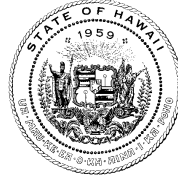


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GOALS AND OBJECTIVES OF THE DEPARTMENT OF THE ATTORNEY GENERAL

Pursuant to Act 100, Session Laws of Hawaii 1999,
as Amended by Act 154, Session Laws of Hawaii 2005

Fiscal Year 2015 – 2016

Submitted to the Twenty-Eighth State Legislature
Regular Session of 2016

SECTION 1: INTRODUCTION

The Department of the Attorney General is comprised of almost two-dozen divisions. Each division has contributed to this report.

SECTION 2: DEPARTMENT GOALS AND OBJECTIVES

The Department of the Attorney General

The Attorney General is the chief law enforcement officer of the State of Hawaii. The mission of the Department of the Attorney General is to provide excellent legal services to the State of Hawaii by offering advice and counsel to its client agencies, assisting in implementing policy decisions, aiding the core activities of its client agencies, and representing the State and its clients in litigation. The scope of the practice is wide and varied. The department represents the executive officers of the State of Hawaii, the Governor, the Legislature, the public officers of the State and under certain circumstances employees of the State of Hawaii. In addition, the Attorney General administers the Child Support Enforcement Agency, plans and implements crime prevention programs, gathers information and records to support law enforcement, and administers the state's sex offender registration.

GOAL 1: **Continue to improve the department.**

Objective 1: Continue to improve and enhance the operations and functioning of the department.

Objective 2: Continue to enhance the professionalism of the department.

Action Plan 1: Increase pay for deputy attorneys general.

The target date for this action plan is the end of this legislative session.

The Department of the Attorney General office has over 180 deputy attorneys general. These professionals range from new hires to career deputies who have been with the Department more than 30 years. Experienced deputies are critical to the successful transition between administrations. Deputies' work is an integral component of every project of any importance in which any State agency is involved. In doing so, they serve a vital, irreplaceable function in State government, one that only an experienced, licensed professional can perform. Despite the essential role that deputies play, they receive significantly less compensation than attorneys with similar experience receive to perform similar work in other public-sector attorney positions. For example, a deputy attorney general receives, on average, \$20,000 less a year than his or her counterparts at the Office of Corporation Counsel for the City & County of Honolulu.

The measure of success for this action plan is an increased sense of satisfaction, resulting in employee retention and a lower vacancy rate. The deputies whose salaries are tied to BU13 received a raise this fiscal year. With these monies, the disparity in salaries was decreased but lack of parity continues to exist.

Action Plan 2: Continue to make critical hires as needed.

The target date for this action plan is ongoing, and many critical hires have been made.

The measure of success for this action plan is that the hires requested by the divisions and approved by the Attorney General are made, and the department is operating at sufficient capacity to provide appropriate services to its clients.

Action Plan 3: Continue to improve control and handling of litigation.

A Litigation Management Committee was created approximately three years ago and has been functioning to track existing litigation, and provide critical review and analysis to secure optimal results, especially with respect to major litigation.

The Attorney General needs to be regularly informed of the status of important litigation (both large financial stakes and important policy issues).

A major litigation supervisor was hired to oversee complex and important litigation being handled by the department.

The measures of success for this action plan are that the Attorney General is sufficiently informed about litigation matters, important cases are regularly reviewed and discussed, litigation matters are properly calendared to ensure timely completion and filing, and the individual divisions are getting the support they need to handle their litigation case load.

Action Plan 4: Continue to improve client relations and protocols for responding to queries and requests. Continue to improve client service, quality of advice and representation.

Ensure that the department is responding to queries quickly (e.g., a prompt turn-around for responding to emails, even if it is only just an acknowledgment) and that clients feel their concerns are being addressed.

The target date for this action plan is ongoing.

The measure of success for this action plan is that clients are more satisfied with the department's services, and the department receives fewer complaints regarding issues like untimely responses. Another measure is whether the department succeeds in reducing litigation by solving problems before they occur.

Action Plan 5: Continue to improve the technological capabilities of the department.

Through the Office of Enterprise Technology Services, the department has begun moving from Lotus Notes to Office 365.

The transition to Office 365 will require the department to integrate the ProLaw case management and iManage document management systems. Prior to purchasing new case management and document management systems the department, through its ATG/IT Committee will research software programs that will meet the department's needs and integrate with Office 365.

The measure of success for this action plan is that the department is functioning more like a 21st century law firm in terms of its technological capabilities. Specifically, all events should be on one calendar with multiple modes of review to avoid failure, deputies should be able to access their email, calendar, and documents remotely, and the hardware and software should be upgraded to be faster and better.

Action Plan 6: Continue to improve departmental cohesion.

Continue holding monthly supervisor meetings, which in past audits supervisors have lauded as one of their favorite activities.

Provide management training so that supervisors and up-and-coming managers can play a role in continuing to build a cohesive department, using tried-and-approved management techniques.

Continue holding division group meetings to better organize the department, and let individual divisions share valuable information with each other, in a setting that provides more time for discussion than the monthly supervisor meetings.

Encourage participation in departmental committees: litigation management committee, training committee, contracts committee, ethics and conflicts committee, appellate opinion review committee, management committee, innovation committee, and newsletter committee.

Reestablish regular circulation of a department-wide newsletter.

The target date for this action plan is ongoing.

The measure of success for this action plan is difficult to quantify, but can be gauged in a variety of ways, including that the department is not providing conflicting advice on the same topic, that more issues are being caught early on because different divisions are more engaged with each other, and that when reviews

and/or evaluations are done, more people respond in such a way that shows that they feel like part of the department, rather than just part of their individual division.

Action Plan 7: Provide Continuing Legal Education (CLE) training and regular employee evaluations.

A Training Committee was established to provide and coordinate training for all department employees, both attorneys and staff.

Training consists of formal training, informal or brown-bag training, and training sanctioned by the Hawaii State Bar Association for Mandatory Continuing Professional Education (MCPE) credits.

The department has successfully worked with the National Association of Attorneys General, National Attorneys General Training and Research Institute, Conference of Western Attorneys General, and other groups to bring in training for department employees.

A formal evaluation process was reestablished that gives strong performers positive feedback, weaker performers an honest assessment and opportunity to improve, and benefits the department as a whole. This process also works as a management tool so that supervisors can gauge the professional development of their employees, and determine who can act as mentors, etc.

The target date for this action plan is ongoing.

The measure of success for this action plan is that more valuable training is occurring. This has been ongoing and continuing over the past four years, including monthly brown bag trainings that are organized by the Training Committee (with more scheduled), and various seminars that provide CLE and MCPE credit and brought in national trainers on topics such as ethics, trial advocacy, jury selection, and leadership. The additional measure of success is that employee evaluations become routine and show tangible benefits through improved performance.

Action Plan 8: Continue to improve morale.

Work to increase morale through a combination of initiatives like training, departmental breakfasts, award ceremonies, personal

recognition, shirts and caps and mugs with the AG logo, department-wide vision meetings with feedback, etc.

Provide an annual list of departmental accomplishments.

The target date for this action plan is ongoing.

The measure of success for this action plan is inherently difficult to quantify. It can be gauged in part through objective measures such as whether more morale boosting events are held. Consideration will also be given to surveying the department to gauge employee satisfaction.

Action Plan 9: Facilitate better interaction between the department and special deputies.

Require the special deputies to work more closely with the division deputies.

This will serve two purposes: (1) it will elevate the quality of the line deputies' work; and (2) it will hold down the special deputies' costs.

The target date for this action plan is ongoing.

The measure of success for this action plan is whether special deputies' costs are held down and departmental supervisors feel that the quality of work, which is already high, continues to improve.

Action Plan 10: Continue to improve cooperation with members of the Legislature.

Both during and outside of the legislative session the department has reached out to legislators offering to assist them as they deem necessary to ensure that any legal or constitutional infirmities are resolved with respect to legislative proposals. This helps ensure that bills can be amended earlier in the session and reflect the intent of the sponsoring legislator.

The measure of success will be increased integration between deputies and legislators and feedback from legislators that the assistance is helpful.

SECTION 3: LEGAL SERVICES DIVISIONS

Administration Division

As it has evolved over the years, the Administration Division has come to represent a number of governmental entities and all three branches of government. The primary mission of the Administration Division is to provide advice and counsel to, and representation of policy-making executive branch agencies (i.e., Governor, Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assist in implementing policy decisions (e.g., through Executive Orders, legislation, and rules); and assist the implementation of the core activities of the above agencies, their attached agencies, as well as other agencies (i.e., Employees' Retirement System, Hawaii Employer-Union Health Benefits Trust Fund, Office of Enterprise Technology Services; State Procurement Office, Stadium Authority, Office of Elections, Campaign Spending Commission, Land Use Commission, Office of Information Practices, and Ethics Commission). The Administration Division also provides advice and counsel to, and representation of the Judiciary and the Legislature and their agencies.

GOAL 1: **Obtain assistance with litigation, administrative appeals**

Objective 1: Focus more on the work that should be done by the division.

Objective 2: Reduce the amount of time division deputies have to spend on litigation so that they can focus more on the division's advice and counsel function. Expect division deputies to still participate in litigation by providing the substantive knowledge of the litigated issues to an experienced litigation deputy.

Action Plan 1: Short-term – Work closely with Major Litigation Division and other legal Divisions to obtain services/assistance of experienced litigation deputies and support staff.

The target date for this action plan is immediate.

Action Plan 2: Train clerical staff (two new members) to provide services to attorneys.

The target date for this action plan is ongoing.

Action Plan 3: Create more standardized procedures for paralegals.

There is no set target date for this.

There are several measures of success for this goal: (1) whether the division is providing experienced representation for the client agencies; (2) whether current deputies are allowed to focus on litigation prevention and advice and counsel functions for multiple clients that currently are not receiving services in as timely a manner as possible; and (3) whether the supervising deputy attorney general has time to address supervisory and administrative issues.

GOAL 2: **Continue efforts to reduce or eliminate the number of neighbor island trips that Oahu-based deputies must take, including hearings on unopposed motions; and hearings relating to subpoenas for confidential records.**

Objective: Save money and better utilize staff and attorneys' time.

Action Plan 1: Work with the Judiciary to have Judiciary employees who are the custodians of the subpoenaed records to represent themselves at routine subpoena returns statewide. Work with the Judiciary to create uniform policy to allow deputies to appear by phone.

Action Plan 2: Continue to work with the Family Law Division on handling these motions on neighbor islands. Administration Division has generated a training binder of top low-level motions and sample pleadings and will update these samples as necessary.

This target date for this goal is ongoing.

The measure of success for this goal is monetary savings to the department (e.g., air fare, cabs, car rental, parking, etc.) and savings in deputy time.

GOAL 3: **Reduce the time attorneys spend on non-legal tasks for clients.**

Action Plan 1: Train clients in tasks such as preparing agendas and minutes, maintaining records and creating records and indices of records for administrative appeals.

The target date for this goal is ongoing.

The measure of success for this goal is savings in deputy time currently spent reviewing and re-writing agendas and minutes. Making sure records available to the public do not contain confidential information or attorney-client privileged information.

Making sure agency records for administrative appeals are in good order.

GOAL 4: **Realign duties within the department to areas of expertise and increase ability to provide consistent advice and to increase efficiency.**

Objective: Focus more on work that should be done by the division.

Action Plan: Re-examine with other divisions whether and where specific types of work could best be assigned. Basis for discussions would be where the relevant expertise lies in each division, without analysis being prevented by “this is how we’ve always done it” reasoning.

The target date for this goal is ongoing.

The measure of success for this goal is that clients would benefit from expertise of deputies in subject areas, and the Department will give more consistent and timely services to its clients. Another measure of success will be whether the division is successful in helping to *prevent* litigation through good advice.

GOAL 5: **To make the Administration Division a resource for other divisions seeking guidance on substantive legal issues in the area of procurement and contracts, sunshine law, and fiscal/appropriation issues.**

Objective: To integrate the work being done in the Administration Division with the department as a whole.

Action Plan: Encourage deputies to contact the division to brainstorm issues in the areas of procurement and contracts, sunshine law, and fiscal and appropriation.

The target date for this goal is ongoing.

The measure of success for this goal is more consistent documentation and advice to clients.

GOAL 6: **Manage open and closed files.**

Objective 1: Provide better, faster, and easier access to critical information.

Objective 2: Clean up the Administration Division’s physical space.

Action Plan: Review and move old files to storage or destroy as warranted. Identify and digitize pleadings and advice and make them accessible. Develop a plan and tickler system for regularly reviewing, archiving, and destroying old files.

The target date for this goal is ongoing.

The measure of success for this goal is improved efficiency, consistency in advice, and improved office appearance.

Appellate Division

The primary mission of the Appellate Division is to maximize the quality of the appellate representation of all of the department's clients, and to provide constructive and quality legal advice to deputies throughout the department, on all legal matters.

GOAL 1: **To improve the appellate writing skills of deputies and ensure that critical mistakes are not made by the department regarding appeals.**

Objective: To provide training for all deputies who must do appeals so as to maximize the persuasiveness of their briefs and to give them substantial knowledge or awareness of basic appellate rules.

Action Plan: Provide multiple training sessions regarding appellate writing, appellate rules, and persuading an appellate court.

The target date for this goal is ongoing.

The measure of success for this goal is the number of completed training sessions. Several sessions have already been completed, and more are scheduled.

GOAL 2: **To maximize the substantive legal knowledge of deputies within the Appellate Division regarding legal issues that frequently confront the Appellate Division.**

Objective 1: Use Appellate Division expertise to benefit the whole department.

Objective 2: Ensure that if any one deputy or paralegal leaves the division, remaining persons can maintain division functioning without significant disruption.

Action Plan 1: Hold meetings with, or send emails to, deputies regarding significant legal developments in the law that are of frequent concern to the Appellate Division.

The measure of success for this action plan is that deputies will be better able to spot issues and incorporate them in their writing, and in advice to deputies outside the division.

Action Plan 2: Have senior appellate deputies (and eventually newer deputies) attend the Appellate Opinion Review Committee meetings on a rotating basis.

The measure of success for this action plan is Appellate Division deputies providing constructive and insightful assistance to the Appellate Opinion Review Committee.

Action Plan 3: When possible, have Appellate Division deputies review, and comment upon, other Appellate Division deputies' briefs or memoranda.

The measure of success for this action plan is improved quality of Appellate Division output.

Action Plan 4: Instruct paralegals about procedural and internal department matters, and general appellate matters. Share the individual paralegals' knowledge -- who have expertise in electronic filing and other administrative matters -- with each other and with deputies within Appellate Division and Department-wide.

The target date for this goal is ongoing.

GOAL 3: **To make the Appellate Division a legal resource for other divisions seeking substantive legal advice or appellate procedure information.**

Objective: Use Appellate Division expertise to benefit the whole department.

Action Plan: Encourage deputies with appeals to contact the Appellate Division anytime they have questions regarding appellate procedure, or, more generally, to ask the Appellate Division for ideas or arguments in support of the State's positions, or to rebut troubling opposing arguments.

The target date for this goal is ongoing.

The measure of success for this goal is improved appellate briefs and substantive motions.

GOAL 4: **Provide solid advice to the Attorney General regarding amicus joinder requests.**

Objective: Ensure that Hawaii is signed on to the right legal issues at the right times, and for the right reasons.

Action Plan: Solicitor General to review and edit all amicus joinder recommendations before they are given to the Attorney General.

The target date for this goal is ongoing.

The measure of success for this goal is consistency in the quality of the Appellate Division's recommendations, and the Attorney General's satisfaction with those recommendations.

GOAL 5: **Provide the entire department with readily accessible substantive and procedural legal knowledge to assist in their litigation efforts.**

Objective: Create an easily accessible knowledge bank containing a wide variety of substantive legal arguments, as well as numerous appellate brief formatting examples.

Action Plan: Work within the Appellate Division and then with other divisions to make filed appellate briefs available to all deputies.

The target date for this goal is ongoing.

The measure of success for this goal is the actual creation of a brief bank that can be accessed by the appropriate deputies.

Civil Recoveries Division

The Civil Recoveries Division provides flexible, efficient, systematic, and timely service in the pursuit and, if necessary, litigation of outstanding debts, delinquent accounts, and other financial obligations by working closely with client agencies, having a sound knowledge of the subject legal doctrines and operational issues facing the clients, and capitalizing on available technology.

GOAL 1: **Strengthen team members and operations by meeting regularly to assess the well-being of team members and identify ideas, areas of strength, areas for improvement, and develop appropriate action plans.**

Objective: To create a climate of constant improvement.

Action Plan 1: Each team leader will hold regular (quarterly minimum) scheduled meetings with individual team members to focus on team member's and team's well-being, ideas, areas of strength, areas of improvement, and development of action plans to help strengthen the team members, team, division, and department.

This action plan is ongoing.

The measure of success for this action plan is regularly scheduled meetings, a consistently positive work environment, and measureable professional development of the team members.

Action Plan 2: These regular meetings will include supervisor discussion notes to document the strengths and positive impact of team members, as well as assist in the improvement of performance if needed. The supervisor discussion notes will be maintained by the supervisor and will address whether the workflow makes sense, is not wasted energy, and that the division is not doing things just because they have always been done that way.

This action plan is ongoing.

The measure of success for this action plan is meaningful documentation reflecting discussions between the supervisor and team members.

GOAL 2: **Division will develop an electronic case file archival plan with input from all teams. Plan procedures will be consistent across all teams.**

Objective 1: To move towards a paperless environment.

Objective 2: To better organize the division using electronic case file archive.

The target date for this goal is ongoing.

GOAL 3: **The division will significantly improve efficiency of case management, tracking, and litigation through the use of existing case management technology in the office (iManage, ProLaw, and software in the division) and identification of future flexibility.**

Objective 1: To work faster and smarter.

Action Plan 1: Begin training all staff on existing technology.

This action plan is ongoing.

Action Plan 2: Implement all existing technology in operations.

This action plan is ongoing.

The measure of success for this goal is that all items are completed by the assigned dates.

GOAL 4: **The division will identify and develop a system to reduce and/or eliminate paper files through the use of technology for simple debt collection of accounts.**

Objective: To move towards a paperless environment.

Action Plan 1: Draft plan to reduce and/or eliminate paper files for simple debt collection amounts.

This action plan is ongoing. The division continues to reduce its paper files and rely on electronic storage.

Civil Rights and Tort Litigation Divisions

The Civil Rights and Tort Litigation Divisions provide legal defense to the State, its departments and agencies, and certain state employees in lawsuits or other claims that involve allegations of injuries or damages arising from various torts, and 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.

GOAL 1: Maintain institutional knowledge.

Objective 1: Better organize the divisions' information for use and retrieval.

Action Plan 1: Memo bank – Input memos, briefs, etc. on legal issues that often recur, such as section 409 issues, discretionary function, qualified immunity, Eleventh Amendment immunity, etc.

The target date is ongoing.

The measure of success for this action plan is that the briefs and memoranda are available to the department in iManage.

Action Plan 2: Expert bank – prior depositions, curriculum vitae, etc.

The target date is ongoing.

The measure of success for this action plan is that the appropriate information is available to the department in iManage.

Action Plan 3: Put closed files on discs rather than packing boxes for storage.

The target date is ongoing.

The measure of success for this action plan is having fewer boxes around the office and reducing the need to retrieve boxes to obtain information from closed cases.

Action Plan 4: Create uniform and consistent entries in ProLaw and iManage.

There is no target date until agreement is reached with other divisions.

The measure of success for this action plan is it will be easier to conduct conflict searches and to locate other information in ProLaw and to search for documents in iManage.

Action Plan 5: Create manuals and checklists for deputies and staff regarding important duties and reminders.

The target date is ongoing.

The measure of success for this action plan is completed manuals and checklists that will assist deputies and staff to ensure a consistent and complete work product.

GOAL 2: **Increase efficiency.**

Action Plan 1: Create litigation liaisons for all departments so that litigation issues are centralized (some departments already have such liaisons).

There is no target date for this action plan until agreement is reached with the appropriate departments.

The measure of success for this action plan is quicker responses by the department on questions, discovery and other information requests. A few departments have created litigation liaison positions and it has been helpful in streamlining efforts to defend the State in litigation.

Action Plan 2: Add additional runs for messengers. Also have a way to contact messengers, perhaps via cell phone, while they are out on a run so that they can pick up a document (e.g., court order) when the division is notified *after* the messenger has already left on a run.

There is no target date for this action plan pending further discussion with administration.

The measure of success of this action plan is reduced complaints regarding availability of messengers and reduced concerns about timely filing and delivery of documents.

Action Plan 3: Develop a process to better share information between divisions and creating uniformity in procedures for different divisions which perform similar assignments, such as responding to discovery requests and the manner in which we document and identify the materials turned over to other parties.

There is no target date for this action plan pending further discussion with administration and supervisors.

The measure of success of this action plan is to prevent other parties or judges from challenging our responses or procedures because one division's response was inconsistent with another.

GOAL 3: **Help new deputies get up to speed as quickly as possible.**

Action Plan 1: Generate a standard packet of documents, forms, and information important to the division to give to new deputies.

The target date is ongoing.

Action Plan 2: Create standard training for every new employee on iManage and ProLaw right after they start.

There is no target date for this action plan; pending further discussions with administration and the Information Technology (IT) unit. Although periodic training does occur, there is no program in place directed toward new employees at the time of starting their employment.

The measure of success for this goal is that new deputies will have a basic set of important and frequently used forms, documents and other information as well as immediate training on office equipment and software which will enable them to quickly be able to concentrate on substantive work with optimum efficiency.

Action Plan 3: Establish a mentoring program to pair new or inexperienced deputies with more experienced deputies on a variety of different cases, including complex or high values cases. This will allow deputies to get training and experience more quickly because new deputies ordinarily would handle only smaller, lower value cases.

The target date is ongoing.

The measure of success for this goal is that new deputies will gain confidence and learn and develop litigation skills more quickly.

Commerce and Economic Development Division

The mission of the Commerce and Economic Development Division is to provide high quality and timely legal services to the Department of Commerce and Consumer Affairs, the Department of Business, Economic Development, and Tourism, the Department of Agriculture, and the Deferred Compensation Board. The division also enforces the antitrust laws, issues commissions to and regulates the practice of notaries public, and advises the Legislature, the Governor, and other affected agencies on legal issues arising from the subject matter of the division.

GOAL 1: **Monitor each attorney’s workload, productivity, and mastery of subject matter.**

Objective: Create better management metrics.

Action Plan 1: Obtain printouts of case assignments.

The target date for this action plan is ongoing.

Action Plan 2: Meet with one attorney per week on a rotational basis to review assignments, issues, and questions.

The target date for this action plan is ongoing with at least one rotational cycle every six months.

Action Plan 3: Review time sheets monthly.

The target date for this action plan is ongoing.

GOAL 2: **Improve cross-training, institutional knowledge, and consistency.**

Action Plan 1: Hold periodic meetings of practice groups or case groups (e.g., those advising client departments, those involved in litigation, those involved in advising clients subject to the sunshine law, with groups formed or revised as issues/topics arise).

The target date for this action plan is ongoing.

Action Plan 2: Develop form and memo banks – Ongoing as appropriate submittals are identified through practice group meetings.

The target date for this action plan is ongoing as appropriate.

Action Plan 3: Hold monthly division meetings.

The target date for this action plan is ongoing.

GOAL 3: **Make effective use of central calendaring system.**

Objective: Keep better track of deadlines and schedules.

Action Plan 1: Continue to calendar all matters in litigation.

The target date for this action plan is ongoing.

Action Plan 2: Identify other matters appropriate for calendaring.

The target date for this action plan is ongoing.

Criminal Justice Division

The mission of the Criminal Justice Division is to serve as the statewide prosecutorial arm of the Department of the Attorney General, to enforce the laws of the State of Hawaii, to ensure public safety through the just, efficient, and effective administration of justice, and to advocate for the passage of laws that protect the people of Hawaii.

GOAL 1: **Come into compliance with the 12 performance standards set by the U.S. Department of Human Services, Office of Inspector General in operating the Medicaid Fraud Control Unit (MFCU).**

Objective: Address the six recommendations made by the U.S. Department of Health and Human Services, Office of Inspector General (DHS-OIG) in the Hawaii State Medicaid Fraud Control Unit: 2014 Onsite Review

Action Plan: Work with DHS-OIG to resolve the six recommendations made in the 2014 Onsite Review. MFCU has developed a corrective action plan that has been reviewed and approved by DHS-OIG to address each recommendation. The corrective action plan is intended as a guide for MFCU to come into compliance with the 12 performance measures.

The measure of success for this goal is for HHS-OIG to make a finding that the six recommendations have been addressed and resolved. The target date for this action plan to be completed is October 1, 2016.

GOAL 2: **Transition to a more pro-active means of discovering fraud in the Medicaid Program.**

Objective: Recover money from providers who intentionally or negligently submit bad claims for reimbursement from the Medicaid Program.

Action Plan: Work with the Department of Human Services, Office of Inspector General, the Department of Human Services MedQuest Division and its contractor, to determine if adopting a data mining program within the MFCU is a cost effective way of increasing recovery of false claims made to the Medicaid program.

If it is determined that a data mining program would be a cost effective method of detecting fraud within the Hawaii Medicaid

program, obtain approval from DHS-OIG to implement a data mining program within the MFCU unit.

The measure of success for this goal is obtaining approval from OIG-HHS to initiate a data mining program and increased recovery of funds from fraud cases that are charged based on data mining information.

The target date for determining if a data mining program would be an cost effect program for the MFCU is July 31, 2016. If data mining is deemed to be an appropriate program to obtain approval and have policies and procedures in place for the program by December 31, 2016.

Education Division

The mission of the Education Division is to provide quality and timely legal services to all of the division's clients, which include the Department of Education with all of its schools, the Board of Education, the Hawaii State Public Library System, the Hawaii Teacher Standards Board, the Charter School Commission, the individual Charter Schools and their Governing Boards, the Executive Office on Early Learning, and the Early Learning Advisory Board.

GOAL 1: **Improve skills and efficiency and build capacity within the division.**

Action Plan 1: Assign complex matters to groups or pairs of deputies. The grouping would include deputies of varying experience levels.

The target date for this action plan is ongoing.

The measure of success for this action plan is to check every other month with the experienced deputies regarding less experienced deputies' performance. Also, check with inexperienced deputies regarding what they have learned from more experienced deputies.

Action Plan 2: Continue to meet at least monthly with the division to discuss specific cases and analyze specific issues.

The target date for this action plan is ongoing.

The measure of success for this action plan is to check quarterly on the efficacy of the discussions.

Action Plan 3: Work on a division manual to document various processes and procedures.

No current end date is scheduled.

The measure of success for this action plan is that at least one new section is completed each quarter.

Action Plan 4: Create a brief and decision bank of United States District Court (USDC) cases with a listing of issues contained in the briefs and decisions.

The target date for this action plan is to be determined.

The measure of success for this action plan is based on the number of days between when a brief or decision is available and when it is posted in the bank.

GOAL 2: **Ensure timely action on all matters.**

Objective: Improve customer service.

Action Plan 1: Keep master calendar of all deadlines within the division.

The target date for this action plan is ongoing.

The measure of success of this action plan is to send weekly emails to deputies, legal assistants, and secretaries with upcoming deadlines for the following two weeks.

Action Plan 2: Continue working on developing a system to track compliance with court orders and settlement agreements.

The target date to have a working system in place is ongoing.

The measure of success for this action plan is to conduct monthly follow up with the appropriate client on each outstanding order or agreement.

Action Plan 3: Provide due dates for all assignments and meet due dates provided for each assignment.

The target date for this action plan is ongoing.

The measure of success for this action plan is that secretaries check ProLaw sheets for a due date for each assignment and inform the supervisor by the next business day if an assignment due date was missed.

Action Plan 4: Acknowledge receipt and handling of questions via emails and phone calls within two business days of receipt – ideally, respond within one business day.

The target date for this action plan is ongoing.

The measure of success of this action plan is an annual survey of the client regarding response time.

GOAL 3: **Develop an electronic file system to reduce paper.**

Objective 1: Have a system where electronic files are accessible to the entire division.

Objective 2: Move towards a reduced paper environment.

Action Plan 1: Develop a standard for creating electronic files and scanning documents as they come in.

The target date for this action plan is ongoing.

Action Plan 2: Explore scanning existing files for storage.

The target date for this action plan is ongoing.

Employment Law Division

The mission of the Employment Law Division is to provide high quality and timely legal representation to the State, its departments, attached agencies and senior managers in personnel/labor disputes with their own employees or prospective employees.

GOAL 1: **Provide quality legal representation to all State clientele in all areas of Employment Law.**

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

Objective 2: Ensure effective communication with clients.

Action Plan 1: Provide training, training seminars, videotapes, brown bag lunches and in-house training (department and division wide).

Action Plan 2: Provide cross-training within the division utilizing attorneys and legal assistants with specialties in certain areas.

Action Plan 3: Establish a uniform procedure for addressing employment law claims.

Action Plan 4: Establish a mini-LRC within the division to assist lead counsel.

Action Plan 5: Improve communications with clientele by timely responding to requests for assistance or by providing a time frame for a response.

Action Plan 6: Encourage clientele to confer with Employment Law staff prior to making questionable or unprecedented management and personnel decisions.

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

The division has continued to cross train deputies both by assigning a wide variety of cases to each deputy but also teaming up experienced counsel in certain areas as back up or second chair to less experienced deputies. E-filing in federal court and State Appellate court is now well established and all support staff are capable of e-filing. We are completing our eighth year of standardized procedures with the Department of Education, especially in Workers Compensation

We have made a point of making ourselves available to clients for meetings in advance of taking action or making decisions. We have met or had telephone contact with the

directors or deputies of B&F, DOE, DOH, DHS, DHHL, DLIR, DLNR, DHRD, PSD, DOT, DOTAX, DOD and RCUH.

GOAL 2: **Initiate preventive law measures.**

Objective 1: Reduce employment law claims.

Action Plan 1: Identify State clientele that demands the most time and attention.

Action Plan 2: Provide preventative training to State clientele in subject areas that dominate litigation and administrative hearings.

Action Plan 3: Coordinate training for clientele with other divisions within the Department and 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.

Family Law Division

The mission of the Family Law Division is to represent state agencies in Family Court proceedings. The Family Law Division handles all state litigation under the jurisdiction of the Family Court, such as child and adult protection, guardianships, truancy, adolescent status and law violations where services are provided by the Department of Health (DOH), the Department of Education (DOE), and the Department of Human Services (DHS), and involuntary civil mental commitment hearings. Clients include the DOH, the DHS, the DOE, and the Office of the Public Guardian.

GOAL 1: **Provide quality legal representation to our clients on all islands including the Departments of Education, Health, Human Services, and the Office of the Public Guardian.**

Action Plan 1: Train new deputies: on the job and by informal mentoring by senior deputies.

The target date for this action plan is ongoing.

The measure of success for this action plan is to review court performance by regular observation and meetings.

Action Plan 2: Continue legal education of staff through in-office speakers and federally funded substantive trainings.

The target date for this action plan is ongoing, in conjunction with the Training Committee.

The measure of success for this action plan is to make sure the topics are of general interest and relevant to the work the division does.

Action Plan 3: Maintain a memo bank on the P-drive.

The target date for this action plan is ongoing.

The measure of success for this action plan is that deputies on all islands are contributing to the memo bank.

Action Plan 4: Cross-train all deputies and staff. This has been ongoing for several years. Each deputy on Oahu moves between the division's two main areas: child welfare and the specialty cases. The neighbor island deputies handle all of those issues.

The target date for this action plan is ongoing.

The measure of success for this action plan is to have lead deputies in the two areas review petitions and mentor the newer deputies as they move through the various areas. Legal assistants have been trained to do petitions for the various cases and routinely rotate through all the areas.

Action Plan 5: Meet with judges in each circuit to work on practical problems.

The measure of success for this action plan is that it occurs monthly on Oahu and on an occasional basis on the neighbor islands.

GOAL 2: **Operate more efficiently.**

Action Plan 1: The entire Oahu office has moved to Kapolei to avoid wasted travel time to and from Family Court.

The measure of success for this action plan is that travel between town and Kapolei has been reduced, and as a result, time and money should be saved.

Action Plan 2: Continue to review the efficiency of doing cases in town now that the division is relocated: some Family Court-related cases include the involuntary hospital cases, which happen weekly at the State Hospital and Queens Medical Center. Additionally, subpoenas for records are heard at the District and Circuit Courts.

The measure of success for this action plan is that concentrating on the hearings in Kapolei should result in better representation of our clients. This is likely to impact other divisions that are located in town.

Action Plan 3: Neighbor islands shall assist the department in filing routine pleadings as necessary. Deputies and staff have routinely helped with minor hearings and filings and provided space and equipment for other divisions during long trials. They also monitor notary exams for the Commerce and Economic Development Division.

The target date for this action plan is ongoing.

The measure of success for this action plan is that it has resulted in other divisions not having to travel to the neighbor islands to attend to these minor issues.

Action Plan 4: Maintain rapport with the deputies that provide advice and counsel. Because the Family Law Division litigates in Family Courts across the State, the advice and counsel aspect of representation has been with other divisions within the department, including the Health and Human Services Division and the Education Division. It is important that the division regularly communicates with these divisions regarding rules and policies of its clients that might affect its representation.

The target date for this action plan is ongoing.

The measure of success for this action plan is that such issues are addressed as they arise.

Action Plan 5: Fill vacancies as they arise. This would further improve the division's work product. The volume of the division's case filings is very high.

The target date for this action plan is ongoing.

GOAL 3: **Foster more effective communication with the division's client agencies.**

Action Plan 1: Meet with clients on a monthly basis. The division meets with Child Protective Services section administrators on a monthly basis. The division has been meeting with the DOH, the DOE, and OPG on an occasional basis.

The target date for this action plan is ongoing.

The measure of success for this action plan is that regular meetings are held.

Action Plan 2: Continue training clients on family court procedure on a regular basis. This already happens for the DHS, Child Protective Services, Adult Protective Services, and the DOE.

The target date for this action plan is ongoing.

Action Plan 3: Communicate through phone, in-person, and email as necessary with all clients. Lotus Notes, though unwieldy, still allows for regular contact. The new installation of Microsoft 365 should make this better. It is already installed in our Oahu office, and will soon be installed in the neighbor island offices.

The target date for this action plan is ongoing.

The measure of success for this action plan is better preparation and readiness for trials and other hearings that happen on an almost daily basis, thanks to increased communication

Health and Human Services Division

The mission of the Health and Human Services Division is to provide excellent and timely legal services and support to its clients, the Department of Health and the Department of Human Services. The division provides legal advice to all Department of Health and Department of Human Services programs, enforces the State's environmental laws and healthcare facility licensing laws, represents client programs in administrative hearings, takes appeals to circuit court from administrative decisions, and handles some appeals in both the State and federal appellate systems.

GOAL 1: **Cross-training (for better services, workload balance, and professional growth).**

Action Plan 1: Deputies who represent clients with similar programs meet with each other and the division supervisor regularly to discuss complicated or unusual legal issues. Continue having these team meetings, with more substantive discussions planned in advance.

This is a continuing action plan.

The measure of success for this action plan is the notes kept in the supervisor's meeting file.

Action Plan 2: Include substantive discussions of deputies' work in division meetings. Schedule training on focused topics for some division meetings.

This is a continuing action plan.

The measure of success for this action plan is the notes kept in the supervisor's meeting file.

GOAL 2: **Make better use of existing technology.**

Action Plan 1: Training on iManage, ProLaw, Word, Excel, PowerPoint. Coordinate with department-wide effort.

The target date for this action plan is as time permits. We have periodic refreshers.

The measure of success for this action plan is the division calendar and the supervisor's training and meeting records.

Action plan 2: Become adept in Office 365. Coordinate with department-wide

effort and training. Collaborate within the division to learn from each other's experience with the new programs.

Target date for this action plan: before the start of the 2016 legislative session.

The measure of success for this action plan is consistent and efficient use of the new programs by all division members.

GOAL 3: **Improve the division's filing systems (paper and electronic).**

Action Plan 1: Continue to improve methods to make current information and documents available to all (e.g., e-files in ProLaw, iManage, intranet).

The target date for this action plan is continuous, with periodic formal (department-wide) and informal (within the division) training on saving and retrieving information effectively.

The measure of success for this action plan is the supervisor's and others' ability to find current information easily and quickly.

Action Plan 3: Continue conversion of current matter files to electronic Storage via ProLaw.

The target date for this action plan is continuous.

The measure of success for this action plan is the supervisor's and others' ability to find current information easily and quickly.

Labor Division

The mission of the Labor Division is to provide excellent and timely legal services and litigation support, including agency appeals, to the Department of Labor and Industrial Relations and boards and agencies administratively attached to that department. These agencies include, but are not limited to, the State Fire Council and Office of Community Services. In connection with its enforcement of the various labor laws, the division collects penalties, fines, and reimbursements. The division also provides legal advice and representation to the Employees' Retirement System's Medical Board and the Office of Language Access.

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.

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 the department and seek funding to attend such programs.
Create or update forms as necessary.
Maintain the legislative history binder.

This is an ongoing and continuous process.

Accomplishments:

Training manuals were updated as significant developments occurred.

Legislative history binder created for a second practice area and existing legislative history binder updated.

Forms for various practice areas were created or updated.

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.

This is an ongoing and continuous process.

Accomplishments:

Provided training to two client divisions on conducting investigations for specific issues.

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 with clients.

Foster open communication with the clients.

Identify recurring questions and evaluate possibility of establishing a procedure to systematically address such issues.

GOAL 4: **Utilize the technology in the department (ProLaw, iManage, Office 365, 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.

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 serving all divisions of the DLNR (Aquatic Resources, Boating and Ocean Recreation, Bureau of Conveyances, Conservation and Coastal Lands, Conservation and Resources Enforcement, Engineering, Forestry and Wildlife, Land, Historic Preservation, Parks, and the Commission on Water Resource Management) and the DOT (Airports, Harbors, and Highways).

The division also provides services to numerous attached commissions, boards, and agencies including Kaho'olawe Island Reserve Commission, Public Land Development Corporation, Natural Area Reserves System Commission, the Island Burial Councils, Hawaii Historic Places Review Board, Hawaii Invasive Species Council, Medical Advisory Board, Oahu Metropolitan Planning Organization, and State Highway Safety Council.

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 or reviews 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 division also reviews proposed legislation related to its client agencies. The division handles administrative 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.

GOAL 1: **Maintain institutional knowledge.**

Objective: Develop systems and processes to better maintain and retrieve the division's information.

Action Plan 1: Memo bank of division advice letters and memoranda with searchable index.

Target date for initial input of information is May 2016. With the assistance of the Office of Enterprise Technology Services we have scanned in the documents and are now working on confirming the images and indexing.

Action Plan 2: Routinely circulate advice letters in-house. We now routinely do this.

Action Plan 3: Utilize iManage on a consistent basis to allow for searching of court documents previously prepared by the division. Efforts will be ongoing.

Action Plan 4: Cross-train deputies on long-term assignments.

Target date for Action Plans 2 through 4 is ongoing.

GOAL 2: **Improve deputy knowledge, skills and experience.**

Objective 1: Increase knowledge in emerging areas.

Action plan 1: Provide in-house and, as funding permits, outside training to deputies in areas pertinent to our practice.

Target date for this action plan is ongoing as funding permits. Deputies have attended trainings and conferences on ethics, conservation easements, litigation, wildlife management, and other areas. Continue to look for appropriate training opportunities.

Action plan 2: Continue to hold weekly and monthly practice group and division meetings to discuss assignments and issues of importance to practice areas.

Target date for this action plan is ongoing.

Objective 2: Cross-train within the division.

Action plan 1: Pair less experienced deputies with those who are more seasoned in litigation and real estate development and acquisition.

Target date for this action plan is ongoing.

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, performs the initial review of complaints involving the Sunshine Law, and provides staff support to the Commission to Promote Uniform Legislation.

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: Coordinate with the Governor's legislation review staff to establish reasonable deadlines for the submission of legislative proposals to the Office of the Governor and to the Legislative Division to allow sufficient time for review of the legislative proposals and for revision and correction by the originating executive branch agencies.

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: Continue to obtain, copy, and distribute bills and legislative committee reports in hard copy form and, when necessary, in electronic form or by links to online webpages 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.

Establish revised procedures to conform to the Governor's Office's tracking systems for the Executive Branch agencies.

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: 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; maintain computerized records of referrals and deadlines; 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.

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: 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.

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: Subject to available funding, participate in and monitor the activities of the National Conference of Commissioners on Uniform State Laws and attend the annual meetings.

Action Plan: 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

The Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and representation in litigation 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 and 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.

GOAL 1: **Provide quality advice and legal representation to the clients we represent.**

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

Action Plan: Partnering of attorneys to provide needed support, expertise and backup, filling vacant positions

Continuing Legal Education, including in-house training must be ongoing and relevant. The division's continuing goal in this regard is to have each person attend some form of continuing legal education at least four times per year. This is not a difficult task given our department's renewed commitment to in-house training.

Training is also offered from time to time by other departments or agencies and staff is encouraged to attend these sessions as well.

Refer to/collaborate with in-house expertise and resources to assure appropriate and consistent department-wide advice and representation.

Add to and maintain division form bank and instructional manuals in electronic format.

Increase staff skill level in use of existing information technology and resources.

The measure of success will be based upon the periodic review with deputies regarding work product and the time spent on various work assignments to determine whether the appropriate knowledge base and resources are available.

GOAL 2: **Render legal services in a more efficient way.**

Objective: Meet clients' legal needs despite lack of optimal resources. While the division is addressing the legal needs of its clients, limitations imposed by fiscal realities require different methods to bring efficiency to a higher level.

Action Plan: Prioritize necessary legal work. Legal deadlines, the need to address issues to avoid lawsuits/claims, and the priorities of the client will dictate the prioritization of legal work. This process will continue to be improved through better communication with our clients.

Client Training/Outreach: Standardize client procedures and conduct training to encourage consistency of client work product. Maintain good and consistent communication with client on a regular basis.

Establish and maintain consistent procedures and forms to be used with all clients.

- a. Add to and maintain a division form bank.
- b. Divisional and unit meetings on a bimonthly basis to ensure communication and consistency in knowledge.

Emphasize proactive action planning, involving more people, for bigger projects. Establish a model for mobilizing the staff (both within this division and department as well as within the client department/agency) needed to plan and implement an action plan for a given case. Share with the members of the division and the department and implement as needed.

Maintain calendaring system, updated and monitored daily. Maintaining established calendaring system is an ongoing effort to enable better planning for anticipated workload.

Utilize newly updated information technology to the fullest potential. In this regard there is a continuing effort to ensure that each member of the division is proficient in the use of available technology to increase efficiency and sharing of information, not only within our division and department, but also with clients. Half of this division's attorneys are outfitted with laptops and we have internet access to office email. This increases our capacity to work from remote locations and has improved our capabilities.

The measure of success will be periodic review by division supervisor on division's ability to maintain manageable workload, accomplishing work objectives in the time required.

GOAL 3: **Maintain reputation of competence, integrity, diligence and fairness.**

Objective: Maintain a respected reputation.

Action Plan: Ensure availability of professional development within the division, the department, the legal community and the community of which the client is a part.

Promote approach that is reasoned and grounded in doing the "right thing" rather than winning at "all cost."

Continual ethics training.

We encourage division members, on an ongoing basis, to actively participate in community events/forums as leaders, trainers, and participants. Continuous training (previously mentioned) and professionally mandated continuing legal education address this goal as well.

The measure of success will be the rate of success in the court and in representing clients in administrative proceedings, rate of settling issues before they result in lawsuits or administrative claims, rate of involvement in training as trainers/leaders in discussion, assessment of client relationship and relationship with others in the communities within which we work.

Additionally, the division will strive, at least on a yearly basis, to conduct staff evaluations and review variance reports.

**Timeline and
Progress to date:**

While all of the foregoing items are already practiced in some degree, this division takes the time, on an ongoing basis, to review present practices and procedures and consider improvements that can be implemented in all areas to optimize efficiency. Implementation of such improvements is ongoing and is expected to continue into the future.

Hiring of personnel to fill current vacancies is a priority.

In the coming legislative session, we are pursuing the creation of an additional legal assistant position to better service the needs of the Department of Public Safety and its administratively attached agencies.

Tax Administration

The Tax & Charities Division provides legal representation and advice to the Department of Taxation (“DOTAX”) and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The division is responsible for the registration of charitable organizations that solicit contributions, for professional solicitors and professional fundraising counsels under HRS chapter 467B, and for enforcement of Hawaii’s charitable solicitation laws.

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

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

Action Plan: Supervise and monitor litigation of Deputy Attorneys General (“DAGs”) including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from the Appellate Opinion Review Committee 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 & Charities 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 litigation of DAGs 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 & Charities 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 legislations, regulations, and cases that may affect DOTAX.

Process: Review annually how the Tax & Charities Division has met its objectives.

Objective 4: Be sensitive to and aware of discourteous or 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 & Charities Division has met this objective.

Objective 5: Vigorously protect the privacy of taxpayer tax returns and return information made confidential by section 235-116 and 237-34 of the Hawaii Revised Statutes.

Action Plan: Represent the DOTAX in defending subpoenas and other requests for confidential taxpayer information.

Process: Review annually how the Tax & Charities 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 DAGs 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 DAGs. Review annually how the Tax & Charities 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 legislation, regulations, and cases that may affect DOTAX. Coordinate as appropriate with the Legislative Division.

Process: Review annually how the Tax & Charities Division has met his objective.

Objective 3: Improve communication with DOTAX at all levels.

Action Plan: Encourage and foster open and timely communication with DOTAX.

- i. Meet frequently, formally, and informally with the Director, and Deputy Director.
- ii. Encourage all Tax & Charities Division DAGs keep DOTAX informed of developments in major cases or issues affecting other taxpayers.
- iii. Provide periodic status reports to the client.

Process: Continue to have an annual report card from the DOTAX. Review annually to how the Tax & Charities Division has met this objective.

Objective 4: Improve the working relationship with DOTAX at all levels.

Action Plan: Encourage formal and informal interaction with DOTAX.

- i. Encourage joint participation in in-house seminars and meetings.
- ii. Encourage the sharing of resources to the extent possible.
- iii. Encourage cross training by AG and DOTAX professionals.

Process: Review annually how the Tax & Charities 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 & Charities Divisions DAGs through training and relationships with tax practitioners and the public.

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

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

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

Action Plan: Be prepared, professional, timely, courteous, and accessible. 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 & Charities Division has met this objective.

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

Objective 1: Maximize the new technology in the Tax & Charities 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 & Charities Division, where we can communicate within the Department and Tax & Charities Division.

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

GOAL 6: **Relocate Division and Staff to the Melim Building**

Objective 1: Relocate the Division's staff who are not centrally housed together to a unified office space in the Melim Building

Action Plan: Plan for and coordinate an orderly relocation of all staff, files, office equipment to the Melim Building.

Process: Coordinate the move in planning sessions with Division staff and Legal Secretary.

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: The charities enforcement unit within the Tax & Charities Division shall continuously monitor and 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: Continue the implementation of the Tax & Charities Division's Internet based registration system for charities that must register with the Attorney General and design the system to provide relevant information to the public via the Department's website. Enhance and improve the recently deployed registration and financial reporting system for professional fundraising counsels and professional solicitors and an online exemption application processing module. Deploy an online commercial co-venture approval process. Fill a new deputy attorney general and legal assistant position.

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

Objective 2: Professionally administer and enforce chapter 467B, and section 431:1-204 of the 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: Continue the implementation of the Tax & Charities Division's (1) Internet based registration system for charities that must register with the Attorney General and design the system to provide relevant information to the public via the Department's website; and (2) The online registration and financial system for professional fundraising counsels and professional solicitors and

online exemption application processing module. Fill a new deputy attorney general and legal assistant position

Process: Monitor development of forms and databases.

Objective 3: Educate the public about charitable trusts and nonprofit entities.

Action Plan: Monitor and when necessary upgrade the department's internet site to provide current 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 & Charities Division has met this objective.

Objective 4: Encourage and support education and training for DAGs.

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 & Charities Division has met this objective.

SECTION 4: PUBLIC SERVICES DIVISIONS

Child Support Enforcement Agency Division

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. Its mission is 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.

GOAL 1: Establishment of paternity for children born out-of-wedlock

Performance Measure 1: The proportion of children in Hawaii for whom paternity has been established.

Action Plan:

Continue distribution of Voluntary Establishment of Paternity (VEP) brochures and posters to hospitals, pediatricians, obstetricians, schools, social service agencies, the Women, Infants and Children Program (WIC), the Head Start Program, and other agencies.

Hold training sessions with Department of Health (DOH) staff, hospitals and midwives.

Make sample VEP brochures and forms available to the public on the CSEA and DOH websites.

Continue to make community presentations.

Establish an annual match with Department of Human Services (DHS) Child Welfare to obtain a count of adoptions in the federal fiscal year.

Create reports for the Family Law Division-Family Support offices: (1) "Cases Where Paternity Was Not Processed", and (2) "NCP is Unknown".

Objective 1:

To engage in outreach activities to familiarize community groups with the importance of parents voluntarily establishing paternity.

The measure of success is the number of community groups that receive paternity presentations from FSD and other CSEA staff, including but not limited to:

- Churches;
- Public and private schools;
- Kupuna Programs;
- Prison Groups;
- Substance Abuse Councils/Groups;
- Colleges;
- Bar Associations;
- Health Organizations;
- Pediatricians and Other Physicians; and
- Pregnant and Parenting Teen Groups

Objective 2: To engage key partners in the community in activities designed to improve referrals and key information that can enhance paternity establishment. These partners include but are not limited to:

- Department of Health, Office of Vital Statistics;
- Department of Health, Public Health Nurses;
- Department of Human Services, Income Maintenance Units;
- Department of Human Services, Child Welfare Program;
- Family Court; and
- Prosecutor Offices

The measure of success is the number of key partner engagements each year.

Objective 3: To prepare paternity information for distribution, including but not limited to:

- Voluntary Establishment of Paternity (VEP) Brochures;
- VEP Posters; and
- VEP Bus Placards.

The measure of success is the number of paternity information documents distributed each year.

Objective 4: To hold training sessions to establish a good working relationship with birthing hospital records staff, midwives, and Department of Health staff, and to exchange valuable information related to paternity.

The measure of success is the number of training sessions held each year.

Objective 5: To establish an annual match of the children listed in the SPED screen against the children in the DHS Child Welfare system to obtain a count of the children who were adopted during the federal fiscal year.

The measure of success is the number of children adopted during the federal fiscal year.

Objective 6: To refine data elements in the “Cases Where Paternity Was Not Processed” report, publish it in Excel format, and make it accessible in the Division Support System (DSS).

The measure of success is number of cases processed, and the number of children for whom paternity is established.

Objective 7: To create a report in Excel format, accessible on the DSS, listing all the cases where the non-custodial parent (NCP) is unknown. Establish procedures on how to process the cases in a timely manner to identify and locate the NCP, establish paternity, close the case because the CP is not cooperative, or close the case because no additional information is available to identify the NCP.

The measure of success is the number of cases processed and the number of children for whom paternity is established or for whom the case is closed.

GOAL 2: **Establishment of orders for non-custodial parents (NCP) to provide financial support for their children.**

Performance Measure 1: **The proportion of children, within the jurisdiction of the agency, for whom financial orders of support have been established.**

Action Plan: Create a report of cases where order establishment is necessary and the NCP is in locate.

Create reports for the Administrative Process Branch to process, accessible on the DSS, and procedures for identifying cases with default orders.

Print out proposed order.

Obtain or generate service documents for establishment;
modification, and termination actions.

Generate affidavit for the Service members Civil Relief Act.

Obtain Income information for establishment and modification
actions.

When establishing past due support owed to the State, include
information on how the amount was calculated.

For termination of an order, identify the reason and determine
whether the existing order(s) already provides for such action. For
Foster Care cases, include current Foster Care information.

Upon completion of the above, the material is packaged with a
transmittal sheet and sent to the CSEA Administrator for signature.

File the signed order with Family Court.

Send copies of the order to the parties.

Implement income withholding or terminate income withholding
as appropriate.

Process default orders in a timely manner.

Objective 1: To locate all NCPs on cases without orders established.

The measure of success is the extent to which NCPs are found and
order establishment actions are completed.

Objective 2: To create a report in Excel format, accessible on the DSS, listing
all the cases where order establishment has not been completed in
a timely manner. Establish procedures on how to complete the
processing of the case or the closing of the case because order
establishment is no longer appropriate.

The measure of success is the number of order establishment
actions completed.

Objective 3: To have Oahu Legal Assistants assist the neighbor island branches
in processing uncontested orders.

The measure of success is the number of uncontested orders processed on behalf of the neighbor island branches.

Objective 4: To identify alternative methods of setting child support amounts, using the guidelines, when verified income is not available from the non-requesting party.

The measure of success is alternative methods identified and number of instances in which child support amounts was set more appropriately.

Objective 5: Evaluate the KEIKI monitors (automated system tracking of how long service takes to be completed) for certified mail in order to determine if the time frame should be reduced before referring the case for personal service.

The measure of success is the extent to which the certified mail process exceeds two weeks in accomplishing service of process.

Objective 6: To create a report in Excel format, accessible on the DSS, listing all the cases where order termination has not been completed in a timely manner. Establish procedures on how to complete the processing of the case or the stopping of the action because termination is no longer appropriate.

The measure of success is the number of uncontested order terminations processed.

Objective 7: To create a report in Excel format, accessible on the DSS, listing all the cases where order modification has not been completed in a timely manner. Establish procedures on how to complete the processing of the case or the stopping of the action because modification is no longer appropriate.

The measure of success is the number of uncontested order modifications processed.

Objective 8: To process orders for establishment, modification, and termination in a timely manner.

The measure of success is the extent to which orders for establishment, modification, and termination are completed within 180 days of the date of request.

Objective 9: To review cases from the KFRI System that do not have established orders to determine if the cases can be closed.

The measure of success is the extent to which outstanding KFRI cases can be closed.

Objective 10: To review the workload of staff to determine if more uncontested orders can be established.

The measure of success is the results of the workload study.

GOAL 3: **Establishment of orders for non-custodial parents to provide medical support for their children.**

Performance Measure 1: **The proportion of children, within the jurisdiction of the agency, for whom medical orders of support have been established.**

Action Plan: Create an Excel report, accessible on the DSS, and procedures for identifying cases with default medical orders.

Obtain and review copies of current court orders to determine if medical support is included.

Prepare affidavit regarding the Service members Civil Relief Act.

Obtain or generate service documents indicating that the parties have been properly served.

Upon completion of the above, the material is packaged with a transmittal sheet and sent to the CSEA Administrator for signature.

File the signed order with Family Court.

Send copies of the order to the parties.

Send notice to AP to provide medical as appropriate.

Send notice to AP's Employer to provide medical.

Continue to process default medical orders timely.

Objective 1: To locate all NCPs on cases without orders established.

The measure of success is the extent to which NCPs are found and medical order establishment actions are completed.

Objective 2: To ensure that medical support is included in all orders.

The measure of success is the extent to which orders contain medical support provisions (based on a sample).

Objective 3: To create a report in Excel format, accessible on the DSS, listing all the cases where the establishment of medical orders has not been completed in a timely manner. Establish procedures on how to complete the processing of the cases or the stopping of the process because the establishment of a medical order is no longer appropriate.

The measure of success is the number of uncontested medical support orders processed.

GOAL 4: **Collection of regular and timely child support so that children receive the support in the month when it is due.**

Performance Measure 1: The proportion of current child support collected in a timely manner.

Action Plan: Review all cases with established orders to ensure that an Income Withholding Order (OIW) has been implemented with the employer.

Create a report of all cases where the payment received (from any source) does not match the income withholding order then contact the employer to see why.

Create a report of all the cases where the employer has not been served with all required OIW's or with the correct OIW. Staff to review the report and determine if a revised OIW needs to be sent to the employer.

Perform increased and intensive locate searches to find NCPs that are not paying current orders.

Once the NCP is located, update KEIKI information to facilitate order establishment and/or increased collections.

Continue effort to have collections match OIW requirements.

Monitor the completion of manual referrals, such as the Child Support Lien Network (CSLN), Financial Institution Data Match program (FIDM), etc., and keep a log on collections, if possible.

Objective 1: To determine additional enforcement actions that could be taken to collect on current support.

The measure of success is the number of cases with appropriate enforcement actions taken each month.

Objective 2: To maximize the number of initial and revised OIW's implemented each month.

The measure of success is the number of initial and revised OIW's implemented each month.

Objective 3: To maximize collections from the manual referrals, such as CSLN, FIDM, etc.

The measure of success is the number of cases collected from the manual referrals, such as CSLN, FIDM, etc.

GOAL 5: ***Distribution of regular and timely child support so that children receive the support in the month when it is due.***

Performance Measure 1: **The proportion of current child support collections “distributed” in a timely manner.**

Action Plan: The Statewide Disbursement Branch (SDB) to solicit input from staff on actions that cause problems and potential solutions.

Place adjustment information in a protected shared folder on the CSEA network or archived to a removable storage media that is made available to appropriate staff.

Efforts shall be made to improve the understanding of out-of-state financial reconciliations.

SDB staff shall be trained on all changes in Federal and State law that impact distribution of funds.

Objective 1: To eliminate unnecessary adjustments in KEIKI that may delay distribution of current collections.

The measure of success is the extent to which unnecessary adjustments are identified and curtailed.

Objective 2: To streamline the adjustment process by empowering staff to take ownership for their work.

The measure of success is the number of rudimentary adjustments made by SDB staff without supervision.

Objective 3: To identify KEIKI functions and federal and state requirements that impact financials.

The measure of success is the training SDB staff on the effect of KEIKI functions on financials, as well as federal and state law requirements.

Objective 4: To understand KEIKI generated adjustments and to assist in validating calculations.

The measure of success is the number of KEIKI generated adjustments reviewed.

Objective 5: To reduce the backlog of undistributed funds.

The measure of success is the extent to which the undistributed funds are reduced each year by locating custodial and NCPs.

Objective 6: To increase the number of CPs that have funds distributed through electronic deposit.

The measure of success is the number of CPs who receive funds through electronic deposit.

GOAL 6: **Collection of past due child support.**

Performance Measure 1: **The proportion of past due child support cases in which funds are collected on behalf of children.**

Action Plan: Create a report of all cases that have delinquent amounts owed that includes the enforcement status.

Assign case managers to examine cases that have delinquent amounts owed.

Create monthly reports to ensure that every case with arrearages is making payment.

Objective 1: To process arrears establishment efficiently and effectively.

The measure of success is the extent to which the establishment of the arrears liquidated balance is accomplished within 180 days from the date the proposed order is generated.

Objective 2: To create a report in Excel format, accessible on the DSS, listing all the cases where the establishment of arrears has not been completed in a timely manner. Establish procedures on how to complete the processing of the cases as appropriate.

The measure of success is the number of uncontested arrears orders processed.

Objective 3: To process more license suspension requests in a timely manner.

The measure of success is the extent to which increased processing of license suspension requests results in increased collection.

Objective 4: To process more lien requests in a timely manner.

The measure of success is the extent to which increased processing of lien requests results in increased collections.

Objective 5: To process more OIW tack-ons to increase collection on arrearages.

The measure of success is the extent to which increased processing of OIW's with an additional amount to liquidate the arrears results in increased collection.

Objective 6: To process more FIDM referrals in a timely manner.

The measure of success is the extent to which increased processing FIDM referrals results in increased collection.

Objective 7: To process cases to the Deadbeat Parent Unit (DPU) for enforcement actions directed at increasing collection.

The measure of success is the extent to which the number of cases processed to the DPU results in collection of past due support.

GOAL 7: **Increase customer satisfaction.**

Performance Measure 1: **The proportion of customers served that rate being treated with respect and dignity as satisfactory or better.**

Action Plan: A survey will be conducted to evaluate customer satisfaction of CSEA services.

All staff shall be properly apprised of this initiative and the importance of CSEA customer service.

The survey shall be conducted at least every four years.

The results of the survey will be reported as part of the strategic planning process and made available to the Department, Governor, and Legislature.

Objective 1: To obtain additional training for customer service staff that will focus on the client and being positive.

The measure of success is the number of training sessions held for customer service staff.

Objective 2: To conduct a survey of agency clients regarding their satisfaction with service received.

The measure of success is the number of clients surveyed.

Objective 3: To conduct a survey of clientele to determine if service received was satisfactory.

The measure of success is whether a survey conducted and the results reviewed.

Crime Prevention and Justice Assistance Division

The mission of the Crime Prevention and Justice Assistance Division is to assist the criminal justice system agencies to improve service delivery and to promote the involvement of communities in the prevention of crime. The 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.

GOAL 1: **Improve the criminal justice system's response to crime.**

Objective 1: Increase resources to address crime-related issues.

Action Plan 1: Grants and Planning
Assist other divisions in the Department of the Attorney General (and other departments) in grant writing and grant administration by providing grant writing and grant administration trainings, based on target audience and their needs.

The target date for this action plan is ongoing.

The measures of success for this action plan are number of trainings held, number of attendees per training, summary of evaluation results, and increased funding from grants.

Action Plan 2: Missing Child Center-Hawaii
Apply for at least two grants (federal or private foundations) to ensure adequate funding to meet the objectives of the Missing Child Center-Hawaii.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of grants received.

Objective 2: Increase coordinated community response to reduce violence against women.

Action Plan 1: Grants and Planning
Participate in a community safety assessment initiative, that includes criminal justice professionals and victim advocates, to analyze how systems organize their daily work to either centralize or marginalize attention to victim safety.

The target date for this action plan is February 2016.

The measure of success is the completion of a community safety report.

Objective 3: Collaborate with communities, government agencies, and service providers to address crime-related issues with innovative trainings, conferences, and meetings.

Action Plan 1: Missing Child Center-Hawaii
Create strategies with the county police departments that will increase attention and focus on runaway children who fit a certain criteria that are considered “high risk.”

The target date for this action plan is ongoing.

The measure of success for this action plan is the development and implementation of a policy or program targeting this group.

Action Plan 2: Missing Child Center-Hawaii
Produce a video on runaway prevention and present the video to selected schools.

The target date for this action plan is June 2016.

The measure of success for this action plan is completion of a runaway prevention video and the number of school presentations.

Action Plan 3: Community and Crime Prevention
Increase public awareness, through partnerships with government, non-profit, and private organizations, on the prevention of underage drinking, drugs, prescription drug misuse, identity theft, and sex assault; crime prevention; Internet safety; and community mobilization.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of trainings, projects, activities conducted in partnership and/or collaboration with other groups.

Objective 4: Expand communication methods.

Action Plan 1: Community and Crime Prevention
Enhance branch website and use other technology, e.g., social media, to educate the community on ways to keep safe from crime.

The target date for this action plan is ongoing.

The measure of success for this action plan is an informative, user-friendly website and use of other technology, e.g., social media, in the branch's outreach to the public.

Action Plan 2: Community and Crime Prevention
Update the trainer manuals on Internet Safety and post on a secure webpage for law enforcement and other community trainers.

The target date for this action plan is March 2016.

The measure of success for this action plan is posting the updated trainer manuals on the branch's secure webpage and the number of users having access to the updated manuals.

Action Plan 3: Community and Crime Prevention
Utilize `Olelo, a community access television medium, to educate the community on ways to keep safe from crime.

The target date for this action plan is August 2016.

The measure of success for this action plan is the number of shows produced and/or participated in with other collaborative partners.

Action Plan 4: Community and Crime Prevention
Expand outreach to elder population by conducting presentations and distributing educational materials related to financial fraud and the misuse of prescription medication.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of presentations, number of educational materials distributed to elder population, and number of prescription drug takes conducted.

Action Plan 5: Missing Child Center-Hawaii
Utilize Twitter to disseminate missing child notifications.

The target date for this action plan is as soon as proposal is approved by OAG.

The measure of success for this action plan is the number of followers and number of children recovered due to Twitter notifications.

GOAL 2: **Provide timely and complete information to criminal justice practitioners and policy makers.**

Objective 1: Update the Juvenile Justice Information System (JJIS).

Action Plan 1: Juvenile Justice Information System
Replace current mainframe-based system with easier to use web-based system.

The target date for this action plan is June 2016.

The measure of success for this action plan is implementation of the Next Generation (NG) JJIS.

Action Plan 2: Juvenile Justice Information System
Expand the capability of the automated interfaces to the police to include missing child and runaway juvenile cases. Currently, police dispatchers must perform double data entry to enter cases into JJIS.

The target date for this action plan is December 2016.

The measure of success for this action plan is that the interfaces are expanded. This is dependent upon the police departments implementing the messaging required to send missing child and runaway case data to NG JJIS.

Action Plan 3: Juvenile Justice Information System
Expand the capability of the automated interfaces to provide for the retrieval of imaged documents from participating JJIS agencies, e.g., police reports, warrants, etc.

The target date for this action plan is June 2017.

The measure of success for this action plan is that the interfaces are expanded. This is dependent upon participating agencies adopting document imaging and agreeing to share the document images to

increase the efficiency in case processing and disposition decisions.

Action Plan 4: Juvenile Justice Information System
Provision for a disaster recovery site for the NG JJIS.

The target date for this action plan is December 2016.

The measure of success for this action plan is that a disaster recovery site is secured. This is dependent upon what ETS provides for State agencies utilizing ETS facilities.

Objective 2: Enhance efforts to objectively and transparently provide research-driven information on crime and justice in Hawaii.

Action Plan 1: Research and Statistics
Focus chiefly on the provision of research services to criminal justice stakeholders and utilize available resources to enhance data-driven/evidence-based research capacity and policy-relevant knowledge throughout the system.

The target date for this action plan is ongoing.

The measure of success for this action plan is the documentation of accomplishments.

Action Plan 2: Research and Statistics
Document information and assistance provided to requesters.

The target date for this action plan is ongoing.

The measure of success for this action plan is the documentation of information and assistance provided.

Action Plan 3: Juvenile Justice Information System
Produce the next Juvenile Crime Trend Series County Reports. The first series focused on arrests. The next report should focus on another decision point in the juvenile justice system, e.g., referrals, diversions, detention, petitions, adjudications, probation, admissions to HYCF, or waivers.

The target date for this action plan is June 2016.

The measure of success for this action plan is that a Juvenile Crime
Trend Series County Report is produced.

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 serves as Hawaii's point of contact for the FBI's National Crime Information Center (NCIC) program.

GOAL 1: **Deliver useful capabilities to Hawaii Criminal Justice and Public Safety agencies through the Hawaii Integrated Justice Information Sharing (HIJIS) program.**

Objective 1: Launch the HIJIS Portal.

Action Plan 1: An initial query was developed in test mode in July 2011. The refinement of the application and fine-tuning of the entity resolution algorithm was completed in March 2013. Electronic bench warrants, criminal history and Maui firearm registrations are fully searchable as of May 2014. The target date to include Honolulu Police Department firearm registrations is 1st quarter 2016. Kauai County and Hawaii County are in the process of replacing their record management system (RMS) so connecting their firearms will be dependent upon their implementation.

Action Plan 2: The automatic Subscription/Notification (S/N) pilot was implemented with Probation and Parole in February 2012 and completed in December 2013. Initial manual S/N capabilities were implemented through the HIJIS Portal in September 2015. Rap Back with civil (in-state) manual S/N is targeted for "go live" in early 2016.

The measure of success for this objective is multiple agencies' users able to manage their CJ and civil re-arrest subscriptions and conduct person and firearm queries through the HIJIS Portal.

Objective 2: Federated Identity Management with State CIO.

Action Plan 1: Preliminary discussions were held with ETS, ICSD, and multiple HIJIS agencies in 2012. The pilot was completed in April 2013. The Department of the Attorney General and Hawaii Prosecuting Attorney have been implemented into the HIJIS Federation. Maui Information Technology Services Division (ITSD) is targeted for March 2016. Kauai Information Technology Division (ITD), Hawaii PD, Honolulu PD, and the Department of Public Safety,

are in progress with the target date to complete the HIJIS federation with all participating agencies by the end of 2016.

The measure of success for this objective is the ability of users of HIJIS participating agencies to access the HIJIS Portal, through single sign-on, and perform queries as well as manage their subscriptions.

Objective 3: Implement the Disposition Reporting Pilot.

Action Plan 1: An initial requirements workshop was held in April 2014. The disposition file exchange is basically complete but is pending data element translations to “go live.”

The measure of success for this objective is successfully sharing court disposition information from the Judiciary’s Content Management System (CMS) to the Hawaii County Prosecutor’s CMS through the HIJIS broker.

Objective 4: Implement the Electronic Case Filing Pilot.

Action Plan 1: The kick-off meeting for this project was in January 2013, and an initial requirements workshop was held in September 2013. A subsequent requirements workshop was held in April 2014. Kauai and Maui Prosecutors upgraded their CMS in 2015. Work on this project will continue upon the availability of Open Justice Broker Consortium (OJBC), the Prosecutors, and Judiciary staffing/resources. Completion of a pilot is targeted for the end of 2016.

The measure of success for this objective is the prosecutor’s ability to submit charging information to the Judiciary and to CJIS-Hawaii, through the HIJIS broker, while reducing or eliminating duplicate data entry.

Objective 5: Implement the Incident Reporting Pilot.

Action Plan 1: An initial requirements workshop was held in April 2014. Honolulu PD, Hawaii PD, and Kauai PD RMS systems are all being replaced. Maui PD was focused on their Firearm Registrations. Maui PD and possibly Honolulu PD would be targeted in 2016.

The measure of success for this objective is the Police Department's ability to submit arrest-based incident data to the Prosecutors and to CJIS-Hawaii, through the HIJIS broker, while reducing or eliminating duplicate data entry.

GOAL 2: **Complete a Disaster Recovery Plan and Facility for HCJDC's mission critical systems – CJIS-Hawaii and AFIS, LOTC, Green Box, and the Statewide Mugphoto system.**

Objective 1: Establish a Disaster Recovery (DR) site for HCJDC system to recovery to.

Action Plan 1: Determine recovery ability per system, recovery type hot, warm, or cold, network latency, and backup strategy.

Action Plan 2: Determine DR site, commit to Office of Enterprise Technology Services (ETS) DR site and Production site(s) or locate own DR site/solutions.

Action Plan 3: Verify network connectivity between locations will support any failover with low latency.

Action Plan 4: Validate the site(s) can abide by the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Security Policy.

Objective 2: HCJDC Contingency Plan.

Action Plan 1: Complete a Business Impact Analysis (BIA). Determine Recovery Time Objectives (RTO), Recovery Point Objective (RPO), and Maximum Tolerable Downtime (MTD).

Action Plan 2: Inventory all items including hardware, software, warranty, vendors, site information, recovery team staff, and stakeholders.

Action Plan 3: Create an Information Systems Contingency Plan (ISCP) for each critical system, including recovery steps for each system.

Action Plan 4: Create Business Continuity Plans (BCP) for HCJDC.

Action Plan 5: Create preparedness plan to mitigate any potential issue.

Action Plan 6: Combine plans to provide cohesive actionable items before and after a disaster.

Action Plan 7: Finalize Contingency plan after DR site is determined, requirements are provided, and Service level Agreements (SLA) are signed.

Action Plan 8: Perform a disaster recovery test between DR and production sites.

GOAL 3: **Complete the migration of CJIS-Hawaii to a new technology environment.**

Objective 1: Migrate the CJIS-Hawaii System to the Websphere application server environment.

Action Plan 1: Perform disaster recovery test by switching the application server Production instance to the backup instance.

The measure of success is the implementation of the CJIS-Hawaii system in the Websphere environment and ensuring the system is available to the thousands of users in a production environment.

GOAL 4: **Retain civil applicant fingerprints and implement a statewide rap back program with participation in the federal rap back service.**

Objective 1: Implement modifications to retain civil applicant fingerprints.

Action 1: Expand the Automated Fingerprint Identification System (AFIS) database and archive.

Action 2: Define the workflow and deploy modifications to the AFIS to allow searches on both criminal and civil databases.

Action 3: Define the workflow and deploy modifications to the Lights Out Automated Identification process to retain civil applicant fingerprints.

Action 4: Develop retention of civil fingerprints capability from December 2014 to April 2015.

Action 5: Test civil fingerprint retention from December 2015 to February 2016.

Action 6: Implement civil fingerprint retention.

- Objective 2:** Implement the statewide Rap Back Program.
- Action Plan 1:** Identify the requirements, workflows, and operational procedures needed to build the statewide Rap Back program.
- Action Plan 2:** Incorporate requirements to participate in the federal rap back service.
- Action Plan 3:** Determine scope of work and resources needed.
- Action Plan 4:** Develop Rap Back Program from January 2015 to January 2016.
- Action Plan 5:** Test State Rap Back program including usage of federal rap back service.
- Action Plan 6:** Work with user agencies to educate on rap back program.
- Action Plan 7:** Implement rap back program in pilot mode in 2016.

The measure of success is to deliver a state and federal rap back service to criminal justice and non-criminal justice users.

GOAL 5: **Reduce the number of delinquent or missing final dispositions of criminal charges by 10%.**

- Objective 1:** Reduce the number of criminal charges with delinquent or missing final dispositions.
- Action Plan 1:** Continue to improve the electronic interfaces between the CJIS-Hawaii system and the record management systems of the Police Departments, Prosecutors, and the Judiciary.
- Action Plan 2:** Perform research and resolve delinquent and missing dispositions by accessing all relevant record management systems and performing direct data entry into the CJIS-Hawaii system.

The measure of success for both of these objectives is a more accurate, complete and timely statewide criminal history information system for public safety.

GOAL 6: **Reduce the Non-Compliant and Never Registered Covered Offenders.**

Objective 1: Reduce the number of Non-Compliant and Never Registered Covered Offenders by 25%.

Action Plan 1: Report each covered offender who fails to comply the Periodic Verification provision of Chapter 846E, HRS to the AG Investigations Division and the Adam Walsh Task Force. They in turn will conduct in-person compliance checks at the current registered residence of the covered offenders.

Action Plan 1 is ongoing.

Action Plan 2: Ensure all arresting agencies are able to identify covered offenders who have not been notified of their registration requirements and take the appropriate steps to get them registered. Train additional law enforcement (agencies) to process covered offender registration.

Action Plan 2 is ongoing.

The measure of success is an increase of compliant registered covered offenders in the statewide registry.

GOAL 7: **AFIS Upgrade:**

Objective: Upgrade the current AFIS hardware and software.

The upgrade to the system will provide Hawaii with a technologically up-to-date system that will improve the identification of offenders arrested and those who work with our State's vulnerable populations; thus benefitting all citizens of Hawaii and their public safety.

This project was kicked off in February 2015 and much work has since been done: requirements were defined, workflows were documented, interface control documents and data migration plans were developed. Software is being developed and tested by the vendor and the Factory Acceptance Test (FAT) with State personnel on-site in Anaheim is scheduled for early December.

The upgraded system is targeted to be implemented in April 2016.

Action Plan 1: Complete software development.

Action Plan 2: Complete data load from old AFIS to new AFIS.

- Action Plan 3:** Test new AFIS software.
- Action Plan 4:** Perform Factory Acceptance Test (FAT).
- Action Plan 5:** Perform end to end testing with new AFIS and all associated components.
- Action Plan 6:** On-site installation/testing.
- Action Plan 7:** Perform Site Acceptance Test (SAT).
- Action Plan 8:** Schedule new hardware installation at all remote AFIS sites.
- Action Plan 9:** Conduct training.
- Action Plan 10:** Go-live with new AFIS.
- Action Plan 11:** Final Acceptance.

Investigations Division

Pursuant to Section 28-11, HRS, the Investigation Division's agents are vested with statewide police powers. These police powers are used to perform criminal, civil, and administrative investigations, to serve arrest warrants, penal summons complaints, and subpoenas. The division also performs additional tasks as directed by the Attorney General.

The duties generally include analyzing complaints and allegations; identifying issues; developing an investigative plan; gathering facts and evidence through interviews, examination of records and the collection of evidence through interviews, examination of records and the collection of physical evidence; working with the attorney assigned to the case; writing reports and testifying in court.

The Investigations Division of the Department of the Attorney General is committed to protecting all citizens of the State of Hawaii. We are dedicated to conduct fair and impartial investigations while protecting the rights of the public through law enforcement services, protecting all citizens in the State of Hawaii.

GOAL 1: **Core Values**

Objective 1: The Investigations Division of the Department of the Attorney General will work with our County, State and Federal law enforcement colleagues to ensure a united effort in making Hawaii a safe place to live and work.

Action Plan:

- **Integrity** - The members of the division shall have integrity as an agency, and as individuals sworn to the honorable calling of law enforcement. We will abide by the Constitution of the United States of America and the State of Hawaii. We respect and cherish the uniqueness of Hawaii and its people, and treat everyone fairly and with aloha.
- **Ethics** - Personnel shall be guided by honesty and integrity in their professional and private lives.
- **Attitude** - As professionals, we strive to provide our best efforts to serve our community.
- **Respect** - We respect the people we service and empathize with the victims. We treat all those accused of violations with dignity and respect.
- **Teamwork** - We recognize that government resources are limited, and that the law enforcement efforts are most effective when communities, as well as state, county, and federal

agencies work together towards the common goal of protecting our people and communities.

- **Partnerships** - We pride ourselves in working with all our community members to reduce crimes and administrative violations.
- **Technology** - We embrace technology and will identify and evaluate technologies that will improve our efficiency and enhance our investigative capabilities.

GOAL 2: **Re-organize the Investigations Division**

Objective 1: Restructuring of our organizational chart to allow for better management, communication, workflow and responsibilities.

Action Plan: Re-price and re-classify the Investigator IV, V and VI positions to one class of a Special Agent position.

Action Plan: Actively recruit qualified candidates for civil service Investigator/Special Agent positions.

Action Plan: Standardize and make permanent investigator positions.

Action Plan: Create general funded investigative positions in the sex offender unit, buccal swabbing unit.

Action Plan: Create new general funded investigative positions for complex white collar and hi-tech digital crimes.

Objective 2: Accountability of Assignments

Action Plan: Pursue a records management system.

Action Plan: Implement a quality control program that comprise of monthly interviews with our client agencies.

Action Plan: Cooperation with outside agencies by (a) conducting training and coaching sessions with the law enforcement personnel in the Public Safety Department, and (b) assisting other law enforcement agencies when they request joint law enforcement operations.

Action Plan: The division is currently conducting training of Investigative Personnel through research, and has developed and is conducting in-house training for Special Agents.

- Action Plan:** Locate Funding for Investigations Division by increasing the memorandum of agreements by attracting client agencies to fund investigative positions for their agency benefits.
- Action Plan:** Aggressively seek out law enforcement grants sustaining positions for current grant funded position.
- Objective 3:** Support and Efficiency of Internal Operations
- Action Plan:** Create manual of operations (MOP) to memorialize investigative techniques of each operating unit.
- Action Plan:** Reorganize the operational units of the division to optimize workflow and work activity, using the most efficient use of personnel and resources to adapt to increasing and changing demands for investigative services.
- Action Plan:** Realign and focus span of control under working supervisors who are tasked with the supervision of work programs, and also engage in the work, in effect leading from the “front-line”.
- Objective 4:** Revitalize the collection and analysis of DNA profiles from the population of convicted felons to maximize the efficiency of the DNA unit in the absence of funding for dedicated personnel for this responsibility. Revitalize the analysis of DNA evidence and comparison with profiles to resolve murders, sex offenses and other serious crimes.

The Investigations Division is tasked with many responsibilities, and the collection of DNA samples from convicted felons is one of these. There are no positions funded for the purpose of DNA sample collection. This function is performed by General-funded positions that are also responsible for the investigation of other crimes. The time and focus of these Special Agents is shared among many responsibilities.

In 2005, the Legislature enacted chapter 844D, Hawaii Revised Statutes, which requires that “[a]ny person, except for any juvenile, who is convicted of, or pleads guilty or no contest to, any felony offense, even if the plea is deferred, or is found not guilty by reason of insanity of any felony offense, shall provide buccal swab samples and print impressions of each hand, and, if required by the collecting agency’s rules or internal regulations, blood specimens, required for law enforcement identification analysis.” This requirement applies

retroactively to persons convicted before chapter 844D was enacted. Refusal to provide a DNA sample is a misdemeanor punishable by up to one year in jail and a \$2,000 fine.

Although Hawaii law requires convicted felons to provide DNA samples, the majority of unsupervised felons (not incarcerated, on probation or parole) have not done so unless they are located through arrest for new felony crimes or an investigation is conducted to identify and locate them. Many actively evade sample collection, and investigations to locate felons who have failed to provide DNA can be difficult and time-consuming.

It is probable that a number of the convicted felons that have failed to provide samples may evade DNA collection because DNA can be a highly effective means of identifying suspects in cases where the suspects are otherwise unknown, much like fingerprints at a crime scene. Based on experience in Hawaii and elsewhere, suspects in unsolved murders, rapes and other crimes are likely to be revealed as DNA collection continues.

Hawaii's DNA program is effective. For example, in June 2010, a DNA sample was obtained from Gerald Austin by one of the Special Agents of the Department of the Attorney General. The sample matched the DNA sample from a 1989 cold case involving the rape and murder of Edith Skinner. Austin was subsequently convicted of the murder. In April 2009, Darnell Griffin was convicted of the 1999 strangulation murder of a 20-year-old woman on Oahu. Griffin was identified as the murderer after a DNA sample he provided pursuant to chapter 844D matched DNA evidence found on the victim's body. Griffin was a convicted killer who had been on parole for another murder he committed in 1980. In 2008, Richard Morris Jr. was charged with a 1987 California murder. His arrest was credited to a DNA match following a 2005 DUI arrest in Hawaii, where he had been living. The DNA sample was obtained by Special Agents of the Department of the Attorney General. In 2009, Mark Heath was convicted of a 2007 rape in Waikiki, after providing a DNA sample in connection with a prior conviction for the sexual assault of a University of Hawaii student.

In July 2014, the Attorney General's Office, Investigations Division entered into an agreement with The Honolulu Police Department's Scientific Investigation Section (SIS) to provide statistics as to the number of DNA "hits" in the Combined DNA Index System (CODIS) that resulted from DNA Swabbings. From July 2014

through November 2014, there have been thirteen (13) hits from CODIS for Property Crimes cases (Burglaries, Thefts etc.).

The task of collecting DNA samples has been actively pursued by the Department of the Attorney General, Department of Public Safety, Hawaii Paroling Authority, Department of Health, county police departments, and Hawaii State Judiciary Adult Probation Division. Since 2005, approximately 29,000 samples have been collected under Hawaii's DNA program. The great majority of these samples have been collected from inmates, probationers, and parolees, who are relatively easy to locate because they are in the custody or under the supervision of government agencies.

In 2006 the Department of the Attorney General established a DNA Unit in the department's Investigations Division, to obtain DNA samples from qualifying individuals who are not in the custody of or under the supervision of any government agency. The DNA Unit identifies, locates, and collects DNA samples from qualifying unsupervised felons who have not provided samples. Additionally, the unit assists in the prosecution of qualifying unsupervised felons who refuse to provide samples; trains participating agencies in the sample collection process; and procures, stores, and distributes DNA buccal swab collection kits to participating agencies throughout Hawaii.

More than 20,000 qualifying unsupervised felons have not yet provided samples. Approximately 35 percent of these individuals reside on neighbor islands. To address this backlog, the Department of the Attorney General seeks support to sustain funding for two full-time Special Agents. Funding for these crucial positions were supported through a Justice Assistance Recovery Grant that ended on February 28, 2013. It is anticipated that the DNA Unit will also submit an application Grant for Funding.

The Special Agents of the DNA Unit use databases such as the National Crime Information Center (NCIC) and the Criminal Justice Information System (CJIS) to identify qualifying unsupervised felons who have not yet provided a DNA sample. This research includes a thorough review of conviction records to confirm that each individual has a qualifying offense and to screen out convictions that were subsequently reduced to non-qualifying misdemeanor offenses.

The agents then conduct research to locate these individuals or determine whether they have moved to another state, have been

deported, or are deceased. The agents send written notices to inform these individuals of the requirement to provide a DNA sample. When qualifying unsupervised felons respond to the written notice, the agents arrange face-to-face meetings to collect the DNA samples and fingerprints. At these meetings, the agents confirm the subject's identity via photographic identification or other means, confirm that the subject is a qualifying offender, and review the subject's criminal history or documentation to ensure that the subject's DNA samples and fingerprints have not already been collected. Finally, the agents collect the DNA samples and submit them to the Honolulu Police Department crime lab for entry in CODIS

Since July 2014, a DNA Database has been established by the DNA Unit to more effectively keep track of letters that have been sent out to unsupervised felons. The Database also tracks the number of swabs that have been completed as a result of these letters. Investigative efforts to locate and identify the unsupervised felons and obtain swabs are also included in the statistics for the completed DNA Swabs.

Prior to July 2014, the DNA Unit completed 188 swabs for the fiscal year ending June 2014. From July 2014 through November 2014, the DNA Unit completed 167 swabs in that five (5) month period. The first month after July 2014, the DNA Unit established procedures to more efficiently and effectively account for the swabs being completed. The Unit is setting a goal of 400 swabs for the current fiscal year, which is an increase of over 100%.

The unit uses a wide range of strategies to locate noncompliant felons, including monthly sweeps at selected locations. Many resources, information systems, and coordination with other units and law enforcement agencies are used to locate evasive suspects.

Because the DNA Unit is funded by General Funds, the Special Agents must also be assigned to other investigations, including the increasing number of white collar crimes, frauds, thefts, computer crimes, money laundering, political corruption, and related crimes amounting to millions of dollars each year stolen from the public.

There are three (3) Special Agents and one (1) Supervisory Special Agent in the DNA Unit. Members of the unit perform other key functions, including cell phone data extraction (cell phones are increasingly sources of evidence and instruments of crimes), appraisals of stolen property (theft crimes under Hawaii law are

based on value, and value must be determined in a manner admissible in court) for the Division and other State Agencies. The Supervisory Special Agent is also responsible to do appraisals for the Division as well as other State agencies. DNA sample collection requires precise documentation and record-keeping is time-consuming. Investigations of noncompliant felons to locate them for DNA sample collection or to prepare cases for prosecution of felons who refuse to comply when located and investigations require considerable personnel time. Staffing limits and other responsibilities limit DNA sample collection.

Successful prosecutions resulting from DNA matches have demonstrated that collecting DNA samples improves the Criminal Justice System. The DNA database is an extremely useful law enforcement tool that can help bring the guilty to justice, exonerate the innocent, and keep the public safe. Additional resources are necessary to make Hawaii's DNA database as complete as possible by obtaining DNA samples in a timely manner from the thousands of qualifying unsupervised felons who have not complied with the DNA law.

- Action Plan:** Coordinate with other law enforcement agencies to leverage limited resources in synchronized efforts, raising awareness and increasing sample collection efforts by other agencies.
- Action Plan:** Improve access to information resources and capabilities to enable investigators to more efficiently locate noncompliant felons.
- Action Plan:** Continue to utilize General Funded positions on a part time basis to perform investigations and collect DNA samples.
- Action Plan:** Seek to fund dedicated positions purposed with investigations to locate evasive felons and the collection of DNA samples.
- Action Plan:** Promote more efficient laboratory services and support for comparison of DNA evidence with DNA profiles to identify otherwise unknown suspects in serious crimes.
- Objective 5:** High Tech Crimes
- Action Plan:** Establish a High Tech Crimes Unit to focus on the increasing number of crimes that involve sophisticated technology and the increasing prevalence of computers and other digital devices both as instruments of the crime and sources of evidence. This unit will

support the investigation of white collar crimes, frauds, thefts, computer crimes, money laundering, political corruption, and other crimes.

Action Plan: The ICAC (Internet Crimes Against Children) unit is being moved to the Criminal Justice Division in a departmental reorganization. Certain Special Agents formerly assigned to ICAC will be utilized in the new High Tech Crimes unit due to their extensive experience and abilities in the investigation of high tech crimes.

Action Plan: Due to the increase in computer related crimes and digitally stored evidence, it is necessary to develop another forensic digital evidence examiner. This examiner will be given ongoing training to maintain skill in this rapidly evolving, continually changing field. These capabilities will be shared with other law enforcement agencies, particularly at the State level where this capability is lacking or insufficient.

Office of Child Support Hearings

The mission: The mission of Office of Child Support Hearings (OCSH) is to resolve child support disputes fairly, impartially, and expeditiously through an administrative hearings process. The majority of orders issued by hearings officers establish, modify, terminate, and enforce child support obligations statewide. Orders may also include child support arrears, debt to the State for prior welfare periods, medical insurance coverage for the child, and in certain cases, spousal support arrears. Orders are filed with the family court without further review, and have the same force and effect as orders issued by family court judges.

The administrative process: All cases handled by OCSH are processed through the Child Support Enforcement Agency (CSEA). CSEA is responsible for generating and serving proposed orders, or notices of proposed actions, on hearing participants. If a participant requests a hearing, CSEA schedules the case for a hearing by OCSH. It is believed that hearings are requested in approximately 30% of cases in which proposed orders are served by CSEA on hearing participants. CSEA processes the remaining cases as uncontested orders which are issued by its Administrator or a person that is designated. In the past, these cases were also processed by OCSH.

To accomplish the mission of OCSH on a daily basis and also to plan for the future, the following goals and objectives are specified below.

- Please note that “working days” exclude holidays, sick days, and vacation days
- Exemptions to these goals and objectives are expected and will be handled on a case by case basis as they arise

GOAL 1: Prompt resolution of prehearing requests

Action Plan 1: Continue implementing guidelines for prompt resolution of prehearing requests. Success is measured by quantifiable statistics.

Action Plan 2: Requests to appear by telephone: Issue orders within 3 working days after OCSH receives the request. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 3: Requests to continue/reschedule or consolidate hearings: Start to address request within 2 working days after OCSH receives the request, and issue an order within 10 working days After OCSH receives the request. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 4: Requests for interpreters: Start to address request within 2 working days after OCSH receives the request, and issue a letter

within 10 working days after OCSH receives the request. Success is measured by quantifiable statistics, track letters not issued within the guidelines.

GOAL 2: **Prompt issuance of hearing orders**

Action Plan 1: Continue implementing guidelines for prompt issuance of hearing orders. Success is measured by quantifiable statistics.

Action Plan 2: Issue orders in 90% of all cases before or on the day of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 3: Issue orders in 5% of all cases within 5 working days of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 4: Issue orders in 5% of all cases within 10 working days of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

GOAL 3: **Prompt response to appeals**

Action Plan 1: Continue implementing guidelines for prompt response to appeals. Success is measured by quantifiable statistics.

Action Plan 2: Record on Appeal: Start to process record within 2 working days after OCSH receives the Notice of Appeal, and file record within 10 working days after OCSH receives the Notice. Success is measured by quantifiable statistics, track appeals not served on OCSH.

Action Plan 3: File Notice Regarding Certification and Transmission of Transcripts: File Notice within 2 working days after OCSH is served with the Order for Certification and Transmission of Record. Success is measured by whether the notice is filed.

Action Plan 4: Transcript: File transcript within 5 working days after OCSH receives the transcript. Success is measured by whether the transcript is filed within the guidelines.

GOAL 4: **Training for Hearings Officers**

- Action Plan 1: Hearings Officers attend training to meet Mandatory Continuing Legal Education (MCLE) credit requirements annually. Success is measured by whether all hearing officers meet MCLE requirements annually.
- Action Plan 2: Hearings Officers attend training with the Center for Alternative Dispute Resolution (CADR), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.
- Action Plan 3: Hearings Officers attend training with the Department of Human Resources Development (DHRD), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.
- Action Plan 4: Hearings Officers attend Access to Justice training from the William S. Richardson School of Law, University of Hawaii, annually to enhance skills necessary to work with pro se litigants and meet MCLE annual requirements. Success is measured by whether all hearings officers attend training.

GOAL 5: **Improve hearings rooms**

- Action Plan 1: Research and identify the type of furniture and equipment that would be appropriate for hearings rooms to meet the needs of the hearings officers and hearing participants, and meet ADA requirements. Success is measured by whether furniture can be found to meet all needs.
- Action Plan 2: Locate a vendor and obtain pricing for appropriate furniture. Success is measured by whether a vendor can be found to meet this need.
- Action Plan 3: Obtain approval for purchase and installation of furniture. Success is measured by whether approval is obtained.

GOAL 6: **Resume handling of uncontested orders**

- Action Plan 1: Research and identify the process of resuming the handling of uncontested orders, and draft an outline to present to CSEA. Success is measured by whether an outline is drafted.
- Action Plan 2: Meet with CSEA to present outline of resuming the handling of uncontested orders. Success is measured by whether a meeting is held.
- Action Plan 3: Work with CSEA to adjust and finalize process of transferring the handling of uncontested orders to OCSH. Success is measured by whether a process can be agreed to and finalized with CSEA.
- Action Plan 4: Resume the handling of all uncontested orders processed by CSEA. Success is measured by whether process operates efficiently.

GOAL 7: **Research if OCSH can adjudicate paternity cases**

- Action Plan 1: Research whether OCSH can adjudicate all paternity cases currently processed by CSEA through attorneys in Family Court, and draft an outline of conclusions reached. Success is measured by whether an outline is drafted.

GOAL 8: **Research if OCSH can assist CSEA in its mission**

- Action Plan 1: Research and identify any other area **legal** area where OCSH can assist CSEA in its mission, and draft an outline of conclusions reached. Success is measured by whether an outline is drafted.
- Action Plan 2: Research and identify **any other area** where OCSH can assist CSEA in its mission, and draft an outline of conclusions reached. Success is measured by whether an outline is drafted.