctions the property.

GOAL 1: Continue to improve operations of the state asset forfeiture unit.

Objective 1: Update operations manual for asset forfeiture program.

Action Plan: Finalize edits and drafts of subsections by asset forfeiture program staff.

Performance Indicator: Finalized and completed Asset Forfeiture Manual within one year.

Objective 2: Cross-train other division staff, who can then assist with unit in the absence of a member of the unit.

Action Plan: Provide training to division staff members on the forfeiture process.

Performance Indicator: A minimum of two division staff members will be trained within one year.

Objective 3: Continue to improve data management system to allow for more efficient and effective generation of data reports.

Action Plan: Review of the data management system by a specialist and implementation of suggested improvements.

Performance Indicator: Generation of at least two efficient and effective data reports.

Objective 4: Promulgate rules, policies and procedures pursuant to chapter 712A for more efficient operations.

Action Plan: Review collection of rules from other jurisdictions and work on proposed rules.

Performance Indicator: Draft of proposed rules.

GOAL 2: Continue to meet or exceed historical norms in next fiscal year.

Objective 1: Continue to coordinate efforts between deputy and program staff.

Action Plan: Conduct asset forfeiture unit meetings to discuss, review, and implement procedures to efficiently process documents (orders, petitions, training requests) for approvals in a timely manner.

Performance Indicator: A minimum of three asset forfeiture unit meetings per year.

Objective 2: Continue to monitor storage space needs.

Action Plan: Seized/Forfeited Property Manager will continue to work with counties, negotiate with landlords regarding storage space and needs. If necessary, locate larger facility or consider option of having counties store and maintain their own property.

Performance Indicator: Storage space sufficient to store property and timely distribution of forfeited property.

GOAL 3: Provide training to law enforcement re: forfeiture process.:

Objective 1: Coordinate efforts between seizing agency, county prosecutors, and asset forfeiture unit.

Action Plan: Asset forfeiture unit will provide training to the various county prosecutors and law enforcement personnel. County prosecutors and law enforcement personnel will identify issues prior to training.

Performance Indicator: Asset forfeiture Unit will provide a minimum of two training sessions by the end of the year.

Environmental Crimes Unit

The Environmental Crimes Unit (ECU) was established in February 2004 to criminally prosecute polluters who were not being deterred by health department citations or the threat of civil and administrative penalties. The ECU's primary caseload in the first few years comprised referrals from Department of Health inspectors. Lately, inspector referrals have declined and are now surpassed in number by direct referrals from interested citizens, environmental watchdog agencies, county police departments and county fire departments. Prospectively, the ECU will continue to work closely with health inspectors to prosecute major and persistent polluters who will not otherwise be deterred. The ECU also works towards developing more direct referrals from interested citizens and county agencies through outreach programs and networking, and by providing education and training in the identification and investigation of environmental crimes.

GOALS AND OBJECTIVES

GOAL 1: To deter, by criminal prosecution, major and persistent polluters who are not being dissuaded by health department citations or the threat of civil and administrative penalties.

Objective 1: Enhance month-to-month communication, cooperation and collaboration with Department of Health inspectors and their supervisors to identify major and persistent polluters who appear undeterred absent criminal prosecution.

Objective 2: Maintain a "no plea deal" policy in major and persistent polluter cases unless the deal includes meaningful jail time.

Objective 3: Whenever possible, generate public interest in significant cases and issue educational press releases after conviction and sentencing.

GOAL 2: To develop more direct case referrals from members of the public, city and county agencies and other government entities.

Objective 1: Be proactive in the community by conducting outreach activities and attending community meetings.

Objective 2: Provide training to county police departments on how to identify, investigate and preserve evidence of environmental crimes.

Objective 3: Whenever possible, generate public interest in significant cases and issue educational press releases after conviction and sentencing.

ACTION PLAN

By the end of year one, the ECU will meet and establish criteria for the "no plea deal" policy for major and persistent polluters. The ECU will also review the Hawaii Rules of Professional Conduct and establish guidelines and procedures for identifying cases that should be publicized to generate public interest and concern. The ECU will make regular monthly phone calls to the chiefs of each of the main branches of the Environmental Management Division of the Department of Health to discuss the status of any major or persistent polluter cases that may be referred to the ECU or are presently pending review and prosecution by the ECU. An effort will be made to personally meet with the inspectors for each branch to discuss cooperation and collaboration. The ECU will issue a bi-monthly letter to the Department of Health to report the status of cases that have been referred to the ECU.

By the end of year two, the ECU will meet with the City and County Environmental Services Department to discuss the possibility of joint participation in community outreach activities and community meetings.

A schedule will be made so that ECU members can take turns attending these meetings outside of work hours.

By the end of year three, the ECU will formulate a concise training plan for county police departments. The ECU will meet with each of the counties to discuss accepting and implementing the plan.

By the end of year four, the ECU will complete training of the county police departments.

MEASURING PERFORMANCE

The ECU will measure its success by seeking feedback from the various agencies involved in the particular objective. The ECU will also keep statistics that separately track the number of viable and non-viable cases referred by each branch of the Department of Health, each government agency and each community. Separate files will be kept on each major or persistent polluter for periodic review and investigation to determine whether they have been deterred from committing subsequent violations. The ECU will complete a self evaluation at the end of each year to determine if it has accomplished its objectives.

Drug Nuisance Abatement Unit

The Drug Nuisance Abatement Unit will continue to assist other law enforcement agencies and our communities in closing down drug houses and disrupting the distribution and manufacture of drugs in our State. The unit's major goals include:

GOAL 1: Secure a stable source of funding and increase funding for the future of the unit

To accomplish its mission of closing down drug houses, the Drug Nuisance Abatement Unit needs to have a stable source of funding to attract and employ experienced law enforcement professionals. These professionals must possess strong investigative skills, an up-to-date understanding of criminal law, and a willingness to think beyond standard criminal investigation techniques. Because much of the work of the Unit is on the cutting edge of the law and its cases are establishing a first impression for Hawaii's courts, its personnel must be experienced and be innovative in developing its cases. To keep experienced law enforcement professionals in the Unit, the Unit's funding should come from a stable source, such as the general fund. Act 213, SLH 2007 provided for such funding in appropriating the sum of \$150,000 out of the general fund for the Unit for fiscal year 2007-2008. Additionally, Act 180, SLH 2007 provided an additional \$150,000 out of the general fund for only fiscal year 2007-2008 in order to provide funding for an additional 1.5 investigators and 1.0 clerk typist for the Unit.

The Unit was initially established by the Legislature, with a concrete amount of funds, to combat the distribution or manufacture of drugs. Since its establishment, the Unit has contributed to the closing down of drug houses and the cessation of illegal drug activities in our communities. In the cases in which the suspected drug dealers were removed from the drug houses, either through the filing of a lawsuit or through the investigator working with the owners of the property informally, the end result has been that a community has experienced relief from the many problems associated with a drug house.

As the Unit's actions and accomplishments indicate, the Legislature's Drug Nuisance Abatement Unit pilot project has proven its worth over the last four years by accomplishing the fundamental mission of closing down drug houses. If the Legislature wants to make this function permanent and maximize the Unit's performance in increasing the number of drug house closings, the Legislature should consider funding a similar increase in the Unit's funding in fiscal year 2008-2009 so that the additional personnel hired in fiscal year 2007-2008 can continue to work to assist the community in closing down illegal drug activity. Failure to maintain increased funding for fiscal year 2008-2009 will result in the Unit personnel being reduced to its original size.

GOAL 2: Improve coordination with and sharing of resources with other county, state and federal law enforcement agencies

To effectively close down drug houses, coordination and sharing of resources with other law enforcement agencies are a paramount priority. Coordination is essential so that law enforcement agencies do not duplicate work or compromise another agency's ongoing investigations.

Presently, the Unit has an informal agreement with the Honolulu Police Department, the Hawaii County Police Department, and the Hawaii County Office of the Prosecuting Attorney. The Unit also has a memorandum of understanding with the Offices of the Prosecuting Attorney for Kauai and Maui Counties, which sets out the policy relating to sharing of information and coordination of criminal and civil nuisance abatement lawsuits. These agreements have contributed to the sharing of information. The Unit will continue to work to improve coordination with other law enforcement agencies and streamline the process for the sharing of information and investigative reports.

In 2006-2007, the Unit worked with the Community Prosecution Unit of the Honolulu Office of the Prosecuting Attorney and the Honolulu Police Department in order to abate suspected drug activity in a Kaimuki residence. Currently, the Unit is working with the Community Prosecution Unit in order to abate suspected drug activity in a condominium complex in Honolulu.

GOAL 3: Decrease the Backlog of Complaints

Due to the Unit's success in closing down drug houses and educating the public, the Unit has received a large number of complaints. Specifically, since July 2003, over 1,565 complaints (as of September 15, 2007) about drug houses and illegal drug activity have been made to the Unit. In that time, 1,045 of the cases have been closed, leaving the Unit with an existing backlog of 520 complaints.

In the legislative report submitted to the 2007 Legislature, the Unit reported that over 1,192 complaints about drug houses and illegal drug activity have been made to the Unit since July 2003. Up through November 2006, 645 of the cases had been closed, leaving the Unit with an existing backlog of 547 complaints. In addition, new complaints are made to the Unit's hotline each week.

The Unit believes that the backlog will be decreased with the addition of the 1.5 investigators. In addition, the Unit's investigators will be able to focus more time on investigations as the addition of a full-time clerk typist will relieve the investigators of clerical type duties such as reviewing complaints that have been received, entering case data into the drug nuisance database, and corresponding with landlords, government officials, and other government agencies.

The Unit will also be using warning letters on a more frequent basis. In appropriate situations, where the investigator believes that there is sufficient evidence that a drug nuisance is occurring on private property, the Unit has sent letters to landlords informing them of the condition, advising them to take corrective measures, and warning of the possibility of forfeiture. A similar procedure is used by other local law enforcement agencies. The investigator then monitors the case to see if the landlord abates the drug nuisance. This procedure has been used sparingly due to concerns about its effectiveness. However, in order to decrease the backlog, the Unit will use warning letters on a more frequent basis. The Unit will monitor the plan to analyze the effectiveness of the warning letters.

GOAL 4. Increase the number of drug nuisance abatements

Decreasing the backlog in the Unit directly relates to increasing the number of drug nuisances abated. Therefore, the Unit expects that its implementation of the solutions described above will also result in increased closings of drug houses and nuisances.

In addition, the Unit may be able to improve its effectiveness and increase the closure of drug houses and nuisances by raising the awareness of our communities about the drug nuisance abatement process.

The Unit is developing a protocol to use a law enforcement tool to disrupt the illegal distribution of drugs in our communities. In a substantial percentage of the complaints received by the Unit, other law enforcement agencies have been unable to obtain sufficient evidence in order to obtain a search warrant to search a suspected drug house. In a related operation, law enforcement agents informally contact suspects in a suspected drug house. The purpose of this operation is to put suspected drug dealers on notice that their activities are being monitored in order to force them to slow down the level of their drug dealing. The hope is that use of this operation as an enforcement tool will allow the unit to become more proactive in dealing with complaints of illegal drug activity. With the additional 1.5 investigators, the Unit will be looking at this tool and reviewing the general plan and procedures of the Unit to determine how its resources can best be used to assist communities in closing down suspected drug houses.

GOAL 5: Raise Communities' Awareness of the Drug Nuisance Abatement Process

Since the formation of the unit in July 2003, the department has used several methods to inform the community about the nuisance abatement process: (1) information on the department's Web site; (2) presentations at neighborhood board meetings; and (3) presentations through other community and professional groups.

To continue to raise public awareness of the drug nuisance abatement process, members of the unit will continue to make presentations to community and professional groups. For example, in August 2007, the

Unit also participated in the National Night Out program, which is designed to heighten crime and drug prevention awareness, for the third year in a row. In April 2007, the Unit participated in a community meeting in Kaimuki, which focused on updating the community about a suspected drug house that the Unit had been working on together with the Honolulu Police Department and the Community Prosecution Unit of the Honolulu Office of the Prosecuting Attorney. In June 2007, the Unit made a presentation to a Condominium Association on the issue of abating drug activity in their community. In June 2007, the Unit made another presentation in Kapolei to members of neighborhood security watches at a dinner hosted by the Honolulu Police Department. All of these events were well attended.

The unit is also working with other government agencies to make presentation to community groups on other islands.

The unit is working to improve its ties to the neighborhood boards. The unit may be able to raise awareness of its drug nuisance abatement program by giving updates to the appropriate neighborhood boards about drug nuisance abatement lawsuits filed against residences in their neighborhood.

Goal 6: Review the General Policies and Procedures of the Unit In order to Maximize Results

After having been in operation for four years, and in anticipation of increased personnel, the Unit will review its general policies and procedures. The purpose of this review will be to maximize the Unit's efforts in assisting other law enforcement agencies and our communities in closing down drug houses and disrupting the distribution and manufacture of drugs in our State and to determine whether general policies and procedures need to change in order to accomplish those goals.

PERFORMANCE INDICATORS

Funding for unit for fiscal year 2007-2008
Number of closed cases in relation to total amount of complaints
Number of drug nuisance abatement lawsuits
Number of presentations and estimated number of attendees

Internet and Technology Crimes Unit and Hawaii High Technology Crimes Unit (HHTCU)

GOAL 1: To increase the effectiveness and efficiency of investigations and prosecutions of computer related crimes in the State.

Objective 1: Continue to increase the investigative capabilities of local law enforcement officers in the detection, investigation, and apprehension of computer related crimes.

Objective 2: Increase the number of computer related cases being investigated by the State by 20%.

Objective 3: Maintain our multi-agency task force response to computer related crimes in the State and increase participation.

Objective 4: Maintain and increase our public awareness and prevention programs by 10%.

PROJECT DESIGN/STRATEGY AND TIMELINE

With respect to Objective (1), we will continue to obtain and provide specialized equipment to properly investigate and prosecute computer related crimes, provide presentations and training to local law enforcement officers that address investigative techniques (proactive/undercover and reactive) related to computer crimes, and provide law enforcement agencies with the technical assistance and training needed to properly investigate computer related crimes.

With respect to Objective (2), we will continue to provide the task force with trained investigators, qualified computer forensic examiners, technical assistance/support, and the specialized equipment to properly investigate and prosecute a computer based crime. Each task force participant will be allowed use of equipment and personnel to complete or assist with computer related investigations.

With respect to Objective (3), we will continue to provide a structured forum between 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. To date, we have 23 law enforcement agencies from federal, State, and county law enforcement agencies participating on our task force. Many of these agencies were targeted from the beginning as a critical component of this coalition and have been supportive of HHTCU's efforts. These law enforcement agencies consist primarily of investigators, computer forensic examiners, and prosecutors. Formal task force meetings are being conducted semi-annually.

With respect to Objective (4), we will continue to provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups as well as maintain and update our informational website at www.hicac.com and www.hitechcrimes.com.

Hawaii Internet Crimes Against Children Task Force (HICACTF)

GOAL 1: To increase the effectiveness and efficiency of investigations and prosecutions of ICAC offenses.

GOAL 2: To increase public awareness and prevention of ICAC offenses.

Objective (a) Continue to increase the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses through training, assistance, and education.

Objective (b) Conduct and assist in proactive and reactive ICAC investigations.

Objective (c) Increase the number of ICAC offenses being investigated and prosecuted by the State.

Objective (d) Maintain our multi-agency task force response to ICAC offenses in the State and increase participation.

Objective (e) Maintain our nationwide participation and response to ICAC offenses.

Objective (f) Maintain and increase our ICAC public awareness and prevention programs.

PROJECT DESIGN/STRATEGY

With respect to Objective (a), we propose to continue to obtain specialized equipment to properly investigate and prosecute ICAC offenses, identify and provide presentations and training to law enforcement officers that address investigative techniques related to ICAC offenses, and provide law enforcement agencies with the technical assistance and training needed to properly investigate ICAC offenses. We continue to work with Brad Russ, the ICAC Director of Training and Technical Assistance, SEARCH, NCMEC, and other training organizations to bring ICAC trainings to Hawaii.

With respect to Objective (b), we propose to conduct and assist in undercover Internet operations in traveler and child pornography cases, and respond to ICAC offenses both locally and nationally (e.g., NCMEC CyberTIP referrals).

With respect to Objective (c), we propose to provide the task force with trained investigators, qualified computer forensic examiners, and the specialized equipment to properly investigate and prosecute ICAC offenses. During this period, the City and County of Honolulu Police Department assigned three detectives to assist us in investigating ICAC offenses. This agency employs the largest number of law enforcement in our state and receives the majority of the public reporting incidents. Accordingly, we believe that more active involvement with this task force member is a considerable step in the right direction to sustainability with zero cost to the grant. We further believe that our federal counterparts have been approached to increase investigation of ICAC offenses as a result of Project Safe Childhood. Administrative meetings are therefore ongoing to strategize on increasing joint investigations and prosecutions. It is another positive step as administrators begin to understand the depth, scope, and importance of ICAC crimes. We are also identifying prosecutorial training programs to host in Hawaii to increase prosecutions of ICAC offenses and we are in the process of working with the U.S. Attorney's Office to familiarize federal and state/county prosecutors as to the legal procedures associated with federal or state/county courts with respect to prosecuting ICAC offenses. Notably, this past legislative session, Hawaii enacted laws that eliminated the possibility of a deferred plea for traveler cases and child pornography distribution and possession cases, and added these offenses to the list of felonies subject to repeat offender sentencing. The legislature also mandated that in our traveler cases, the lightest sentence an offender may receive is probation but he/she must serve a mandatory one year jail sentence. These recent enactments reflect a growing understanding and appreciation of the seriousness of ICAC offenses and will assist us in increasing prosecutions.

With respect to Objective (d), we propose to continue to provide a structured forum between 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. To date, we have 23 law enforcement agencies from federal, state, and county law enforcement agencies participating on our task force. As a result of a decrease in computer forensic examiners in Hawaii and the increase in the number of forensic examinations being requested, a concerted effort to organize task force computer forensic examiners will be a focus in the next year.

With respect to Objective (e), we propose to continue to participate, collaborate, and integrate with existing ICAC task forces, the National Center for Missing and Exploited Children, and federal, state, and county agencies. To date, we have participated, and will continue to participate where needed, on the Legal Subcommittee and the Operations Subcommittee.

With respect to Objective (f), we propose to continue to provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups, and maintain as well as

continue to update our informational website at www.hicac.com. With the assistance of our task force members, we have increased the number of presentations to community and school groups each year. We presently average about 6 presentations each month which do not include the media requests (e.g., newspaper, local print publications, television, radio) which are generally about 1-2 times a month. We have also outreached to Department of Education, Children Justice Centers, private schools, and the Boys and Girls Club to discuss other avenues of collaboration with respect to community awareness.

Missing Child Center – Hawaii (MCCH)

GOAL 1: Increase public awareness of MCCH and missing and abducted children issues.

Objectives 1: Increase media partnerships.

Action Plan: Contact print, TV, and radio media groups.

Performance Measures: Develop partnerships with one major radio station, one TV station, and one newspaper in the State.

Objective 2: Expand the reach of the Center’s volunteer network.

Action Plan: Meet with different community groups and educate them about MCCH.

Performance Measures: Develop partnership with at least two community groups to form a pool of volunteers for MCCH. Participate in at least four community events per year.

Objective 3: Educate the schools on the issues of missing and abducted children.

Action Plan: Contact schools to request school visits.

Performance Measures: Visit at least four schools per year to educate the students on child abduction, MCCH, child prostitution, and preventive measures.

GOAL 2: Broaden child-abduction and runaway prevention efforts.

Objective 1: Standardize local law enforcement plans for missing children.

Action Plan: Assist law enforcement to develop a standardize plan consistent with other counties throughout the State for missing children.

Performance Measures: Specific procedures agreed upon by all four counties for the search and recovery of and searching for missing children.

Objective 2: Develop working relationships with the Department of Education and other agencies to identify at-risk children.

Action Plan: Organize annual meetings to dialogue and maintain open relationship with different agencies.

Performance Measures: Agreement by each agency on definition of at-risk children and a plan on how to help them.

Objective 3: Continue to increase capabilities of law enforcement in missing children cases.

Action Plan: Provide education and training for law enforcement and social service agencies on missing children issues.

Performance Measures: Offer bi-annual trainings for police liaisons who work on missing children cases.

Objective 4: Increase Awareness of Runaway Problem in Hawaii

Action Plan: Produce a short video with an accompanied brochure on runaway prevention and local and national resources.

Performance Measures: A brochure and video to be distributed to all public and private schools.

GOAL 3: Coordinate efforts to locate and reunite children and families.

Objective 1: Maintain programs that assist law enforcement in the recovery of missing children.

Action Plan: Manage Hawai'i's Maile Amber Alert program.

Performance Measures: Conduct bi-annual test of the Maile Amber Alert and meetings to evaluate plans.

Objective 2: Assist families of missing children and provide linkages with support services.

Action Plan: Offer families of missing children resources that are available to reunite them with their children.

Performance Measures: Assist five families with reunification.

Objective 3: Assist law enforcement agencies on the recovery of missing children.

Action Plan: Provide training to law enforcement agencies in improving ways of recovering missing children.

Performance Measures: Provide at least two trainings for law enforcement in the area of child abductions.

Goal 4: Ensure that the MCCH remains operationally and fiscally effective.

Objective 1: Ensure adequate funding to meet the objectives of the MCCH.

Objective 2: Work with the Friends of MCCH in fundraising efforts.

Action Plan: Assist with annual fundraiser and grant applications

Performance Measures: Apply for at least two applicable grants per year.

Medicaid Fraud Control Unit

GOAL 1: To investigate and prosecute provider fraud.

- Objective 1: Increase cooperation and collaboration with the Medicaid program's state administrator (MedQuest).
- Objective 2: Expand investigation and litigation of False Claims Act health care fraud cases.
- Objective 3: Foster working relationships with other states' Medicaid Fraud Control Units involved in multi-jurisdictional provider health care fraud.
- Objective 4: Improve working relationships with federal law enforcement agencies - the Office of Inspector General, Federal Bureau of Investigations and United States Attorney's Office – in all aspects of provider health care fraud.

GOAL 2: To investigate, prosecute and increase public awareness of abuse and neglect by health care programs and individual providers of the elderly and dependent adults.

- Objective 1: Expanded review of Adult Protective Service, Department of Human Services complaints and intakes.
- Objective 2: Increase the cooperation and collaboration with local county police and prosecutors in the area of investigations and prosecution of abuse and neglect of the elderly dependent adults. Assist these law enforcement agencies in all aspects of the criminal prosecution.
- Objective 3: Proactively investigate and prosecute statewide cases of elderly dependent adult abuse and neglect.
- Objective 4: Develop ways to increase public awareness of this severely under-reported crime by participating in, and/or sponsoring training seminars and conferences on this topic.

GOAL 3: To recover Medicaid and Medicare money unlawfully or improperly obtained by providers of health care programs.

- Objective 1: Assist federal investigators and prosecutors in the ongoing cases of provider health care fraud.
- Objective 2: Prosecute cases against health care providers under the Hawaii False Claims Act.
- Objective 3: Improve communication and coordination with MedQuest and the state fiscal intermediary. Improve and implement information technology between the division and state fiscal intermediary.
- Objective 4: Strive to efficiently resolve and settle disputes without excessive expenditure of personnel and financial resources.

GOAL 4: To strengthen state and local law enforcement in all aspects of fraud and abuse against elderly dependent adults and patients of health care facilities who receive payment of program funds.

- Objective 1: Participate in multi-jurisdictional case-driven task forces and information exchange work groups such as Governor's Committee on Elder Abuse, Executive Office on Aging, Office of Inspector General and United Government Services.

Objective 2: Support legislation and policy-making efforts by various agencies and government committees.

GOAL 5: To deter individuals and organizations from committing fraud, or patient abuse and neglect.

Objective 1: Aggressive investigation and prosecution of all cases of fraud and abuse and neglect.

Objective 2: Secure just punishment and other sanctions, including imprisonment in those cases that warrant such punishment.

Objective 3: Seek damages against corporations and individuals who are found liable under the Hawaii False Claims Act or of Dependent Elder Abuse (H.R.S. § 28-94), including restitution, fines and applicable costs.

ACTION PLAN

The unit's short-term plans include realization of all stated objectives with an emphasis on continued and improving relations with relevant federal, state and county organizations. The unit already maintains working relationships with local county police departments and state departmental agencies involved in this area by conducting and/or sponsoring training and seminars. The unit will continue to foster stronger working relationships with independent organizations like the United Government Services and the State's Medicaid fiscal intermediary.

The unit will maintain and expand upon its review of all Adult Protective Services complaints and intake matters. The unit will further improve upon a recently implemented case management system in order to promote more interoffice and intra-office efficiency. The unit will continue to be goal and objective oriented in its prosecution of fraud and abuse cases. We will implement policies that foster timely case (objective) closures and greater casework efficiency utilizing teams that consist of a deputy attorney general, investigator and auditor.

The short-term plans also include the continued prosecution of statewide cases of abuse and neglect. The unit will also continue prosecution of Medicaid fraud against providers of health care. For the long-term, the unit will attempt to organize a multi-disciplinary task force responsible for enforcing regulations, rules and statutes in an effort to prevent severe patient-neglect abuse type cases. The unit already assists with and will continue to become more involved in the area of financial exploitation of the elderly dependent adults within the unit's jurisdiction.

The unit will also continue to support legislative and policymaking efforts by various governmental agencies and committees to protect the vulnerable elderly and dependent adults.

Tobacco Enforcement Unit

The Tobacco Enforcement Unit was formed on July 1, 2000, in response to the Attorney General's obligation to enforce the Master Settlement Agreement (MSA); the State's Tobacco Liability Act as codified in chapter 675, Hawaii Revised Statutes; and the cigarette tax stamp requirements and prohibition against the sale of prohibited export and foreign cigarettes as codified in chapter 245, Hawaii Revised Statutes. The unit consists of a unit supervisor, cigarette tax prosecutor, MSA civil prosecutor, legal clerk, legal assistant, seven criminal investigators, and an auditor. The unit will continue to respond in a professional and timely manner to all matters related to Tobacco Enforcement. The following is a summary of the unit's major programs and objectives.

Objective: To ensure that State laws are followed with regard to the taxation, importation, and sale of tobacco products and that the State receives a full measure of all present and future tobacco settlement payments and collection of taxes to which it is entitled.

This objective is influenced by the complexities of tobacco enforcement and regulation. The responsibilities of the unit span both the civil and criminal arenas. By statute, the unit is charged with enforcing and implementing the terms of the MSA, Chapter 675, and other related statutes. The unit is also statutorily responsible for the enforcement of those provisions of Chapter 245 that pertain to Tobacco Stamp Taxation and the prohibition against contraband cigarettes.

Program size: The target groups include over 150 cigarette manufacturers worldwide. For the purpose of MSA, Chapter 675, and Chapter 486P enforcement, it is necessary to gather data on those manufacturers whose cigarettes are sold in Hawaii. In addition, the unit is responsible for inspecting, investigating, and auditing the 40 authorized cigarette stampers and over 1000 stores statewide for compliance with Chapter 245 and related statutes. In fiscal year 2007-2008, the unit will continue to enforce the provisions of Act 131, SLH 2005 that require any entity involved in the retail sale of cigarettes or other tobacco products to obtain a retail tobacco permit issued by the Department of Taxation.

The State will receive approximately \$119 million (more than \$82 million in cigarette taxes and \$37 million in MSA payments) in fiscal year 2007-2008, all of which is tied to proactive enforcement of Chapter 245 and Chapter 675. Proactive enforcement requires investigators to conduct inspections at the wholesale and retail level to ensure that only compliant cigarettes are being stamped and sold in the State.

Aggressive enforcement has yielded significant results by way of increased cigarette tax revenues. The following table shows the cigarette tax revenues reported by fiscal year:

Cigarette tax revenues by fiscal year:

FY 1999-2000	\$40,049,539
FY 2000-2001	\$51,739,469
FY 2001-2002	\$62,609,477
FY 2002-2003	\$70,586,392
FY 2003-2004	\$77,541,843
FY 2004-2005	\$83,135,360
FY 2005-2006	\$85,702,483
FY 2006-2007	\$88,771,666

To date, the State has received over \$323 million in MSA payments. MSA compliance is now very much a part of the inspection process at the wholesale and retail level. This MSA compliance check is designed to facilitate diligent enforcement of Chapter 675 and the terms of the MSA. If we are unable to diligently enforce the provisions of the MSA and Chapter 675, the State is at risk of losing all of its MSA payments. Estimated MSA payments for fiscal year 2007-2008 are approximately \$37 million.

Effective September 30, 2007, the cigarette tax rate will increase to \$.09/per stick, or \$1.80 per pack. At a consumption rate of approximately 1.1 billion cigarettes per year this yields a potential cigarette tax yield in excess of \$90 million in fiscal year 2007-2008.

Action plan:

I. Enforcement of the MSA and Chapter 675.

GOAL: To vigorously enforce the MSA, Chapter 675, Chapter 486P, and related statutes.

Objective 1: Investigate and enforce when appropriate suspected violations of the MSA and TLA.

- Action plan:
- 1) Seek out NPMs³ who have a presence in the State of Hawaii.
 - 2) Monitor NPMs compliance with TLA.
 - 3) Vigorously police the local tobacco industry for compliance with the MSA, Chapter 675, and related statutes.
 - 4) Enforce NPM obligations under TLA including payment of funds into escrow accounts.
 - 5) Ensure continued compliance by the tobacco industry with advertising restrictions.
 - 6) Investigate and monitor Gray Market activities (including military and Internet sales).
 - 7) Conduct investigations into Internet sales.

Objective 2: Monitor issues affecting the MSA.

- Action plan:
- 1) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
 - 2) Evaluate and respond to attacks on the MSA.
 - 3) Track and assess all amendments to the MSA.

Objective 3: Refine reporting requirements and gather information from tobacco product manufacturers in order to enforce the terms of the MSA, TLA, and other related statutes.

- Action plan:
- 1) Seek out NPMs who have a presence in the State and send notices to NPMs to establish escrow accounts.
 - 2) Police the local tobacco industry for compliance with the MSA, Chapter 675, and related statutes.
 - 3) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
 - 4) Educate tobacco product manufacturers of reporting requirements (i.e., filing of Jenkins Act Reports with the Attorney General).
 - 5) Monitor compliance with Jenkins Act reporting requirements.
 - 6) Keep abreast of reporting requirements in other states.
 - 7) Further develop and update a directory as required by Chapter 486P.

Objective 4: Identify nonparticipating tobacco manufacturers selling in the State, notifying nonparticipating manufacturers of the requirements of the TLA, and further refine protocol for noncompliance with TLA.

- Action plan:
- 1) Seek out NPMs who have a presence in the State and send notices to NPMs to establish escrow accounts.

³ Non-Participating Manufacturer: a tobacco manufacturer who did not participate in the MSA.

- 2) Police the local tobacco industry for compliance with the MSA, Chapter 675, and related statutes.
- 3) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.

Objective 5: Review statements from the Independent Auditor with regard to initial and annual payments. Where appropriate challenge the findings of the Independent Auditor with regard to the calculation of initial and annual payments.

Action plan:

- 1) Monitor the payment amounts under the MSA.
- 2) Review information received from NAAG and the Independent Auditor.
- 3) As appropriate, provide information to the Departments of Budget and Finance and Health.

Objective 6: Assist, advise, and cooperate with federal, state, local agencies, and NAAG to protect and promote the interests of the State with regard to the MSA.

Action plan:

- 1) Receive information and updates.
- 2) Evaluate and respond to the attacks on the MSA.
- 3) Track and assess all amendments to the MSA.
- 4) Track tobacco related issues occurring in other states.
- 5) Develop a close working relationship with the Department of Health and other state, federal, and local agencies.

Objective 7: Study the operation of laws in other jurisdictions affecting the implementation and enforcement of the MSA and recommend to the governor and the legislature new laws and amendments of laws in order to protect the State's interests with regard to its portion of the Tobacco Settlement Funds.

Action plan:

- 1) Track legislation in other states.
- 2) Track tobacco related issues in other states.
- 3) Track reporting requirements in other states.

Objective 8: Respond to MSA related lawsuits.

Action plan:

- 1) Vigorously protect the State's interests.
- 2) Receive information and updates from NAAG and other states.

Objective 9: Act as liaison to the Legislature and local interest groups.

Action plan:

- 1) Provide reports to the legislature in a timely manner.
- 2) Coordinate local actions with national program
- 4) Provide information as to how other states are allocating their proceeds.
- 5) Ensure that correct information about the MSA is disseminated to the public.
- 6) Answer questions regarding the MSA.
- 7) Act as liaison with the news media.

II. Enforcement of the Tax Stamp Law.

GOAL: To provide a proactive regulatory environment designed to provide a means to assess, collect, and enforce the cigarette and tobacco tax requirements of Chapter 245. Enforcement of this law has the added benefit of promoting the health and well being of the people of Hawaii by curtailing the cigarette black market. Cheaper, untaxed cigarettes will be less available, particularly to Hawaii's youth.

- Objective 1: Work closely with the Department of Taxation.
- Action plan:
- 1) Regarding compliance, develop a close working relationship with the Department of Taxation.
 - 2) Advise the Department of Taxation in areas of Tax Stamp enforcement.
 - 3) Vigorously enforce the Tax Stamp law.
 - 4) Review proposed rules and regulations.
 - 5) Implement the tax stamping program as outlined in Chapter 245.
- Objective 2: Educate the community and businesses about the requirements of the Tax Stamp Law and Retail Tobacco Permit requirements and record keeping.
- Action pan:
- 1) Answer questions concerning the Tax Stamp Law.
 - 2) Ensure that correct information is disseminated to the public.
 - 3) Act as liaison with the news media.
 - 4) Work with the Department of Taxation in educating the business community of the requirements and timing of the Stamp Tax law and Retail Tobacco Permit requirements (i.e., disseminate information by way of press release, tax information release, and letters to major distributors and wholesalers notifying those businesses of the Tax Stamp law and its requirements).
- Objective 3: Investigate and as necessary prosecute violations of the State Tax Stamp Law and other related statutes.
- Action plan:
- 1) Vigorously enforce the Tax Stamp laws.
 - 2) Identify violators of the Stamp Tax Law.
 - 3) Identify and define the extent of black market cigarette activity.
 - 4) Identify and define the extent of gray market cigarette activity.
 - 5) Identify and define the extent of counterfeit cigarette stamp tax activity.
 - 6) Identify Internet sites selling cigarettes into the State of Hawaii who provide cigarettes that are not taxed to Hawaii residents and prosecute as appropriate.
 - 7) Identify sources of cigarettes that do not appear on the Directory as required by Chapter 486P and prosecute as appropriate.
 - 8) Assist in educating the business community of the laws' requirements.
 - 9) As necessary inspect and examine all records, including tax returns and reports as permitted by law of any person engaged in the business of wholesaling or dealing cigarettes and cigarette products to ensure compliance with the Tax Stamp laws and tobacco licensing requirements.
 - 10) Develop a close working relationship with the county prosecutor's offices and other law enforcement agencies to investigate and prosecute violations of the law.
 - 11) Work closely with the U.S. Customs and Postal Inspectors in enforcing the relevant requirements Chapter 245.
 - 12) Work with Investigators and expert witnesses in developing cases.
 - 13) As necessary review search warrants and requests for administrative subpoenas.
 - 14) Appear and represent the State in hearings and proceedings related to enforcement of the Tobacco Stamp Laws.
 - 15) Determine the relevance and suitability of witnesses and prepare such witnesses or testimony as required in the interest of the State.
 - 16) Prepare and submit the necessary pleadings and motions on behalf of the State.
 - 17) Conduct grand jury inquiries, preliminary hearings, and utilize information charging as warranted.
 - 18) Strive to do justice in any criminal prosecution.
- Objective 4: Assist, advise, and cooperate with federal, state, local agencies, and NAAG to address the problems associated with gray and black market tobacco sales.

Action plan: 1) Receive information and updates.
2) Track tobacco related issues occurring in other states.
3) Identify and define the resale market for tax-exempt cigarettes that are purchased from military or federal outlets and sold to the general public.

Objective 5: Prepare reports to the Legislature prior to the convening of the Legislature in 2008 and 2009.

Action plan: 1) Detail the unit's activities including expenses, fines, and penalties collected, and forfeitures.
2) Respond to inquiries from the Legislature.

Objective 6: Study the operation of laws in other jurisdictions pertaining to gray and black market sales of cigarettes and recommend to the Governor and the Legislature new laws and amendments of laws pertaining to gray and black market cigarette sales.

Action plan: 1) Track legislation in other states.
2) Track tobacco related issues in other states.
3) Track reporting requirements in other states.

Objective 7: As necessary provide client training; attend training programs and division meetings; and be involved in programs of the Department of the Attorney General, as may be assigned.

Action plan: 1) Respond in an appropriate manner as required.

Objective 8: Provide assistance in the area of MSA enforcement.

Action plan: 1) Respond in an appropriate manner as required.

Measures of Effectiveness:

Expected results include but are not limited to the following:

- NPM identification reporting and fulfillment of escrow obligations.
- Timely and comprehensive tobacco manufacturer reporting and analysis of data.
- Timely and comprehensive tobacco wholesaler reporting and analysis of data.
- Compliance with tax stamping at all levels of sale.
- Compliance with cigarette contraband statutes at all levels of sale and distribution.
- Increased cigarette tax revenues.
- Effective civil and criminal prosecution for violations of tobacco statutes.
- Diligent enforcement of the MSA, Chapter 675, and related statutes.
- Effective defense of challenges that state not diligently enforcing the MSA, Chapter 675, and related statutes.
- Continued receipt of MSA payments.
- Effective and timely reaction to issues affecting the state's receipt of cigarette tax revenues and MSA payments.
- On-going compliance with tobacco statutes at the retail and wholesale level through diligent enforcement.

Wire, Oral, and Electronic Communication Surveillance Unit

The Wire, Oral, and Electronic Communication Surveillance Unit is responsible for timely reviewing all applications for interception of wire, oral, or electronic communications under Chapter 803, Hawaii Revised Statutes, prior to their submittal to a designated judge. The unit reviews the applications, recommends any necessary changes, and prepares a written memorandum recommending approval or disapproval which is submitted with the application. The Attorney General shall establish standards and procedures for timely review of the applications to ensure continuity and conformity with applicable law.

GOAL 1: Establish standards and procedures manual.

Objective 1: To timely complete standards and procedures manual.

Action Plan: Finalize draft checklist, sample application, orders, procedures, and memorandum.

Performance Indicator: Finalized and complete Wire, Oral, and Electronic Surveillance Review Manual within one year.

Objective 2: Continue to meet with law enforcement officers and county prosecutors from each of the four counties to obtain input for the manual.

Action Plan: Organize and conduct meetings with law enforcement officers and county prosecutors.

Performance Indicator: Approximately four meetings per year.

GOAL 2: Coordinate and provide statewide training on Wire, Oral, and Electronic Surveillance Procedures

Objective 1: Identify training needs and to provide education and training to law enforcement officers, prosecutors, and judiciary.

Action Plan: Establish an education and training committee to organize a statewide training with mainland and local presenters.

Performance Indicator: Two day statewide training within one year.

GOAL 3: Continually improve the application process.

Objective 1: Continue to coordinate efforts between law enforcement officers, prosecutors, and judiciary.

Action Plan: Review procedures and make changes accordingly based on feedback from the various agencies.

Performance Indicator: Evaluation by law enforcement officers, prosecutors, and judiciary.

Education Division

Goal 1: Provide quality and timely legal services to clients.

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

Action Plan: Short-term and long-term: Continue to meet on a weekly basis with deputies, legal assistants, and secretaries to discuss specific cases and analyze specific issues; Continue to work on the development of the division manual for reference and to assist new employees.

Process: Meet weekly with division and have deputies identify and lead discussions on specific issues. Continue to assign various pieces of the division manual to various individuals.

Objective 2: Continue to build capacity within the division to have every deputy competent to advise any client serviced by the division on any matter identified.

Action Plan: Short-term: Implement a system that allows deputies to work in pairs or groups, to include deputies with experience in the area and deputies who have no experience in the area, on certain issues and matters. Short-term and Long-term: Share advice letters and other written documents produced by the division with all deputies via email or at the weekly meetings.

Process: Assign a deputy with experience on a particular issue with a deputy who has not previously worked on the issue. Circulate advice letters and other matters produced by the division.

Objective 3: Continue to consult with clients to identify areas for improvement in the delivery of legal services.

Action Plan: Short-term and Long-term: Continue to meet with clients to discuss areas that they identify as needing improvement.

Process: Set up meeting with various individuals in the client base and/or use of informal surveys to obtain feedback and suggestions.

Objective 4: Ensure timely responses to clients.

Action Plan: Ongoing: Continue refining the tracking system for all assignments received and their due dates.

Process: Keep track of all assignments, due dates, and completion dates.

Objective 5: Continue to proactively work with the clients to better perform their duties and reduce the potential for mistakes and liability.

Action Plan: Short-term and Long-term: Continue to provide training and retraining of clients regarding laws that affect their work in order to build technical competence. Meet on a monthly basis with clients from each of the districts to discuss special education administrative cases settled or decided during the past month and analyze specific common issues.

Process: Schedule trainings with clients to address common areas of concern. Meet monthly with representatives from each district. Deputies are required to lead the

discussion on their respective cases and the group engages in discussion on specific issues that appear to be problematic.

Objective 6: Work more closely with the client on specific matters and utilize client expertise to have them assist on individual cases.

Action Plan: Short-term: Have a specific individual from the client district assigned to work directly with the deputy on each case. Long-term: Continue implementation of the process and refine as appropriate.

Process: Have identified individuals from the client districts work directly with the assigned deputy from inception of a case to the conclusion of the case. The same individual identified by the client will attend witness preparation meetings and act as the client representative at the hearings.

Goal 2: Improve utilization of legal assistants.

Objective 1: Continue to work on developing legal assistant capacity to assist deputies and maximize efficiency.

Action Plan: Short-term: Expand the types of assignments given to legal assistants. Long-term: Provide continuous training to legal assistants through various deputies with appropriate expertise in specific areas.

Process: Provide guidance on new matters until legal assistants are competent in the area to complete assignments on their own.

Goal 3: Improve capacity to address legislative matters.

Objective 1: Continue to provide consistent review of legislation and consistent response to legislative matters.

Action Plan: Short-term and Long-term: Provide refresher training regarding legislative matters to all staff prior to the opening of the legislative session.

Process: Meet with the deputies and staff to prepare them for the legislative session. Assign bills of similar subject matter to one deputy.

Objective 2: Effectively and efficiently track bills assigned to our division.

Action Plan: Short-term: Continue to refine the system for tracking bills during the legislative session.

Process: Set up an electronic tracking system that is accessible by the division.

Goal 4: Improve division expertise in sunshine law matters.

Objective 1: Provide consistent advice on sunshine law issues.

Objective 2: Improve expertise on sunshine law issues.

Action Plan: Short-term and Long-term: Have discussions at our weekly meetings relating to sunshine law issues.

Process: Develop a bank of information and responses to sunshine law issues that have been addressed by our division.

Employment Law Division

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 litigation review committee 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 division staff before making questionable or unprecedented management and personnel decisions.

Action Plan 7: Establish regular meetings with clientele to discuss concerns in general.

After a year of turnover, the staffing of the division stabilized in summer 2005. Following a division retreat in mid 2006, the division has been able to concentrate on training and improving our work processes and client services.

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 have identified two areas where we believe we can provide preventative training. One is to train workers compensation adjusters in the Department of Human Resources Development in case presentation before the Disability and Compensation Division of the Department of Labor and Industrial Relations. 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. The Department of Human Resources Development has begun putting all arbitration decisions on a web site and eventually may add prohibited practice complaints and contract interpretations.

This is the first year of operations under the Uniform Arbitration Act and it has turned out to be as cumbersome and onerous as we had feared. What once was a fairly straightforward alternative dispute resolution process has turned into civil litigation with expensive and burdensome discovery including interrogatories, admissions, production of documents, sanctions and mid arbitration court proceedings. The length of time to complete an arbitration has quadrupled. This has dramatically cut back our ability to do preventive law.

Family Law Division

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:

Year 1: Continue to have 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.

Years 2-5: Continue to evaluate what training is needed for new and continuing staff.

Action Plan 2:

Years 1-5: Continue to update and keep the office manuals current.

Action Plan 3:

Years 1-5: Continue to update the network memo bank.

Action Plan 4:

Years 1-3: As the construction of a new Family Court facility in Kapolei has now begun, determine whether the Division should relocate to that area, and when and where in that area this large Division could be housed. As the construction of a new Family Court facility in Hilo is almost complete, determine whether that office should relocate to the State Building there.

Year 4: Facilitate the possible move to Kapolei.

Year 5: Work with the court to transition into the new facility in Kapolei.

Action Plan 5:

Years 1-5: Continue to meet regularly with the court to deal with problems and improve practice. This occurs on a monthly basis for Juvenile cases with the Senior Judge, and on a quarterly basis with the lead Judge for the Special Division which does TROs, Paternity cases, and Involuntary Hospitalization cases.

Action Plan 6:

Years 1-5: As most of our deputies have had an opportunity to do trials on their own through our training system whereby they spent a period of time as junior trial deputies, we have now discontinued the plan of having senior deputies assigned to do all the trials. Although we are getting new deputies to add to the mix, in balancing the benefits of having deputies take their cases all the way from the original petition through the trial, and possible appeal, we believe this is a better use of our resources. 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. On an ongoing basis, continue to evaluate how this is working.

Action Plan 7:

Years 1-5: Continue twice a month staff meetings to keep up to date on practice and policy changes within our office, and within that of our client. Evaluate whether our new units should be part of these meetings or whether their different substantive areas require separate meetings. Meet with the unit supervisors to discuss issues of concern to their units.

Action Plan 8:

Years 1-5: Continue regular post-court briefings to discuss current problems and anticipate future problems.

Action Plan 9:

Years 1-5: Continue to expand the roles of the legal assistants. When we added new positions, we started to examine how to use their services more fully. They had always prepared petitions of varying types, Child Welfare, Adoption, legal guardianships, adult protection, involuntary hospitalization, and truancy. When new people were added, we expanded their role to preparing pre-trials, and doing motions.

Action Plan 10:

Years 1-5: As the new units become part of the Division, we need to be able to adapt to these changes and to make the best use of the resources available to do the work. Reevaluate the statistics we keep to ensure that we are clear on what outcomes we are looking for. Work on developing statistics that are specific to the new areas.

Objective 2: Foster effective communication and understanding with clients.

Action Plan 1:

Years 1-5: Continue client training for all the agencies we represent.

Action Plan 2:

Years 1-5: Continue to meet with clients on a monthly basis. The supervisor has begun regular meetings with the Child Support Enforcement Agency (CSEA) executive staff. These occur on a monthly basis and include the unit supervisors from Oahu, Hawaii Island, and various departments within CSEA.

Action Plan 3:

Years 1-5: Maintain good communication with the client so that emergencies can be handled expeditiously. Our Lotus Notes has been invaluable in keeping us all in touch.

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:

Years 1-5: Meet with appropriate deputies to discuss the problems.

Action Plan 2:

Years 1-5: Maintain rapport with the advice and counsel deputies so that problems 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 problems encountered at Family Court.

Action Plan 1:

Years 1-5: Be aware of problems that arise in Family Court or new federal legislation that may require changes in our state statutes.

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

Health and Human Services Division

GOAL 1: INCREASE OUR ABILITY AND EFFICIENCY IN LITIGATION

Objectives and policies to achieve this goal:

- Continue to assign experienced litigators to work on cases with less seasoned deputies (lead/secondary teams)
- Take advantage of formal litigation training when available and as funds permit
- Encourage more use of LRC and cross-division consultation
- Feature discussions of case-specific litigation strategy at division or team meetings
- Transfer hard-copy case files to electronic format for efficient storage and retrieval; assign one individual to scan, organize, and index closed case files and others we want to convert to electronic format
- Increase our facility in using the department's electronic database to preserve and locate useful litigation samples and substantive materials

Progress in this area to date:

- Consistent use of lead/secondary teams on existing and new administrative and court actions.
- Our lead litigator works closely with program deputies to (1) defend actions against the State and (2) improve program operations to better comply with relevant laws.
- We discuss case-specific strategies in small-group team meetings.
- No funds have been available this year for formal litigation training, but one of our environmental deputies attended a week-long trial practice seminar with support from the National Association of Attorneys General.
- We continue to work on converting files to electronic format and need to do more in this area. To some extent, this is a department-wide issue and will require departmental training and coordination.
- We continue to handle environmental litigation on both the administrative and judicial levels, including several large environmental enforcement actions.

GOAL 2: PROVIDE TIMELY, EFFECTIVE LEGAL ADVICE TO OUR CLIENT PROGRAMS

Objectives and policies to achieve this goal:

- Continue to develop our knowledge of client programs through periodic meetings between deputies and program heads and by attending clients' training sessions
- Continue to provide training to program staff on legal issues
- Continue to use the department's computerized tracking system to monitor turnaround time on document review and on other projects
- Stay current on developments in the law through formal training and conferences (as funds permit) and periodic substantive discussions in relevant areas
- Continue with regular division training sessions
- Create a system of primary and backup deputies for substantive areas so that at least two deputies are familiar with the law governing each of our clients' programs
- Become more pro-active in providing legal assistance to our clients, identifying and resolving legal problems as early as possible
- Develop division resource manuals on recurring substantive issues such as confidentiality laws, claims for attorneys' fees, sovereign immunity law, and others
- Develop a manual of practice areas that our division covers, so that all division members and clients know who works in which areas and we have a guide to the critical legal issues, statutes, and case law in those areas.
- Enhance in-house training on document management and case tracking programs, and encourage outside training on essential computer skills.

Progress in this area to date:

- All deputies meet regularly with their clients. During the last year the frequency of these substantive meetings has increased.
- We have used our assignment tracking system to monitor and follow up on due dates on contracts and rules in particular. This has improved turnaround time during the past year.
- Deputies have attended seminars or conferences on mental health law, public benefits law, trial techniques, state agencies for the blind, and environmental matters.
- Collaboration between deputies in similar substantive areas has provided consistent opportunities for learning and growth, and deputies working in the same areas (public benefits law, behavioral health law, public health law, and environmental law) meet regularly with the division supervisor to discuss projects on which they are working, developments in the law, and the like.
- We continue to work closely with the DHS Ho'opono program to resolve conflicts and complaints before they develop into grievances or litigation.
- We need to do more training within the division.
- We would like to be more pro-active with clients in resolving legal issues early, but workload this year has not allowed us to increase our efforts in this area.
- Workload this year has also prevented us from making much progress in creating a backup system for deputies who primarily provide advice. We have had more success in assigning two deputies to large administrative or court actions.

Process to measure performance:

- Annual deputy evaluations
- Reviews of workload and assignments in periodic discussions between each deputy and the division supervisor (twice a year, in addition to annual evaluations)
- Variance reports
- Regular monitoring of assignments in computerized tracking system.
- Feedback from clients

Labor Division

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

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

Objective 2: Continue to meet internal deadlines for responses to requests for legal services.

Objective 3: Continue to provide clients with regular status reports on matters handled on their behalf.

Action Plan:

- Provide and make available relevant training for the division.
- Review and update all division training manuals as necessary.
- Annually review department legal services manual on legislation.
- Continue in-house division training, utilizing discussions on current cases.
- Identify training programs outside of department and seek funding to attend such programs.
- Create or update forms as necessary.
- Establish timetable for drafts of responses and track completion dates.
- This is an ongoing and continuous process.

Process:

- Collect statistics regarding the completion of legal services requests, number of training sessions, number of forms updated or created, and number of sections of training manual completed.
- Review variance reports and evaluations.

GOAL 2: ASSIST CLIENT DEPARTMENT AND AGENCIES IN THEIR EFFORTS TO DILIGENTLY ADMINISTER OR ENFORCE THE STATE'S LABOR LAWS ON A FAIR AND CONSISTENT BASIS AND IN AN EFFICIENT MANNER BASED ON INTEGRITY.

Objective 1: Provide legal advice and counsel on impact of decisions resulting from cases in which we defend or prosecute on behalf of the Department and make recommendations when appropriate.

Objective 2: Provide legal advice and counsel on proposed legislation and rule proposals. Whenever possible, make recommendations for legislative or rule proposals to help the client administer the laws fairly and more efficiently.

Action Plan:

- Continue to apprise clients about court decisions and make appropriate recommendations.
- Keep a log of issues that arise throughout the year that can be corrected by legislation or the adoption of rules.

Process:

- Review advice and recommendations made to clients.

GOAL 3: ANTICIPATE POTENTIAL PROBLEMS FACING THE CLIENT DEPARTMENT AND AGENCIES AND WORK TOGETHER TO FORMULATE A PLAN FOR RESOLUTION.

Objective 1: Nurture and encourage early consultation by the clients to avoid or minimize future problems.

Objective 2: Assist clients with the development of processes or forms to help address recurring legal issues.

Action Plan:

- Be accessible to meet as needed with clients.
- Foster open communication with the clients.
- Identify recurring questions and evaluate possibility of establishing a procedure to systematically address such issues.

Process:

- Review the frequency of contacts made with the clients and number of areas the division is able to assist with establishing procedures.

GOAL 4: UTILIZE THE TECHNOLOGY IN THE DEPARTMENT (PROLAW, IMANAGE, LOTUS NOTES, DEPARTMENTAL INTRANET, INTERNET) TO THE FULLEST POTENTIAL.

Objective 1: Ensure that each member of the division is proficient in the use of 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.
- This is an ongoing and continuous process.

Process:

- Track the use of storing and accessibility of documents in iManage.
- Review ProLaw to see whether matters are being calendared.
- Post information on the Intranet.

Land/Transportation Division

GOAL AND OBJECTIVES:

Over the years since 1999, the Division has established one goal and six objectives that needed to be met in order to achieve the Division's goal. The goal and the six objectives are the following:

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

SIX OBJECTIVES:

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

We believe this goal and the six objectives continue to be appropriate for the Division.

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 2005 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 in FY 2005.

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. Completed or closed out 77 opinion requests during FY 2003 from a backlog of 141 opinion requests pending on June 2002.

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."

In 2005, we closed 12 eminent domain cases. With respect to backlogged opinions and legal advice requests, we closed out 89 of a total of 150 requests in this category.

In 2005, the Division added one new objective described as, "Increase and improve training for deputies and support staff." The action plan to help the Division achieve this goal consisted 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.”

We have existing manuals for quiet title actions, eminent domain cases, land court procedures, and reading maps and charts. We still need to develop a contested case manual. As preparation for this, we have worked with DLNR to revise and update its rules of practice and procedure. We will work on the manual as the rules evolve. We hope to complete other manuals as workloads permit.

Training: In FY 2006, L/T D deputies attended seminars both locally and on the mainland as follows:

Dates of Training	Number of Attendees	Training Information
7/16-21/05	2	TRB Law Workshop, Portland, Oregon.
8/18/05	3	Procurement Training. Rm. 310 Tax/Labor Building.
8/19/05	1	Hawaii Decisions on Easements.
9/20/05	3	Disclosure and Protection of Traffic Records at East West Center, Honolulu.
10/21/05	5	Sunshine Law by OIP. Capitol Auditorium
10/28/05	2	Uniform Information Practices Act (Modified) Hawaii's public records law, chap. 92F, HRS. Capitol Auditorium
11/22/05	5	Procurement Training. Kalanimoku Bldg. Rm. 322
5/31-6/2/06	2	ALI-ABA Environmental Training on the National Environmental Policy Act and EIS, San Francisco, CA.
6/10-14/06	1	Airport Business Diversity Conf., Jacksonville, Florida.
5/24-26/06	1	2006 CALTRANS Tort Conf., Monterey, CA.

Training funds have been restricted considerably and, thus, we have not been able to give the deputies as much litigation training as we would like. We need to focus on this need and facilitate more in-house training opportunities in this area.

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

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 instead of hard copies (if approved by the Attorney General at that time) 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: If accurately formatted and text-searchable bill copies become available online on a timely basis through the Legislature's websites, seek to establish revised procedures to refer to divisions for review legislative bills and legislative committee reports in electronic form or by links to online webpages 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 Policy Team 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 in electronic form.

Year Five: Seek to establish procedures to verify hard copies of passed bills presented to the Governor with copies available in electronic form for referrals to divisions for review of the passed legislative bills with pertinent legislative committee reports in electronic form or links to online copies instead of hard copies; maintain computerized records of referrals and deadlines; and review, edit, and transmit reports on passed bills to the Governor in electronic form only instead of both electronic and 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.

Public Safety, Hawaiian Home Lands, and Housing Division

Goal 1: Provide professional advice and legal representation to the clients we represent.

Objective: Provide division with the resources necessary to support good work product.

- A. Maintain and expand legal expertise. Continuing Legal Education to be expanded. Includes in-house training as well as training from outside sources.
- B. Establish and maintain consistent procedures and forms to be used with all clients.
 - a. Review, revise and maintain construction contracts.
 - b. Establish and maintain a division form bank.

Action Plan: Continuing Legal Education is ongoing. Our goal in this regard is to have each person attending some form of continuing legal education at least twice per year. A requirement of attending such training is to educate others within the division on the materials received/knowledge gained. We envision that by next year, we will have an in-house continuing legal education component to our monthly division staff meetings. Maintaining this continuing education is a long term goal.

We have a division subcommittee reviewing and recommending revisions, if necessary, the form construction contracts in use by division clients. Our goal is to have the forms in place by year end. Continual updating as needed is a long term goal.

Renewed work on our internal website has recently begun. It will be the site of the divisional form bank. Our goal is to have the form bank fully stocked and operational by June 2007. Maintaining this website is a long term goal.

Process for measuring success: Annually review with deputies the time spent on researching of issues and procedures to determine whether the appropriate knowledge base and resources are available.

Goal 2: Provide legal services in a more consistent timely basis. While the Division is addressing the legal needs of its clients, the lack of sufficient resources requires the prioritizing of projects. This results in an inconsistent turn around time in addressing some of its legal matters.

Objective: Establish and maintain a more even response rate.

- A. Maintain a sufficiently staffed division.

Action Plan: Recruit and fill newly created deputy attorney general position to service the Department of Public Safety and its attached agencies by November 2006; establish and fill an additional deputy attorney general position to service the Hawaii Housing Finance and Development Corporation by Fall 2008.

Process for measuring success: Periodic review of adequacy of staffing. Filling all division vacancies would equal success.

Accomplishments to date: Successful in establishing an additional deputy attorney position to service the Department of Public Safety. Recruitment is ongoing.

- B. Maintain a calendaring system, updated and monitored daily.

Action Plan: Maintaining newly established calendaring system is a long term goal.

Process for measuring success: Periodic review by division personnel of whether the division is maintaining a planned approach to upcoming events and projects.

Accomplishments to date: This year, we have established a new calendaring system and leave recording system to assist in better tracking major legal events, further aiding our efforts to anticipate and plan ahead and ensuring that the resources needed will be available.

C. Eliminate backlog.

Action Plan: With the hiring of additional personnel by the end of this year, it is hoped that significant strides towards the elimination of backlog can be made. In addition priority will be placed on working towards reducing backlogged items. Goal attainment is targeted at one year.

Process for measuring success: A more even response rate that can be measured by computerized data.

Accomplishments to date: We have, to date, cleared a significant backlog in the processing of pardon applications. In addition, our division opened and closed 2,951 legal matters within the 05-06 fiscal year. Of the matters opened in that same time period, 305 remain open.

Goal 3: Proactive assistance to the client.

Objective: Anticipate and prepare rather than chase and defend.

- A. Anticipate and assist client with legal issues of general import as they may be identified in ongoing matters.
- B. Anticipate and assist client with legislation for the coming session. Engage in communications with the client in August regarding areas of suggested legislation.
- C. Provide training to client.

Action Plan: To a certain extent, the above objectives are met by ongoing client communications. The goal is for a more planned and consistent approach to the foregoing. Establishment of quarterly client meetings specifically to address this objective is planned to occur before the end of this year. Maintaining this quarterly planning is a long range goal.

Process for measuring success: Periodic review with client to assess upcoming needs and whether services in this regard are meeting expectations.

Accomplishments to date: Establishment of a quarterly meeting schedule with clients to discuss legal matters.

Goal 4: Develop respect of the public, including the legal community for a reputation of competence, integrity, diligence and fairness.

Objective: Establish respected reputation.

- A. Encourage professional development within the legal community and the community of which the client is a part.

Action Plan: All of the efforts put forth to attain the above listed goals and objectives will undoubtedly assist in attaining/maintaining this goal. In addition, however, we will encourage division members to actively participate in community events/forums as leaders, trainers, participants. First year: At least 1/5 of the division participating in such effort/events. Every year thereafter: Growth of the effort by 1/5 so that by the fifth year, there is total involvement division wide.

Establish a divisional review system for litigation matters or other non-litigation matters that may be contentious by the end of the year. Maintaining this system is a long term goal.

Process for measuring success: Hopefully, indicators of success will be the instances public persons or entities approaching us to address matters before they become too contentious or result in the filing of a lawsuit.

Tax Division

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 deputies 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 deputies, 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 less than quality service to the public.

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 deputies 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 deputies. 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.

- Meet frequently, formally and informally, with the Director, and Deputy Director.
- Encourage deputies to keep DOTAX informed of developments in major cases or issues affecting other taxpayers.
- 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.

- Encourage joint participation in in-house seminars and meetings.
- Encourage the sharing of resources to the extent possible.
- 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 Division deputies through training and relationships with tax practitioners and the public.

Action Plan: Efficiently allocate resources to deputies' cases and encourage them to expand their practices and train and teach the less experienced deputies; provide the less experienced 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 deputies 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 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 and the department and with 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 2008 Legislative session.

Objective 2: Seek the passage of a registration law for charities that solicit funds from the public that also provides funding for additional personnel positions.

Action Plan: Draft and introduce legislation during the 2008 legislative session.

Process: Assess following 2008 Legislative session.

Objective 3: Professionally administer and enforce chapter 467B, and section 431:1-204, Hawaii Revised Statutes, 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 an Internet based registration, bonding and certification forms, develop a searchable online database of registered solicitors and fundraising counsel and enforce requirements against un-registered fundraisers.

Process: Monitor development of forms and databases.

Objective 4: 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 5: 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

GOAL 1: PROVIDE QUALITY LEGAL REPRESENTATION TO ALL CLIENTS

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

Action Plan: TLD deputies are continuously encouraged to attend seminars and training sessions presented by the local bar association and other organizations, depending upon budgetary constraints. Division clerical staff are also encouraged to take advantage of training opportunities relevant to their job responsibilities. Continue to make efforts toward establishing a system of in-house training as time permits, drawing upon the expertise of division members and other department personnel. With the advent of and increase in "webinars," more deputies are able to take advantage of training opportunities for less cost.

Objective 2: Facilitate positive relationships with division clients.

Action Plan: Encourage the identification and implementation of improved means of communication of clients. Reinforce with division deputies the importance of keeping clients apprised of significant case events, particularly regarding potential settlement or other case resolution. Additional efforts will be made to ameliorate the concerns of state employees sued in their individual capacities, especially employees who are being sued for the first time and are not familiar with the litigation process.

Objective 3: Assist with client training and special projects, as requested.

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. TLD also provides staff to assist with special client projects, as requested. Deputies continue to participate in the training of deputy sheriff recruits at the request of the Department of Public Safety. Staff from TLD provides assistance to the Department of Land and Natural Resources with regard to task forces to address continuing rockfall and water safety issues.

Objective 4: Facilitate the use of informal, mini Litigation Review Committees (LRCs) for case evaluation and other purposes.

Action Plan: TLD routinely utilizes informal LRCs as a means of discussing case-specific issues, such as issues regarding liability, case strategy, and case valuation. Depending upon the issues being presented, deputies from other divisions who may have relevant expertise is typically sought. This practice improves the level of service TLD is able to provide to its clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

Objective 5: Reduce the number of meritless or frivolous lawsuits.

Action Plan: Emphasize to the deputies the need to immediately identify legally unsupportable claims and file dispositive motions at the earliest opportunity. Take a hard line with respect to settlements to send a message to the plaintiff bar and the courts that unless compelling reasons exist, cases will not be settled when the State has no liability, even for a nominal amount.

GOAL 2: 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. This past year, the TLD supervisor continued a dialog with the Risk Management office to address unusual or unique insurance coverage and liability issues throughout the year.

Objective 2: Actively participate in risk assessment working groups.

Action Plan: The TLD 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.

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

Action Plan: The TLD 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 manner and limit expenditure of costs. More and more cases are being successfully mediated.

GOAL 3: PROMOTE A POSITIVE WORK ENVIRONMENT

Objective 1: Encourage open communication among all division members.

Action Plan: Continue to include clerical staff in meetings as appropriate, to improve communication and increase participation of all TLD personnel in matters of concern or 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 input on how the division can be improved. If a problem exists between particular division members, the involved personnel are encouraged to discuss and address the problem or concerns.

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 TLD'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 again attended depositions, court hearings and arbitration proceedings.

GOAL 4: MAXIMIZE USE OF DEPARTMENTAL/OTHER TECHNOLOGY

Objective 1: Facilitate increased proficiency among division staff in the use of ProLaw, iManage, and departmental intranet.

Action Plan: Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside resources. TLD and CRLD have created a databank of expert depositions and expert information in iManage to replace the databank that started on Summation since the Summation program has not been updated and may not be able to support substantially more data in the future. A training session was held to explain how the expert databank can be accessed and searched. Deputies and legal assistants are encouraged to attend training on Westlaw, in an effort to strengthen their legal research skills and keep up with newly available research tools.

PROCESS: Assessment will depend in large part upon input/comments from clients, as well as self-assessment through internal discussion and observation of staff morale and other indicators of progress, such as increased work pace, and productiveness.

SECTION 5: PUBLIC SERVICES DIVISIONS

Child Support Enforcement Agency

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 service.

Key Areas of Focus

Goal #1: To improve Performance Measures

Aside from meeting performance requirements for federal incentive payments and meeting compliance requirements to avoid penalties, these requirements are based on the underlying hypothesis that there is a correlation between level of performance in the identified areas and level of support to children and improved family self-sufficiency.

Target Outcomes:

1. Increased percentages in the five program areas measured by the federal office for incentive funding.
2. Maximized federal incentive funds.

Objective #1 – To ensure that the agency's paternity establishment percentage meets or exceeds the required rate of 90% or higher by the end of the federal fiscal year, thereby attaining a 100% allotment of federal incentive payments for this activity.

Action Plan:

- ❖ To closely monitor the progress of the 1115 grant project that promotes and facilitates the collaborative efforts between the agency and the TANF Agency to reach unwed parents prior to the establishment of a child support order.
- ❖ To continue to work closely with the Office of Vital Statistics to ensure the successful sharing of paternity data with Child Support.
- ❖ To periodically monitor the interim paternity establishment percentage and take corrective actions, if necessary.
- ❖ To increase marketing and outreach efforts to encourage parents to voluntarily establish paternity.

Objective #2 – To ensure that the number of support orders established and current support collections exceed the past accomplishment by the end of the federal fiscal year, thereby attaining a 100% allotment of federal incentive payments for these performance measures.

Action Plan:

- ❖ To examine and improve the existing locate programs and look for alternative locate sources for optimal results in obtaining good addresses for both non-custodial and custodial parents.
- ❖ To ensure the process server services are uninterrupted so the new orders will be successfully served.
- ❖ To review old converted cases and determine whether some of them should have been closed.
- ❖ To learn from the best practices of other Child Support Agencies around the country through the sharing of materials and ideas.

- ❖ To examine the order establishment process and introduce efficiencies so that orders can be established on a more timely basis.

Objective #3 – To increase collections of cases with arrears balances to meet or exceed the required rate of 40% or higher by the end of the federal fiscal period, hereby attaining a 100% allotment of federal incentive payments for this activity.

Action Plan:

- ❖ To identify cases which consistently fail to make payments or fall behind in support payments and may require orders modification.
- ❖ To review old converted cases with arrearages that should have been closed.
- ❖ To ensure cases with arrearages have good address information in the system and all the enforcement measures are being run properly.
- ❖ To re-evaluate the license suspension process and ensure its effectiveness.
- ❖ To implement the OIW continuation statute.

Goal #2: To Provide Quality Customer Service

The customer service program works to improve the quality and the responsiveness to the public through increased first line response using a call center, expanded customer service training throughout the agency, and building easier access to, and understanding, of child support services.

Target Outcomes:

1. The establishment of a pervasive customer service culture within the agency.
2. The implementation of a comprehensive training program for all levels.
3. The determination of customers' needs to create customer friendly processes.

Objective #1 – To have a call center that will answer the customers' calls efficiently and effectively.

Action Plan:

- ❖ To train the call center staff to be knowledgeable in child support functions and to be effective on the phone with customers.

Objective #2 – To develop an interactive website that the agency's customers can request, retrieve, and submit child support information and documents.

Action Plan:

- ❖ To work with eHawaii.gov on the development of the interactive website.

Objective #3 – To establish a trainer position that will update training materials and conduct training programs on an ongoing basis for employees.

Action Plan:

- ❖ To fill the existing vacant trainer position as soon as possible and to provide the person with adequate training in child support functions and the access to other states' best practices.

Crime Prevention and Justice Assistance Division

Sex Assault and Domestic Violence

The focus on sex assault victims was continued. The division is working with the Department of Health in developing a statewide sex assault prevention plan and with the Sex Abuse Treatment Center in developing and implementing standardized forensic protocols in all counties. Both efforts include multi-disciplinary approaches to sex assault.

The division is a member of the Department of Health's oversight committee to implement their domestic violence strategic plan. This participation will allow for a coordinated effort of the criminal justice and public health systems in addressing domestic violence.

Intermediate Council on Intermediate Sanctions (ICIS)

The division continues to compile, analyze, and feedback data as it relates to the reduction of recidivism of offenders in the criminal justice system. This is part of the Department's commitment to the interagency agreement to reduce offender recidivism. Division research analysts provide analysis to the ICIS and member agencies. Reports are accessible on the ICIS web.

The Correctional Program Checklist (CPC) effort, facilitated by division staff, is moving toward the formal acceptance of the CPC assessment through the RFP application process. The CPC is used to assess the effectiveness of treatment services to offenders. In past years, personnel from the Judiciary, Hawaii Paroling Authority, Department of Public Safety, Department of Health, the Office of Youth Services, and the Department of the Attorney General were trained in the use of this evidence-based tool. For the next fiscal year, agencies will include the use of the CPC in their contracts with providers of services to offenders.

The HOPE project of the First Circuit Court utilizes quick attention and sanctions to probationers who fail to meet probation requirements. Division staff assists the Judiciary in compiling and analyzing data. The division's data brought national attention to this effort. A research team from UCLA, which received federal funds, will be conducting more in-depth analysis on Hawaii's project.

Forensic Laboratories

After its first meeting, agency representatives from the four county police departments, the Honolulu County Department of the Medical Examiner, the Department of Public Safety Narcotics Enforcement Division, and the Department's Criminal Justice and Investigations Divisions, determined that regular meetings would be helpful to keep abreast of information, to share limited resources, and to collaborate on related efforts. Previously, these agencies did not meet to exchange information. Staff will continue to facilitate these statewide meetings.

Juvenile Justice

The Next Generation (NG) JJIS is being developed with the data model and strategic planning process underway. This year, the staff focused on: 1) interfaces with the Hawaii and Kauai police departments, 2) family court interface to utilize a "push" rather than "pull" processing, 3) NCIC interface for missing and runaway children, and 4) piloted an automated booking process with the Kauai Police Department.

In the area of research, there were three significant efforts. 1) The division contracted with the National Center for Juvenile Justice to compile and analyze 10 years of family court data in the JJIS. It is anticipated that this will be an annual effort maintained by division staff. 2) The federally funded Juvenile Justice Research Analyst position is now a permanent state position. This will allow attention to juvenile justice research. 3) Staff responded to requests by agencies and provided daily reports to the Honolulu Police Department (HPD) on runaways and annual statistics for the Office of Youth Services (OYS) on ethnicity of youth in the JJIS. Other data compiled included recidivism data for two HPD diversion programs, data for the First Circuit Girls Court evaluation, and data for the Third Circuit Targeted Community Action Plan. As intended, JJIS data is used to impact programs and policies.

Multi-Year Plan
(Fiscal Years 2004-2008)

Department Program Objective

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: Completed; in 2005 a federal grant application to the DHHS was submitted by the UH but was not awarded. As an alternative a Research Committee composed of agency staff with research ability and interest was organized and meets regularly.
- Assist in analyzing Intermediate Sanctions data and publish reports by 2006. Outcome: This fiscal year, 15 reports that analyzed data for the Intermediate Sanctions effort were completed and shared with the members. Reports are posted on the website. The analysis and dissemination of reports will continue through the next fiscal year.
- To seek general funds for a researcher position at the 2006 legislature. Outcome: Completed. Request for the position and funding was not approved for the 2006 legislature, but was approved this year for the FY 2008 division budget.

Objective: Expand and improve program evaluation efforts.

- Establish a program evaluation research position with federal funds by 2004. Outcome: Completed in 2005. Federal crime monies fund an exempt position for project evaluation. The position was filled in mid-December 2005.
- Assist federally funded projects to establish measurable goals, objectives and performance measures, so that evaluations can be done by 2006. Outcome: Not completed. The evaluator reviewed all Byrne projects and conducted a preliminary evaluability study of selected projects. It is anticipated that at least one project evaluation will be completed in the next fiscal year. Performance measure: number of new projects assisted in establishing measurable goals, objectives, and performance measures.

Objective: Increase information dissemination on federal grants (project accomplishments, funding availability, national developments).

- Create monthly grant-specific bulletins on website by 2006. Outcome: Not completed. Because there is a federal website announcing all available grants, it was determined that creating another bulletin was unnecessary. Information on federal grant availability and national developments are disseminated to affected agencies as they are published on the federal website. Monthly bulletins were assessed not to be timely in informing agencies of application deadlines. The Byrne/JAG application and annual reports are on the division website and is a resource for other agencies. National meetings and developments in grants are e-mailed promptly to agencies.

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: Completed this year.
- Add Family Court detention home processing information by 2004. Outcome: This was not completed; this task has been moved to the "Next Generation" JJIS effort.
- Create an interface with Kauai Police Department's new RMS by 2004. Outcome: Completed this year.

Objective: Assess and initiate new programs to educate the community on crime prevention and safety.

- Assessment of new crime prevention initiative. Outcome: Completed. In FY 2006, the staff conducted underage drinking presentations in Oahu schools. This year with the increase of identity theft victims staff began work on an identity theft trainer's manual in partnership with the HITeC Unit, Criminal Justice Division

Objective: Increase crime prevention trainings to neighbor islands.

- Conduct a Community Action Seminar (CAS) or Training Institute Workshop on the neighbor islands. Outcome: Not completed. In 2005, Training Institutes were scheduled for Maui and Kauai but were cancelled due to lack of interest. This year, a determination was made to forgo CAS workshops.

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 (CAS) to teach problem solving and teamwork skills. Outcome: Completed. The CAS follow up meeting was held in October 2006. Because of declining interest, it was determined with agency partners to not continue the CAS. Other areas of outreach and training will be pursued instead.
- Publish newsletters as well as a web page to share the efforts of community teams throughout the state. Outcome: Completed; newsletters are posted on 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 so that students know where to get emergency assistance. Outcome: Accomplished; 12 school assemblies were

completed, compared to 3 in previous year. One thousand seven hundred ninety (1,790) students participated in the assemblies.

- Support neighbor island McGruff coordinators and their efforts in disseminating crime prevention messages. Outcome: In 2005, McGruff Truck Assemblies were held on Maui. In 2007, McGruff Assemblies were held on Kauai.
- Partner with a radio or television station to maximize McGruff airtime messages. Outcome: Completed. In FY 06 two television stations reported that they aired the McGruff public service announcements (\$83,500 in airtime), and in FY 07, another 2 reported \$10,350 in air time.

- Objective: Promote multi-agency collaborative planning and grant applications efforts (government/community, restorative justice)
- Assess current collaborative efforts by 2004. Outcome: Completed the assessment in 2005. In 2005-06 new collaborative efforts include Victim Strategic Plan, Hawaii Anti-Trafficking Task Force, and assessing offender treatment programs. In 2006-07 Statewide Forensic Sciences Laboratory Services, Sex Assault Prevention Planning, Domestic Violence Plan Implementation, automated victim notification system, disproportionate minority contact, and identity theft prevention were new efforts undertaken.

- 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 in 2006.
 - Establish standard policies for participating agencies that guide the use of the JJIS, confidentiality, and penalties for mis-use. Outcome: Completed in 2005.
 - Determine access to the JJIS by the Public Defender, inclusion of the Youth Level of Service Inventory (YLSI) information, and the review of the JJIS purpose statement by 2006. Outcome: Completed June 2006; on the latter 2 issues, JJIC voted affirmatively.

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 (IBRS) and crime research and data needs.
- Assist police departments in seeking funding sources for police departments in 2004; continue as needed. Outcome: Not completed; police departments determined that IBRS is not a priority.
 - Continually seek non-general fund resources to advance crime research. Outcome: In 2005 applications for research were submitted to the DHHS through the University of Hawaii and another to NIH through Ball State University; both were not awarded.
 - Seek/initiate partnerships with other organizations for crime research. Outcome: The division partnered with the UH-West Oahu to study drinking and driving. The report was published in January 2006.
 - Seek resources to establish JJIS research position by 2006. Outcome: Completed. The position and funding were appropriated by the 2007 Legislature.

- Objective: Conduct policy-relevant GIS/crime mapping research.

- Develop in-house GIS capabilities by 2004. Outcome: Not completed as staff left for another position and the position was not filled.
- Foster UH and other partnerships by 2006. Outcome: Not completed due to limited staff. Performance measure: Number of organization partnerships.

Objective: Increase the capability of criminal justice and victim agencies to access federal grants.

- Provide discretionary grant information to agencies. Outcome: Completed. When the Division receives or finds notice of grant solicitation, it is sent to any agency that indicated an interest in the topic or to agencies that would fit the solicitation criteria. Agencies are encouraged to sign up for the federal on-line grants information service.
- Assist agencies in applying for grants. Outcome: Completed. Staff assisted the Hawaii Paroling Authority in applying for a technical assistance grant from the Center for Sex Offender Management, which was approved (FY 05). Staff assisted the Sex Abuse Treatment Center in an application for underserved sexual assault victims (FY 06). In FY 07 staff assisted the Hawaii County prosecutor in applying for a Grant to Encourage Arrest Policies. Staff also assisted agencies on how to use the Grants.gov process as well as reviewed & commented on applications submitted by other agencies.
- Apply for discretionary grants to support crime and victim assistance efforts. Outcome: Completed. A discretionary grant application for human trafficking was submitted and approved (FY 05). In FY 06 an application for family visitation centers was submitted and approved. This year, 3 grant applications were submitted & are pending at the close of the fiscal year (applications for training to create effective offender treatment programs, anti-gun efforts, and anti-gang efforts).

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.
- Assess Violence Against Women and Victims Of Crime grants as to the achievement of the intended goals by 2004. Outcome: Partially completed; VAWA 3-year plan will be reviewed & assessed in FY 2008. VOCA strategic plan assessment by the University of Hawaii was completed in June 2006.
- Develop and implement a grants management system (GMS) by 2004. Outcome: Not completed. This has been moved to 2008 due to staff time constraints. Performance measure: A GMS for the division.

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

- Partner with at least 1 new partner by 2004. Outcome: Completed; every year there has been a new partner. This year the HITeC unit of the Criminal Justice Division and the DOH Maternal and Child Health Division were new partners in ID theft prevention and sex assault prevention.
- Develop a Senior ID program for senior citizens to keep them safe. Outcome: Completed in 2004.
- Maintenance of the Kupuna ID program. Outcome: Completed; it was determined that the Executive Office of Aging was better suited to maintain and expand the program. The program was transferred to the EOA in September 2006.

- Partner with at least 2 agencies annually. Outcome: Completed annually. The branches collaborated with over 31 agencies. Collaborative efforts included community mobilization, truancy, Kupuna ID, minority youth in the justice system, identity theft prevention, 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.
- Data quality audit will be initiated by 2007. Outcome: Not completed; it is slated for completion in fall 2007.
- Frequency of timeliness reports will be increased to quarterly or monthly by 2006. Outcome: Completed; as of January 2006 quarterly reports are produced.

Objective: Better utilize the JJIS web page.

- JJIC-related matters will be posted by 2004. Outcome: Not completed; resources reassigned to the “Next Generation” JJIS.
- JJIS “software release” and FAQs will also be available by 2004. Outcome: Completed.
- JJIS user manual and results of data summary requests will be on-line by 2006. Outcome: The user manual is on-line as of November 2005. Data summary requests deferred to the NG JJIS.

Objective: Improve throughput and response time of requests.

- Time from user change request to implementation will be decreased by 10% by 2004. Outcome: Not completed; resources reassigned to “Next Generation” JJIS).
- Significant portion of regression testing will be automated by 2004. Outcome: Not completed; resources reassigned to “Next Generation” JJIS.
- Time from user change request to implementation will be decreased by 20% in 2006. Outcome: Not to be completed; resources reassigned to “Next Generation” JJIS.

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

- Complete needs assessment, system requirements, and design alternatives by 2004. Outcome: Completed in August 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: Completed in 2005.
- Define significant security upgrade as well as subsystems for notification and subscription services by 2004. Outcome: Not completed; to be completed in FY 08.

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: Completed. Questionnaires were completed and mailed to the community in June 2006. Analysis was completed in FY 2007; the report will be disseminated in 2008.

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

- Determine which efforts to place staff and other resources by 2004. Outcome: Completed in 2004.
- Check progress and status of multi-agency efforts to determine continuation by 2006. Outcome: Ongoing. Ended role in the domestic violence fatality review task force (FY 06). New efforts this year included coordination of sexual assault forensic protocols and forensic science laboratory services.

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 fully completed. Discussions were done with the county victim coordinators and the Department of Public Safety. The Honolulu Prosecutor's Office decided to pilot the system (2005). However, in late spring 2006, the Prosecutor's Office decided not to take the lead. This year the division initiated discussions with victim service providers and the Department of Public Safety on alternatives to implementing such a system. Discussions will continue in FY 08 with the DPS as the possible lead agency.
- Implementation of the victim notification system by 2006. (Implementation to be in 2008 due to above changes in plan.) Performance measure: victim notification system operating via government agency.

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. The US Attorney has taken the lead; county victim programs have yet to determine their role in their county's response system.
- Mechanism in place for agencies to assist another county in the event of terrorism or mass violence by 2006. Outcome: Not completed and deadline is moved to FY 2007. Performance measure: County victim offices have mechanism in place. Note: the coordinated plan is not possible until the county victim units become a part of their counties' response protocol to a mass casualty incident.

Hawaii Criminal Justice Data Center

I. GOAL:

To implement additional strategic phases of CJIS-Hawaii enhancements including "Lights Out" real-time identification for arrested offenders, paperless processing of the OBTS Arrest Form, Statewide Firearms Registration, additional automated interfaces with agency systems, and the Hawaii Integrated Justice Information Sharing (HIJIS) program.

II. OBJECTIVES:

CJIS-Hawaii, the statewide criminal history record repository, was implemented in November 2002 and we are now focusing on new initiatives for criminal justice in Hawaii.

A. CJIS-Hawaii Enhancements

1. Implement the "Lights Out" real-time identification of arrested offenders.
2. Implement a new more accurate demographic searching algorithm for CJIS-Hawaii.
3. Implement automated interfaces with the case management systems of the Judiciary's Adult Client Services Division and City and County of Honolulu's Department of the Prosecuting Attorney.
4. Develop, test, and implement the Statewide Firearms Registration sub-system, including integration with the four county police departments' records management systems.

B. Paperless Processing

1. Expand paperless processing by integrating the booking module of the Maui County Police Department (MPD) with the integrated electronic booking system (Green Box).
2. Pilot the process of transmitting the OBTS Arrest Form electronically from the Green Box system to prosecution, court, supervision, and corrections agencies within Hawaii County.
3. Based on the pilot, determine the technology platform for a full-function message broker.

C. Start-up planning and design phases for the integration of the Temporary Restraining Order/Protection Order (TRO/PO) database with the National Protection Order File maintained by the FBI.

D. Hawaii Integrated Justice Information Sharing (HIJIS)

1. Develop a strategic plan with our agency partners for the HIJIS program.
2. Determine the technology platform for the HIJIS program, in conjunction with what we learn from the pilot project in Hawaii County.
3. Pilot "single sign-on" with other state and county agencies using IBM's Tivoli Enterprise Single Sign-On (ESSO) software.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	CJIS-Hawaii Enhancements		
1.	Implement the "Lights Out" real-time identification of arrested offenders.	Phase I: 2007 Phase II: 2008	Identification of offenders with no operator intervention in 85% of cases.
2.	Implement a new more accurate searching algorithm for CJIS-Hawaii.	2008	Capture search results in a database. Perform statistical analysis of experientially derived search results to adjust search criteria weights.
3.	Implement automated interfaces with the case management systems of the Judiciary's Adult Client Services Division and City and County of Honolulu's Department of the Prosecuting Attorney.	2008	Adult Probation and Honolulu Prosecutor information updates the corresponding record in CJIS-Hawaii.
4.	Develop, test, and implement the Statewide Firearms Registration sub-system, including integration with the four county police departments' records management systems.	2008	Statewide Firearms Registration sub-system captures all registrations entered into the agency firearms systems. Statewide and agency systems utilize the same set of standard codes and procedures.
B.	Paperless Processing		
1.	Expand paperless processing by integrating the booking module of the Maui County Police Department (MPD) with the integrated electronic booking system (Green Box).	2007	All arrests captured in the MPD and HPD RMS booking modules are accessible in the Green Box server.
2.	Pilot the process of transmitting the OBTS Arrest Form electronically from the Green Box system to prosecution, court, supervision, and corrections agencies within Hawaii County.	2007	All arrests in Hawaii County entered into the Green Box server are available through the message broker.
3.	Based on the pilot, determine the technology platform for a full-function message broker.	2008	Decision will be made on what technology platform will be used for full-function message broker.
C.	Temporary Restraining Orders/Protection Orders (TRO/PO)		
1.	Start-up planning and design phases for integration of the TRO/PO database with the National Protection Order File maintained by the FBI.	2008	Information from the statewide TRO/PO database is sent electronically to the National Protection Order File maintained by the FBI.
D.	Hawaii Integrated Justice Information Sharing		
1.	Develop a strategic plan with our agency partners for the HIJIS program.	2007	Strategic plan will be written and shared with agency partners.
2.	Determine the technology platform for the HIJIS program, in conjunction with what we learn from the pilot project in Hawaii County.	2008	Decision will be made on what technology platform will be used for HIJIS program.
3.	Pilot "single sign-on" with other state and county agencies using IBM's Tivoli Enterprise Single Sign-On (ESSO) software.	2008	Users will be able to use a single sign-on to access multiple disparate systems.

I. GOAL:

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 palmprints, and applicants who require fingerprinting pursuant to local, state, and federal laws. Real-time positive identification of offenders and applicants 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 describes these major objectives:

- A. “Lights Out” Processing
 - 1. Design, develop, test and implement the “Lights Out” Transaction Controller (LOTC). Phase I is expected to be completed and in production in 2007, and Phase II by mid-2008.
- B. Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.
 - 1. Convert Maui County to integrated livescan and mugphoto equipment.
- C. Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.
 - 1. Synchronize 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. Begin planning and coordination to be a National Fingerprint File (NFF) participant.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	“Lights Out” Processing		
1.	Design, develop, test, and implement the “Lights Out” Transaction Controller (LOTC).	Phase I: 2007 Phase II: 2008	Improvement in response time and accuracy for criminal and civil identification, and reduction in the manual intervention required.
B.	Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.		
1.	Convert Maui County to integrated livescan and mugphoto equipment.	2007	Installation, configuration and training completed for integrated livescans and cardscans for Maui County Police Department.
C.	Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.		
1.	Synchronize data from CJIS-Hawaii to the FBI’s Interstate Identification Index (III) now that we are a participating state.	Ongoing	The SIDs that are in the III File as being from Hawaii are, in fact, in CJIS-Hawaii.
2.	Continue the migration of additional counties to an automated interface of arrest information to the FBI’s Integrated AFIS (IAFIS).	Maui: 2007	Statewide arrest information is sent to the FBI electronically.
3.	Begin planning and coordination to become a National Fingerprint File (NFF).	Begin Planning: 2008 Implement: 2009	Work with the FBI to assume ownership of <u>all</u> criminal history records for Hawaii offenders.

I. GOAL:

The goal of the Criminal History Record Checks Unit of the HCJDC is to provide timely criminal history record checks and current sex offender registration information to criminal justice agencies, agencies mandated by state statutes, and the public in a 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 prosecute 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. Working with the Criminal Justice Division of the Department of the Attorney General to determine the status of each registered sex offender, and to make information on qualifying sex offenders available on the Internet or walk-in public access.
- C. Implement the necessary changes to be in compliance with the provisions of the Adam Walsh Act.
 - 1. Determine state statutory changes that will be required to implement the provisions of the Act.
 - 2. Provide training to our registry partners to ensure that we meet all requirements of the Act.
- D. Improve the accessibility of criminal conviction information to the public.
 - 1. Revise Public Access screens.
 - 2. Draft administrative rules for fees.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
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 AFIS with 24-hour turn around responses.	2008	Decrease in the number of fingerprint cards scanned at the HCJDC for other state and non-governmental agencies.
B.	Fully implement the sex offender registry statute (Chapter 846E, 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.		
1.	Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.	Ongoing	Increase in the number of cases referred to law enforcement and prosecutors for follow-up.
2.	Working with the prosecutors, AG Investigators and police departments to prosecute 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.	Ongoing	Increase in the number of prosecutions and a decrease in the number of delinquent and non-compliant registrants.
3.	Working with the Criminal Justice Division of the Department of the Attorney General to determine the status of each registered sex offender, and to make information on qualifying sex offenders available on the Internet or walk-in public access.	Ongoing	Accurate and timely dissemination of sex offender registration information.
C.	Implement the necessary charges to be in compliance with the provisions of the Adam Walsh Act.		
1.	Determine state statutory changes that will be required to implement the provisions of the Act.	2008	Bill is drafted and introduced at the next legislative session.
2.	Provide training to our registry partners to ensure that we meet all requirements of the Act.	2008	Hawaii is compliant with the provisions of the Act.
D.	Improve the accessibility of criminal conviction information to the public.		
1.	Revise Public Access screens.	2008	New screens are deployed.
2.	Draft administrative rules for fees.	2007	Rules are posted.

- I. GOAL:
 - A. Continue to aggressively pursue community outreach initiatives for the State ID program and to improve convenient service to the public.
 - B. To implement the Congressional Real ID Act (January 2008)
 - 1. SSOLV (Social Security On-line Verification)
 - 2. SAVE (Systemic Alien Verification for Entitlements)
 - 3. EVVE (Electronic Verification of Vital Events)
 - 4. All documents must be scanned and stored.
- II. OBJECTIVES:
 - A. Fully implement the renewal by mail option for senior citizens and other qualifying applicants 4X per year.
 - B. Provide services to communities with limited access to the program.
 - 1. Continue the successful visits to Molokai and Lanai, as necessary.
 - 2. Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings at our downtown office.
 - C. Complete the disaster recovery installation on the new automated system.
 - D. Submit Legislative Proposal to Transfer the State ID Program to the County Driver's License Program.
 - E. To implement State ID applications on the Internet.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	Fully implement the renewal by mail option for senior citizens and other qualifying applicants 4X per year.		
1.	Notices are mailed to qualified applicants.	Ongoing	Increased number of renewals by mail.
B.	Provide services to communities with limited access to the program.		
1.	Continue the successful visits to Molokai and Lanai, as necessary.	Ongoing	The number of cards issued.
2.	Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings at our downtown office.	Ongoing	The number of cards issued. As of 9/30/2006, 4,957 cards were issued at these outreach events.
C.	Complete the disaster recovery installation on the new automated system.		
1.	Implement the necessary hardware, software and procedures needed for disaster recovery.	2007	Full backup system installed.
D.	Submit Legislative Proposal to Transfer the State ID Program to the County Driver's License Program		
1.	Draft and propose legislation.	2007	Bill is drafted and introduced at the next legislative session.
E.	Applications via the Internet		
1.	Implement State ID applications on the Internet where the public can complete the application form, pay the fee and designate the location at which they are to be processed all on the Internet.	2007	The number of cards issued and at which location processed.

Office of Child Support Hearings

I. MISSION STATEMENT

To provide a fair and impartial administrative forum for the expeditious resolution of child support disputes in accordance with the law.

II. GOALS, OBJECTIVES, AND ACTION PLANS

OVERALL GOAL 1: Provide quality resolution of child support disputes

Short Term Goals: Continue expedited disposition of cases, low number of appeals and satisfaction of participants (parties, attorneys, CSEA) with the current process

Long Term Goals: Adjust capacity to handle caseload received from the CSEA as necessary and establish a pre-hearing expedited process

Objective 1: Maintain expeditious disposition of cases and low numbers of appeals

Action Plan-Year 07-08: Gather and analyze statistics to confirm that current disposition of cases remain expedited

Action Plan-Year 07-08: Gather and analyze statistics to confirm that the number of appeals from contested cases remains low.

Action Plan-Year 07-08: Initiate discussions with CSEA and investigate the expected caseload for FYs 2008 through 2011. Project OCSH's capacity to process all cases received from the CSEA while maintaining an expedited disposition of cases and a low appeal rate.

Action Plan-Years 08-11: Implement plans to meet the expected caseload and evaluate effectiveness.

Measurement of Performance:

Success will be measured by statistics indicating whether the current expedited dispositions of cases and low appeal rates continue when the caseload changes.

Objective 2: Establish an expedited contested case, pre-hearing process. Contested cases scheduled for hearings often settle or require dismissal. Establishing a pre-hearing process for settlement as an option to contested case hearings should dispose of these cases quickly and bring more satisfaction to the participants.

Action Plan-Years 06-08:

Provide hearings officers with alternative dispute resolution tools by providing mediation and facilitation training.

Action Plan-Years 07-09:

Test selected cases for an administrative pre-hearing process, using mediation and settlement techniques as appropriate to adjudicate cases predisposed to settlement or dismissal. Adjust the scheduling functions of the KEIKI computer

programs to allow flexible hearings scheduling statewide, if appropriate. Draft appropriate forms and orders.

Action Plan-Years 09-11: Implement the pre-hearing process and evaluate.

Measurement of Performance:

Success will be measured by the number of contested cases that are disposed of pre-hearing under this process and survey(s) on whether participants are satisfied with this option to contested case hearings.

Objective 3: Ensure effectiveness of the OCSH administrative process.

Action Plan-Years 08-09 and 10-11

- Allow participants to evaluate and suggest improvements to the administrative process by developing and disseminating feedback instruments. Allow participants to express their compliments and/or concerns through such instruments.
- Implement improvements, as appropriate, to enhance efficiency and satisfaction with the administrative process.

Action Plan-Years 07-09:

- Re-evaluate OCSH's mission, goals, objectives, and action plans through a strategic planning process involving OCSH, CSEA, and members of the public.
- Adjust OCSH's mission, goals, objectives, and action plans as appropriate.

Measurement of Performance:

Statistics of the number of cases adjudicated, disposition time, number of appeals and user evaluation results are measurements of satisfaction and efficiency of the administrative process.

OVERALL GOAL 2: Continue relevant training of OCSH personnel. Provide training and information to the participants of the administrative process.

Short Term Goals: Update policy manual, cross train clerks. Plan pilot projects like brown bag training for participants of the administrative process. Maintain web page with extensive information regarding OCSH and the administrative process. Provide training opportunities for new leadership.

Long Term Goals: Acquire more formal training opportunities for attorneys and staff. Implement brown bag training and continue other training sessions for participants. Update and maintain web page.

Objective 1: Continue improving internal OJT training for each member of OCSH

Action Plan-Years 07-11:

- Survey training needs
- Update office policy manual so that new employees and current employees have a central repository of office policies, procedures and forms
- Continue to update memo banks and decision digests
- Continue periodic office meetings (weekly) as necessary

- Continue cross training of clerks
- Provide hearings officer training in mediation and alternative dispute resolution methods
- Provide hearings officers with training through the HSBA Annual Divorce Law Update
- Provide training for at least one hearings officer per year to attend administrative hearing training through the National Judicial College
- Provide training for personnel as necessary
- Provide supervisor training

Objective 2: Continue to expand training and information for participants of the OCSH administrative process.

Action Plan-Years 07-11:

- Integrate and maximize information on the OCSH website to provide information about the administrative process via the Internet.
- Seek other training forums such as the Family Law Section of the HSBA, educational television programs, and public seminars.

Action Plan-Year 09-10: Evaluate effectiveness of training, amend programs and expand delivery.

Measurement of Performance:

Success will be measured by surveys on whether employees of the OCSH and participants of the administrative process feel that helpful knowledge was gained from training and the OCSH website.

SECTION 6: INVESTIGATIONS DIVISION

Goals and Objectives

- Continue to provide skilled, technical, specialized, and general investigative services to the department.

All investigative personnel are trained in basic general investigation, and those conducting specialized or technical tasks have entered the division with these skills and disciplines. Continuous training, review, and conferral of cases, as well as judicious selection of new agents to fill necessary skilled functions, is the direction for the future. The continuous recruitment of experienced agents will maintain and improve the current standard.

- Apprise the Attorney General of criminal intelligence information that would negatively affect the State.

The division has agents with police intelligence backgrounds, and some are police reservists, which allows the division to apply current police disciplines. Membership in WSIN, Interpol, and the Federal Law Enforcement Network also help to keep the division current. Homeland security partnerships increase the overall information available.

- Continuously improve and upgrade methods of receiving, reviewing, assigning, completing, and recording quests for investigative services.

The division has been able to successfully complete and catalog a formidable number of requests for service by increasing the number of supervisors (span of control) to handle the various aspects of supervision necessary for continued proficiency. The FileMaker Pro 6 system assists in this goal. As new technology develops, we will continue to research and integrate applications.

- Continue to systematize and modernize report writing methods to create peak efficiency.

All agents presently use the same report writing method used by the Honolulu Police Department. This method allows new agents to readily perform competently. The report writing method and investigative process used for administrative investigations differs. Agents performing these tasks go through a process of learning what is required in relation to unions, state agencies, administrative rules, and legal expectations. Quicker ways of generating written statements and documents will be necessary in the long term. To achieve this goal, new technology is presently being researched.

- Continue to aggressively investigate violations of state tobacco tax laws.

The enforcement of tobacco tax laws requires the physical movement of our agents to all parts of the State to check for violations, as well as the generation of cases involving violators. The continued inspections will maintain compliance and reduce violations to a minimum. This unit is responsible for increased revenue to the State through its investigation of violations of the Tobacco Tax Law.

- Continue to aggressively investigate sexual predators of children through the Internet.

The Internet Crimes Against Children Unit is part of a cooperative effort with local and federal agencies with the common goal of protecting children from online predators. The action plan is to detect predators intent on finding naïve and unwary children via on-line chat rooms for the purpose of eventually meeting with and sexually exploiting them.

- Continue to aggressively investigate criminal violations of state environmental laws.

The Environmental Crimes Unit has a sizeable caseload in the short time it has been in existence. This includes the investigation of industrial, solid and hazardous wastes, the dumping of sewage, tires, pesticides, paints, illegal grading, and numerous violations of the Clean Water Act. Eighty percent of complaints come from the public; others come from the police and Department of Health. Two agents investigate the criminal violations. Recently, an investigation on Kauai involving illegal grading and other egregious environmental violations, which caused the pollution of the ocean and ocean flora led to the violator's payment of a \$4.5 million fine. The public has shown significant interest in environmental issues and knows who to call for enforcement action.

- Continue and improve our efforts in investigation, service of civil injunction, and other remedies involving those who use or permit to be used domiciles and other structures to distribute or manufacture "ice" and other illegal drugs, even after search warrant, warning and arrest.

The Drug Nuisance Abatement Unit has 1.5 agents who investigate drug activity in houses where search warrants have been served and arrests have been made. People living in the vicinity of the house are queried regarding drug activity, police reports are collated, and participants identified. Owners of such residences are warned to cease the illegal activities, and if compliance has not been met, civil injunction is sought and, if granted, served upon the homeowner. Further non-compliance could result in further remedy, such as forfeiture. Our action plan involves seeking additional agents, and support staff, including a criminal response function as well as a civil abatement function.

- Continue and improve cooperation between the Cold Case Unit and other law enforcement agencies and the community in the resolution of unsolved homicide cases.

Immediate plans for participation by the public in providing information to the Cold Case Unit regarding unsolved cases are underway. The unit is working very closely with the Naval Criminal Investigative Services, as well as local law enforcement, in the effort to solve these cases. A hotline system and use of public information advertisements are at the heart of this public outreach effort. Other related ideas are being contemplated.

- Continue to support the sex offender registry system in tracking unregistered and non-compliant offenders.

We are continuously improving the quality of information of Hawaii's sex offender registry by an effective tracking unregistered and non-compliant offenders.

Measurement of Performance

Because of the nature of the tasks performed by the division, the measurement of performance is based on volume.

SECTION 7: ADMINISTRATIVE SERVICES OFFICE

Information Systems and Technology Unit

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

Objective: Ensure that the IT staff receives the necessary training on an on-going basis for existing hardware and software.

Action plan: Now that the Unit has been allocated two additional positions to help offset its heavy workload, a training plan will be developed for the staff. Ongoing training for is essential in order for the department to remain progressive and take advantage of emerging information technology. With the additional positions, the Unit will be able to setup a "Help Desk" to take trouble calls and requests for assistance via telephone or e-mail in order to ensure the timely resolution of problems.

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.

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

Objective 2: Setup the department's own E-mail servers.

Action plan: Because a large effort will be required to administer our own E-mail server, it was decided to defer the implementation of this objective until we have additional positions. E-mail is now 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.

Action plan: Additional training and additional staffing are 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). This objective will also be deferred until additional positions and the necessary training are available.

Objective 4: Integrate certain existing business functions into the public websites.

Action plan: The project to redesign all of the department's public websites using the new departmental template developed by ICSD was completed last year. An ongoing effort will be required to maintain the public websites and to integrate more business functions as they evolve.

Objective 5: Continue of the departmental Intranet.

Action plan: Most major components of the departmental Intranet have been implemented. An ongoing effort will be required to maintain the Intranet and implement occasional enhancements.

GOAL 3 Continue development/enhancement of the case management system (ProLaw) and document management system (iManage).

Objective 1: Continue development of Case Management System.

Action plan: More effort will be required during the coming year to further develop additional screens and reports for the Case Management System (ProLaw). The IST Unit will continue to receive programming requests as users become more aware of the potential capabilities of this application.

Objective 2: Acquire necessary training to adequately support, maintain, and upgrade Document Management System.

Action plan: A training plan will be developed for this and any other needed training for the IST staff.

GOAL 4 Provide all departmental personnel with adequate computer hardware and software.

Objective 1: Budget annually to acquire 100 to 135 personal computers, 5 to 10 laser printers, 3 to 5 servers, and 4 to 6 switches (ideally setting up a 3 year replacement cycle).

Objective 2: Plan and budget for the periodic acquisition of upgrades to department-wide software). Due to operational issues (i.e., uniformity, functionality), each software upgrade should be purchased for everyone at the same time.

Action plan: A request to initiate the recommended 3-4 year replacement program will not be required until the Second or Third year of this Plan.

Fiscal Office

Goal: 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 assistance and requested fiscal reports to management.

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

Action plan:

First year

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. Datamart is a database system of the most current, up-to-date FAMIS reports. The system allows us to view and/or download current FAMIS information onto an Excel spreadsheet that can be sorted to meet our current needs.

Last year's goal of obtaining more office space and providing a better work environment for the fiscal staff was accomplished in April 2007. This move allowed the fiscal office to recruit for the Account Clerk III and Accountant III positions. The account clerk was hired on May 21, 2007.

The fiscal office submitted a request for a list of available candidates for the Accountant III position on August 16, 2007.

Second year

Continue to refine the purchasing card system implemented on July 1, 2005 for the purchase of goods and services.

Fifth year

Continue to evaluate the FAMIS Model Procedures Systems to determine whether it still meets the needs of the Fiscal Office.

Personnel Office

The past two years have been heavily occupied by increasing workload demands, such as the intergovernmental transfer of two separate jurisdictions to the department and the exemption and extension projects. The progress and ability to reach the goals and objectives depend on the successful acquisition of additional staffing, adequate office space, and funding/availability of project resources.

GOAL 1 Obtain additional personnel positions to effectively meet the personnel requirements for a department of our size, scope and complexity.

Objective: Obtain and establish sufficient personnel manpower resources to effectively serve the department.

Action plan: Secure additional permanent positions to overcome the continually increasing workload. A Personnel Clerk V position that was eliminated by the legislature in 1995 will be restored effective October 1, 2007.

GOAL 2 Continue to provide quality and timely service to meet the personnel needs of the department.

Objective: Use computer technology to enhance our ability to provide timely quality services.

Action plan: Eliminate various time-consuming manual activities. In addition, because of our small staff, we will attempt to cross-train to the extent possible the clerical staff in personnel-related computer programs.

GOAL 3 Explore the 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.

Action plan: We have regularly been using e-mail, shared drives, and the Department's Intranet to transmit and receive information to and from employees, secretaries and supervisors. Discussion and planning regarding the various options that are technologically available will be discussed and researched, and their applicability evaluated and studied.

Objective 2: Increase the use of electronic bank of standard personnel forms, instructions and informational materials to assist and expedite personnel actions.

Action plan: We have made great strides in using the e-mail, shared drives and Intranet to develop references for employees, supervisors and secretaries, and 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 have been posting additional information and forms onto the site. We have also developed a site for secretaries on the departmental server 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. As time and personnel permits, more training will be provided to secretaries so that they made be able to provide personnel information to their members.

Objective 3: Explore the ability to process and transmit departmental personnel actions electronically between divisions, etc.

Action plan: Using the scanner, we have made available to employees documents that contain signatures. We will review the processing requirements of various documents to assess the feasibility of transmitting documents electronically.

GOAL 4 **Provide technical assistance and guidance to managers and supervisors in developing and maintaining a quality workforce.**

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

Action plan: We will continue to update policies and procedures for personnel actions and matters, and we will further develop and enhance the Personnel site on the intranet to include managerial information and links to other helpful sites.

Library Services

The main goals for the Library in FY 2007-2008 are to maintain the library and its equipment at a high level for the Department as well as make further financial cuts if needed to bring library the budget into line. This past fiscal year has seen the reduction of about \$50,000 from the library budget with the cutting of Shepard's (\$20,000), the West Regional Reporters (\$21,000), and a number of treatises no longer needed in the library (\$10,000). The divisions have also helped by cutting about \$6,000 from their library materials budget. Many of these cuts were made possible by our flat fee contract with Westlaw, which has enabled us to do away with the need for hardbound copies of the Regional Reporters as well as some of the treatises. Westlaw costs have also been better due to following up on charges incurred outside our contract and helping deputies and paralegals to search more efficiently on Westlaw. Approval of having a Library Maintenance Agreement with West will also save the Department \$28,000 over three years on the materials we get from West.

Goal: Continue to maintain the best possible environment for legal research in the department in terms in terms of resources, facilities, and equipment

Objective 1: Maintain the quality of library service by keeping a useful and varied collection of library materials for the Department but also making cuts where necessary to eliminate little used items as well as insure that the library is within budget.

Action plan: With the assistance of the Library Committee, identify materials to keep in library collection as well as materials to cut. Pare unnecessary items from the library's collection. Investigate putting some library materials on CD-ROM to be networked in the department to make them more readily available and cut down book costs.

Objective 2: Upgrade audiovisual equipment.

Action plan: Purchase video camera that is easy to maintain and operate.