FY 2009 GRANT APPLICATION
PROGRAM NARRATIVE
(Attachment 1)

June 2009
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Edward Byrne Memorial Justice Assistance Grant (JAG)

REQUIRED DUNS NUMBER AND CCR

The DUNS number for the Department of the Attorney General (State of Hawaii) is 809935323.

The Department of the Attorney General (State of Hawaii) is currently registered in the CCR.
I. EXECUTIVE SUMMARY

The Bureau of Justice Assistance (BJA) requires applicants for the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to submit a program narrative that outlines the types of programs that will be funded, provides a brief analysis of the need for the programs, and identifies how performance measure data will be collected and reported. Narratives must also identify statewide priorities and planning, and anticipated coordination efforts involving JAG and related justice funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system from multijurisdictional drug task forces to courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The JAG Program allows states and local jurisdictions to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are most needed.

A critical part of the program narrative is the identification and discussion of criminal justice program needs for the State. Hawaii’s program narrative addresses five (5) major crime priority areas. These priority areas are consistent with the following JAG purpose areas:

- Law enforcement programs
- Prosecution and court programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs.

A variety of sources were used to obtain data to support selection of each priority area. These include the Uniform Crime Report, reports and data from applicable agencies, meeting directly with and obtaining input from agency personnel, staff participation in multi-agency criminal justice and drug meetings on specific topics, researched national data, and information from national and local trainings.

There may be some changes in these selected priority areas depending on the applications that are submitted and final funding decisions made by the SAA. However, this program narrative captures in broad scope the identified major criminal justice program needs that will be addressed through the FY 2009 JAG grant funds. If revisions are needed for the program narrative, the SAA will notify BJA and provide BJA with all relevant administrative or programmatic revisions, updates, or changes.
II. INTRODUCTION

STATE ADMINISTERING AGENCY (SAA)

In each state, the Governor or other Chief Executive Officer designates a state agency (State Administering Agency or SAA) to apply for and administer these funds. Hawaii’s SAA for the JAG Program is the Department of the Attorney General. Specifically, the SAA is responsible for the following:

- Coordination of JAG funds among state and local justice initiatives;
- Preparation and submission of the state JAG application;
- Administration of JAG funds including establishing funding priorities, distributing funds, monitoring subrecipients’ compliance with all JAG special conditions and provisions, and providing ongoing assistance to subrecipients;
- Submitting financial reports, programmatic reports, performance measure data, and subgrant information.

The Attorney General is the chief legal officer and chief law enforcement officer of the State of Hawaii. The Attorney General, appointed by the Governor, employs numerous attorneys and professional and support personnel to help carry out the responsibilities of the department. These include the following:

- Representing the State in civil and criminal cases when the State is a party;
- Investigating violations of state laws and initiating civil and criminal actions to enforce the laws or prosecute persons who violate them;
- Preparing legal opinions for the Governor, the Legislature, and the heads of state departments;
- Advising state officials on legal matters; and
- Defending and representing state officials and employees when they are sued for actions they have taken in connection with their state positions.

Within the department, primary responsibility for overseeing and administering federal crime grants falls with the Crime Prevention and Justice Assistance Division (CPJAD). This division serves as the primary unit providing the Attorney General with critical information and resources needed to address crime and crime prevention within the State.

Specifically, the Grants and Planning Branch of CPJAD identifies, applies for, and administers a number of Federal grants (the Edward Byrne Memorial Justice Assistance Grant, Violence Against Women Act Grants, the Victims of Crime Act Victim Assistance grant, the Residential Substance Abuse Treatment Grant, and others). The branch also administers the State Career Criminal Prosecution grant, the Victim Witness Assistance grant, and the grant for the master contract for statewide sex assault services.

The mission of the branch includes the following:

- To coordinate statewide criminal justice planning efforts and programs;
• To serve as a clearinghouse for information on financial and other resources that assist in improving the criminal justice system; and
• To seek and administer federal and state grants.

III. ANALYSIS OF NEED and PROGRAMS

This section provides an analysis of need for the programs selected for funding under the FY 2009 JAG Program. Hawaii has identified five (5) major crime priority areas. These priority areas are consistent with the following JAG purpose areas:

• Law enforcement programs
• Prosecution and court programs
• Corrections and community corrections programs
• Drug treatment and enforcement programs
• Planning, evaluation, and technology improvement programs.

LAW ENFORCEMENT PROGRAMS

Hawaii law enforcement agencies continue to investigate and prosecute an array of crimes. Understandably, violent crimes (murder, forcible rape, robbery, and aggravated assault) remain a primary law enforcement focus.

The nature of crime in Hawaii is different from that of the U.S. in general. According to Crime in Hawaii 2007: A Review of Uniform Crime Reports, violent crime accounted for 12.5% of the index crime rate nationally, while only 6.3% of the index crime rate in Hawaii was comprised of violent crime.\(^1\) Index crime rates refer to the number of reported offenses per 100,000 resident population.

According to the report, a total of 56,411 index crimes were reported statewide, yielding a rate of 4,395 offenses per 100,000 resident population. The reported violent index crime rate in Hawaii decreased 2.5% in 2007 from the previous year, while Hawaii’s total index crime rate was 19.2% below the rate reported a decade earlier (1998); the violent index crime rate has increased 11.7%.\(^2\)

In 2007, of the 3,545 violent crimes reported: (1) aggravated assault accounted for 57% (2,021); (2) robbery accounted for 31.7% (1,122); (3) forcible rape accounted for 10.6% (377); and (4) murder accounted for 0.7% (25).\(^3\)

Sexual Crimes/Offenses

Some of the most challenging violent crimes for law enforcement are sex crimes (adult and child victims). The involved units often work with sex assault nurse examiners, must

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\(^1\) Department of the Attorney General, December 2008, p. 3.
\(^2\) Ibid, p. iii.
\(^3\) Ibid, p. 7.
understand the field of forensic medicine, utilize interviewing techniques to minimize victim trauma, and provide victim protection. The work can be emotionally draining and demanding. Hawaii’s response to sex crimes has been investigation, prosecution, offender supervision, victim assistance, sex assault treatment, and specialized training. The need persists for resources and services in this area.

According to the 2007 Crime in Hawaii Report, there were 377 reported cases of forcible rape. This represents a 3.6% increase from 2006 and a 7.1% increase from a decade ago (1998). The forcible rape rate increased 3.9% in 2007, however, comparing 2007 to 1998, the forcible rape rate decreased 0.7%. The forcible rape rates have remained relatively steady over the last 10 years. The forcible rape rate was the highest in 2001 with a rate of 33.4 per 100,000 population and the lowest in 2005 at 24.3 per 100,000 population.4

An emerging need appears to be human trafficking, a crime that has become the fastest growing criminal industry in the world. There is no universally accepted definition of trafficking for sexual exploitation. The term encompasses the organized movement of people, usually women, between countries and within countries for sex work with the use of physical coercion, deception, and bondage. Given the State’s geographical location, Hawaii may represent an alluring locale for this growing criminal enterprise.

The State has seen the need to place special attention on sex offender registration. To ensure increased public safety and improved monitoring of sex offenders, the Adam Walsh Child Protection and Safety Act (P.L. 109-248) was signed into law in 2006. The Act organizes sex offenders into three tiers, and mandates that Tier 3 offenders (the most serious tier) update their whereabouts every three months with lifetime registration requirements. Failure to register and update information is a felony under the law. It also creates a national sex offender registry and instructs each state and territory to apply identical criteria for posting offender data on the Internet (i.e. offender name, address, date of birth, place of employment, photograph, etc.). With the implementation of the state’s sex offender registration program, additional resources are needed to track and prosecute sex offenders violating the registration requirements.

There are a number of professionals working with victims of sexual assault. These professionals must understand the complexities related to identifying and serving the victim’s needs and holding the offender accountable. These professionals, including the police, prosecutors, service providers, medical profession, and therapists/counselors, have expressed the need for up-to-date multi-disciplinary training to improve the delivery of sexual assault services within the criminal justice system.

Specific training needs include the following: (1) increasing law enforcement skill levels in the arrest and investigation of sexual assault crimes; (2) increasing prosecutorial skills through specialized training sessions that address charging, trial preparation and trial tactics in sexual assault cases; (3) increasing the medical/forensic response to sexual assault by providing training that address the collection of forensic evidence; (4) increasing the response skills of sexual assault victim service providers and advocates by providing training on victim involvement in the criminal justice system and other relevant topics.

Property Crimes

As with most jurisdictions, Hawaii law enforcement continues to utilize crucial resources to combat property crime (including burglary, larceny-theft, and motor vehicle theft). Although there are indications that property crime rates have been going down, such crimes remain a critical problem for the State and continue to warrant the attention of law enforcement.

In Hawaii, property crimes account for the overwhelming majority of the total crime rate. According to the 2007 Crime in Hawaii report, property crimes represented about 94% of the total crime rate, as compared with violent crimes which was approximately 6% of the crime rate. A total of 52,866 property crime offenses were reported compared to 54,708 in 2006, a 3.4% decrease. The clearance rate for property crimes offenses has been decreasing since 1998 when the rate was 17.6%; for 2007 the clearance rate was 11.6%.5

Hawaii’s property index crime rate was 4,119 offenses per 100,000 residents. Two of the three property index crimes decreased in rate: the larceny-theft rate fell 1.8% and motor vehicle theft rate fell by 18.5%. Offsetting this decrease was an increased burglary rate of 4.0%. Of the 52,866 property crimes, larceny-theft accounted for 70.9% (37,494), burglary accounted for 17.2% (9,089), and motor vehicle theft accounted for 11.9% (6,283). The total value of property stolen from burglaries, larceny-thefts, and motor vehicle thefts in 2007 was more than $93 million.6

Cyber/Computer Crimes

While computers and the Internet have become a relatively inexpensive and widely used resource and tool, this new technology has also provided criminals with a new way to commit a variety of crimes – some old and some new. According to the FBI, cyber crimes include intellectual property theft; child pornography; cyberstalking; terroristic threats and acts; illegal copying and selling of music, movies, software or any other copyrighted or trademarked item; thefts of trade secrets; thefts of cable and satellite signals; and Internet fraud.

Statistics related to cyber crimes are difficult to obtain since many law enforcement agencies do not specifically track computer related crimes. The Internet Crime Complaint Center (IC3), which began operation in May 2000 as the Internet Fraud Complaint Center, was established as a partnership between the National White Collar Crime Center and the FBI to receive, develop, and refer criminal complaints regarding the rapidly growing arena of cyber crime. Since its inception, IC3 has received complaints across a wide variety of cyber crimes including: online fraud, intellectual property rights, computer hacking, economic espionage, child pornography, international money laundering, and identity theft.

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6 Ibid. p. 21.
According to the “IC3 2007 Internet Crime Report” (the seventh annual compilation of complaint information):  

- IC3 website received 206,884 complaint submissions;
- IC3 referred 90,008 complaints of crime to federal, state, and local law enforcement agencies;
- The vast majority of cases were fraudulent in nature and involved a financial loss for the complainant;
- The total dollar loss from all referred cases of fraud was over $239 million with a median dollar loss of $680 per complainant;
- Perpetrators were predominantly male (76%) and half resided in one of the following states: California, Florida, New York, Texas, Illinois, Pennsylvania, and Georgia;
- Although most of the reported perpetrators were from the U.S., a significant number were located in the United Kingdom, Nigeria, Canada, Romania, and Italy;
- Among complainants, 58% were male, nearly half were between the ages of 30 and 50, and one-third resided in one of the four most populated states (California, Florida, Texas, and New York);
- Electronic mail (74%) and web pages (33%) were the two primary mechanisms by which the individuals were victimized;
- Recent high activity scams commonly reported to the IC3 in 2007 were those involving pets, checks, spam, and online dating sites, all of which have proven effective as criminal devices in the hands of fraudsters.

Internet sex crimes against children also remain a serious problem. As Internet use has become widespread, concerns have emerged regarding sexual offenders who are using the Internet to commit crimes involving child sexual exploitation and child pornography. Historically, child predators found their victims in public places, such as schoolyards, parks, and shopping malls, where children tend to gather. With many children online today, the Internet provides predators with a new place – cyberspace – to target children for criminal purposes. These types of Internet sex crimes against minors continue to cause great concern among parents, law enforcement agencies, lawmakers, educators, and other child advocates and warrant continued law enforcement vigilance.

Strategies to deal with crime problems in communities can include community policing, Weed and Seed type efforts, and Neighborhood Watches. Meetings with agency personnel also identified initial interest and resource needs in the following law enforcement areas: community policing resource centers, juvenile substance abuse and gang prevention programs, outreach for elderly abuse, white collar crimes, improved forensic technology and services, upgraded police training and equipment, crime mapping, and renewed police bicycle program.

PROSECUTION AND COURT PROGRAMS

Hawaii's judicial branch is a unified state court system that functions under one administrative head, the Chief Justice of the Hawaii Supreme Court.

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Court Hearings

Court resources are needed to address the issues of pending cases, reduce slowdowns and delays, improve and strengthen court efficiency, and to streamline and support court services. During FY 2008, 635 primary cases were filed in the Courts of Appeal (Supreme Court, Intermediate Court of Appeals). Supplemental proceedings, which arise out of primary cases, are comprised of motions, special stipulations and applications for certiorari. At the end of the fiscal year, there were 678 primary cases and 53 supplemental proceedings pending in the Courts of Appeal.

Hawaii’s trial courts are comprised of Circuit and District Courts. Family Courts are included in the Circuit Courts. Hawaii’s trial courts function in four circuits that correspond approximately to the geographical areas served by the counties. The First Circuit serves the City and County of Honolulu. The Second Circuit serves the County of Maui, which includes the islands of Maui, Molokai and Lanai. The Third Circuit, divided into the districts of Hilo and Kona, administers the County of Hawaii. The Fourth Circuit is no longer used as a circuit designation. The Third and Fourth Circuits merged in 1943. The Fifth Circuit serves the County of Kauai, which includes the islands of Kauai and Niihau.

All jury trials are held in the Circuit Courts, which have general jurisdiction in civil and criminal felony cases. Additional cases dispensed by the Circuit Courts include violations transferred from the District Courts for jury trials.

Filings in the Circuit Courts proper totaled 11,661 cases in FY 2008. Of the cases filed, 4,198, or 36%, were civil cases; and 4,480, or 38%, were criminal cases. During FY 2008, the Circuit Courts terminated 10,832 cases. At the end of the fiscal year, a total of 37,073 cases were pending in the Circuit Courts proper. This includes 2,754 inactive criminal cases and 5,438 criminal cases on deferred status.

Specialized Courts

In the past, Hawaii Byrne/JAG monies funded drug and mental health courts. A recent court program piloted in Hawaii is Hawaii's Opportunity Probation with Enforcement (HOPE). As described on the Hawaii Judiciary web page, in 2004, a pilot program was launched to reduce probation violations by drug offenders and others at high risk of recidivism. This high-intensity supervision program, HOPE, is the first and only of its kind in the nation. Probationers in HOPE receive swift, predictable, and immediate sanctions - typically resulting in several days in jail – for each violation of detected drug use or missed appointments with a probation officer.

In HOPE, probationers are clearly warned that if they violate the rules, they go to jail. Defendants are required to call a hotline each weekday morning to find out if they must take a drug test that day. Random drug testing occurs at least once a week for the first two months.

If probationers test positive, they are arrested immediately. If they fail to appear for the test or violate other terms of probation, warrants for their arrest are issued immediately. Once they are apprehended, a probation modification hearing is held two days later, and violators are
typically sentenced to a short jail term. The jail time may increase for subsequent violations and repeat offenders are often ordered into residential treatment.

Evaluation results indicate the program is highly successful at reducing drug use and crime, even among difficult populations such as methamphetamine abusers and domestic violence offenders. For the 745 defendants who have been in HOPE for at least three months, their missed appointments rate has decreased by 80 percent and their positive drug test rate has dropped by 86 percent. For those offenders in HOPE the longest, 42 months, the decrease is even larger: 92 percent fewer missed appointments and 96 percent fewer positive drug tests.

Prosecution

Prosecutor offices in the State of Hawaii, as in most other jurisdictions, must cope with large and growing caseloads, limited staffing, and diminished resources. In Hawaii, each of the four counties (City and County of Honolulu on the island of Oahu, Hawaii County, Kauai County, and Maui County) has its own respective prosecutor’s office. In brief, the prosecutor offices are responsible for prosecutions within their jurisdictions for offenses against the laws of the state and applicable county ordinances, rules, and regulations. The Department of the Attorney General also prosecutes cases. The needs of the prosecutors involve such basic resources as adequate staffing, specialized deputy prosecutors to conduct vertical prosecutions (e.g., domestic violence, sex assault), equipment, training, resources for victim programs, updated technology, criminal justice information systems/management support, and resources for needed assessment and service centers. Other specialized units previously funded or being considered for funding are drug prosecution, property crime, non-support of child, environmental crimes, and criminal justice case conflict and appeals unit.

CORRECTIONS AND COMMUNITY CORRECTIONS PROGRAMS

Prison Offender Treatment Services

In recent years, Hawaii has seen a modest growth in its felon population. A persistent concern revolves around the higher risk felony population and its impact on limited supervision and treatment resources. According to the Department of Public Safety, 2003 Sentencing Simulation Model Draft Report, the size of Hawaii’s sentenced felons in the criminal justice system (either under the jurisdiction of prison or being supervised in the community while on probation or parole) was projected to increase by 16.6%. It was predicted that the parole population would increase by 42.1% in the period 2004-2008.

Presented below is the last population project developed by the Department of Public Safety, Sentencing Simulation Model Project.

<table>
<thead>
<tr>
<th>Year</th>
<th>Prison</th>
<th>Parole</th>
<th>Felony Probation</th>
<th>Total</th>
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<tr>
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<td>3,916</td>
<td>2,483</td>
<td>13,039</td>
<td>19,438</td>
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<tr>
<td>2004</td>
<td>4,272</td>
<td>2,686</td>
<td>12,825</td>
<td>19,783</td>
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<tr>
<td>2005</td>
<td>4,610</td>
<td>2,869</td>
<td>12,897</td>
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<tr>
<td>2006</td>
<td>4,928</td>
<td>3,074</td>
<td>13,129</td>
<td>21,131</td>
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<tr>
<td>Year</td>
<td>Incarcerations</td>
<td>Parolees</td>
<td>Total</td>
<td>Annual Cost</td>
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<td>------</td>
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<td>2007</td>
<td>5,227</td>
<td>3,294</td>
<td>13,570</td>
<td>22,091</td>
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<td>2008</td>
<td>5,449</td>
<td>3,529</td>
<td>14,031</td>
<td>23,009</td>
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Note: Because of the lack of State funding, the Sentencing Simulation Model Project was discontinued in September 2004 (upon the exhaustion of federal grant funds). Consequently, no current/updated statistics based on this model are available.

While the Department of Public Safety, Judiciary, and Hawaii Paroling Authority are responsible for addressing any projected population growth, the agencies continue to struggle to manage existing high populations and must cope with current staff shortages, overcrowded facilities, dwindling resources, and limited funding for offender treatment services. All three agencies are using evidence-based methods such as the Level of Service Inventory-Revised, cognitive behavior, and motivational interviewing with offenders.

Prison overcrowding has been a challenging issue for the State. Since its inception, the Corrections Population Management Commission (CPMC) has made two recommendations concerning the maximum inmate population limits. The first, in 1995, determined the operating capacity of the combined correctional facilities to be 2,643 beds. A second, and more sophisticated, space analysis was completed in 2001. That report reconsidered the previous assessment of beds available in 1995 and included new beds added to the system since that time. The 2001 maximum population limit was set at 3,487.

In its Fiscal Year 2007 Annual Report, the Department of Public Safety reported that the inmate count was 6,045 (Fiscal Year 1997 count was 4,604). This included 5,288 incarcerated males and 757 females. To relieve overcrowding in PSD jails (community correctional centers), 200 inmates were housed at the Hawaii-based Federal Detention Center. The Legislature funded the transfer of Hawaii inmates to out-of-state facilities allowing the state to contract prison space from facilities on the Mainland. As of June 2007, a total of 2,099 inmates were being housed in four different states.

The CPMC concluded in the FY 2004 annual report:

“Serious overcrowding of Hawaii’s correctional system has continued over the past 25 years, with little indication that the inmate population growth will be curtailed in the near future. Prison overcrowding is controlled today by contracting with private prison vendors for beds located in Mainland facilities, with over 40% of Hawaii’s sentenced felons and parole violators placed out-of-state...”

Client/Offender Services

The Judiciary’s Adult Client Services Branch oversees the effective administration of adult probation programs and services in accordance with statutory and administrative guidelines. The unit interacts with the courts, various state agencies, and a variety of non-court

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8 FY 2007 Annual Report, Department of Public Safety, p. 34.
agencies and organizations throughout the state. The branch administers several major programs and provides intensive probation supervision for probationers who would otherwise have been incarcerated. Again, resources including adequate staffing levels are needed to ensure the provision of core services for probationers and other clients of the court. Additional resources are also needed for equipment, training, updated technology (e.g., electronic tracking devices), improved information management/sharing systems, and updated and validated assessment instruments.

In 2000, the Chief Justice established the Interagency Council on Intermediate Sanctions (ICIS) to reduce the statewide recidivism rate (at that time, 65.9%) by 30%. Recidivism is defined as a new arrest or probation, parole, or pre-trial revocation within three years of onset of community supervision. ICIS remains a collaborative effort of state and county government agencies including the Judiciary, Department of Public Safety, Department of Health, the Department of the Attorney General, the Hawaii Paroling Authority, Office of the Public Defender, Honolulu Police Department, and the Office of the Prosecuting Attorney – City & County of Honolulu. The ICIS strategic plan seeks to implement the systematic application of empirically based tools to assist in the management of offenders and to establish a continuum of effective services.

The Council developed a five-year strategic plan to implement a system-wide, standardized assessment protocols to match offender to level of supervision and services by identifying LSI-R risk factor severity to “what works” approach in services. The five-year plan also includes training for service providers in effective treatment programs that target risk factors to reduce offender recidivism. The Council’s plan also includes studying and measuring the effectiveness of the offender assessment protocols, matching offenders with services, and program efficacy.

The Council continues to seek resources to train probation and parole officers in motivational skills and offender cognitive (COG) skills development. These techniques are important to modify criminal thinking, a key factor to reduce recidivism among offenders and to change their behavior. The staff continues to work on matching the risk and needs of the assessed adult offender, and training evaluators and service providers on evidence-based offender programs to reduce offender recidivism. The Council continues efforts to institute quality assurance for the various standards adopted and establishing a research infrastructure to measure whether the improvements sought are achieved.

Mental Health Treatment/Case Management

Each year, a significant number of mentally ill offenders cycle through the criminal justice system. While incarceration may be appropriate for some mentally ill offenders, incarceration makes little sense especially for those without violent histories. Incarceration involves significant costs and these custodial facilities are not designed to be therapeutic environments.

The Center for Court Innovation (the research and development branch of the New York State court system) reports:
“Mentally ill individuals with a criminal record are often placed in a lose-lose situation... While incarcerated, their condition tends to worsen. And upon release, they are often unable to access community treatment... Many community mental health centers are unprepared or unwilling to treat people who have criminal records. The results are painfully clear: many defendants with mental illness churn through the criminal justice system again and again, going through a ‘revolving door’ from street to court to cell and back again without ever receiving the support and structure they need. It is fair to say that no one wins when this happens—not defendants, not police, not courts, not victims, and not communities.”

A significant number of inmates have mental health problems. The Justice Department’s Bureau of Justice Statistics (BJS) 2006 Special Report: Mental Health Problems of Prison and Jail Inmates, estimates that half of all prison and jail inmates have a mental health problem, including 705,600 inmates in state prisons, 78,800 in federal prisons, and 479,900 in local jails. These estimates represent 56% of state prisoners, 45% of federal prisoners, and 64% of jail inmates. About 23% of state prisoners and 30% of jail inmates reported symptoms of major depression. An estimated 15% of state prisoners and 24% of jail inmates reported symptoms that met the criteria for a psychotic disorder.

The BJS special report found that female inmates had higher rates of mental health problems than male inmates (e.g., state prisons: 73% of females and 44% of males). Not surprisingly, about 74% of state prisoners and 76% of local jail inmates who had a mental health problem met criteria for substance dependence or abuse. State prisoners who had a mental health problem were twice as likely as those without to have been homeless in the year before their arrest (13% compared to 6%). Finally, only an estimated 1 in 3 state prisoners and 1 in 6 jail inmates who had a mental health problem had received treatment while incarcerated.

In Hawaii, the Department of Public Safety continues to grapple with the impact of an ever-increasing number of mentally ill persons incarcerated in the prison system. Meeting the mental health needs of this population remains challenging. An audit by the U.S. Department of Justice in 2007 identified needed areas for improvement, and the department is actively working to expand its mental health services. A mental health branch has been established and an administrator hired to help develop and implement a structured mental health care delivery system to address the treatment needs of inmates with serious mental illness.

**Juvenile Offender Services**

The Office of Youth Services (OYS) is administratively placed in the Department of Human Services. The OYS provides and coordinates a continuum of services and programs for youth-at-risk to prevent delinquency and reduce the incidence of recidivism. A core responsibility of the OYS is to manage and operate the Hawaii Youth Correctional Facility (HYCF), the only facility to incarcerate juvenile law violators.

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10 *Criminal Justice Newsletter, Vol. 32, No. 6, April 2009*
The primary purpose of the HYCF is to provide safe and secure housing for violent and dangerous juvenile offenders who pose a threat to the community. The HYCF provides a variety of counseling, treatment, and educational services within the facility to aid in the redirection and rehabilitation of each youth. Needed HYCF improvements, some already being implemented, include the following:

- Improved parole/aftercare programs to reduce recidivism with greater focus on re-entry programs, employment, life skills, and character-building activities;
- Improved youth policy and grievance systems to meet national juvenile corrections standards;
- Improved due process system for parole revocation.

According to experts, one group of adolescents at great risk of failing to make the successful transition to adulthood are delinquent youth who end up in the “back end” of the juvenile justice system – in detention centers and other confinement facilities. Efforts to improve programs and services for juvenile offenders to reduce their criminal behavior are needed.

**Reentry Programs/Services**

The continued need for reentry programs becomes obvious as communities struggle with spiraling recidivism rates. Each year, approximately 650,000 people are released from state and federal prisons and between 10 and 12 million more are released from local jails. The vast majority of these individuals struggle with substance abuse, lack of adequate training, education and job skills, an absence of employment opportunities, lack of housing, and health and mental health issues. It comes as little surprise that a large number of these people return to prison within three years of their release as a result of inadequate services and opportunities.

Reentry involves using programs and services to promote the effective reintegration of offenders back to communities upon release from jail and prison. Reentry programming, involving a comprehensive case management approach, is intended to assist offenders to acquire the life skills needed to succeed in the community and become involved and productive citizens. Reentry strategies must include prerelease assessments and services and utilize transition plans that include collaboration with other justice and community-based providers.

Reentry programs are designed to:

- Promote the safe and successful reintegration of offenders into the community upon their release;
- Provide employment services, substance abuse treatment, housing, family programming, mentoring, victim services, and methods to improve release and revocation;
- Provide mentoring services to offenders – both adult and juvenile;
- Implement family-based treatment programs for incarcerated parents who have minor children;
- Provide for enhanced reentry planning procedures; and
• Provide information on health, employment, personal finance, release requirements, and community resources.

Recently, a more focused approach to reentry has emerged in the form of reentry courts. Reentry courts offer the opportunity for more extensive management and treatment of offenders beginning at the sentencing phase. Reentry courts seek to promote offender accountability while providing treatment and services during the reentry process.

DRUG TREATMENT AND ENFORCEMENT PROGRAMS

Substance Abuse

The need to successfully intervene and reduce substance abuse, and criminal attitudes and behaviors continue to outweigh the number of available adult offender services. Hawaii funds substance abuse treatment at various points in the system in its effort to reduce the social costs that accompany substance abuse. However, with limited resources and multiple stakeholders (treatment, prevention, interdiction), it is an ongoing effort to increase funding for offender services to reduce criminal recidivism.

The National Institutes of Health (NIH) reports that addiction affects over 23 million Americans – only about 10 percent are estimated to be receiving the help they need. With nearly one in ten Americans over the age of 12 classified with substance abuse or alcohol dependency, addiction continues to take a high health, emotional, and financial toll on the U.S. The cost of substance abuse and addiction has been estimated to exceed a half trillion dollars annually (health care, lost productivity, earnings, and law enforcement costs) in the U.S.

It has been estimated that for every dollar spent on addiction treatment programs, there is a $4 to $7 reduction in the cost of drug-related crimes. With some outpatient programs, total savings can exceed costs by a ratio of nearly 12 to 1. Providing treatment for a person’s substance abuse and addiction problems is not only a sensible decision with regard to the person’s health and welfare, it is also a sound economic decision. Treating a person’s substance abuse remains a crucial investment that can save the individual untold health, emotional, and financial costs.

The Arrestee Drug Abuse Monitoring (ADAM) program report (April 2003) provided a snapshot of persons coming into the Hawaii criminal justice system and the treatment services that are needed. The report indicates that of the 2,245 detained arrestees in Honolulu, 62.9% tested positive for one or more of the following drugs: cocaine, marijuana, opiates, methamphetamine, and PCP. More than a third (35.9%) of the detained arrestees in Hawaii tested positive for methamphetamine, followed by 30.4% for marijuana, 22.6% for multiple drugs, and 15.8% for cocaine. Only 6.8% tested positive for opiates and .2% for PCP.11

The median percentage of the detained arrestees (from the 35 ADAM sites) at risk for drug dependence is 37.2%. The percentage of Hawaii’s arrestees at risk for drug dependence is 41.5%. More than a third (37.1%) of the Hawaii detained arrestees reported that they received

11 Arrestee Drug Abuse Monitoring (ADAM), Program Report, April 2003.
inpatient drug or alcohol treatment sometime in their life; 13% reported receiving such treatment in the last 12 months. Twenty-six percent also reported that they received outpatient drug or alcohol treatment sometime in their life; with 9.3% reported receiving such treatment in the last 12 months. Sixteen percent reported that they received mental health treatment sometime in their life; 4.2% reported receiving such treatment in the last 12 months.\textsuperscript{12}

**Drug Enforcement**

The drugs most prevalent in Hawaii are crystal methamphetamine, cocaine, and marijuana. To a lesser extent, heroin, and club drugs, such as MDMA, GHB, and LSD, are also available. With the exception of marijuana, almost all of the other drugs are produced elsewhere and imported into the state.

In the last few years, **Methamphetamine**, in particular **crystal methamphetamine**, has posed the greatest drug threat to the State of Hawaii. Crystal methamphetamine produced in Mexico appears to be the most readily available, although California-produced crystal methamphetamine is also present. Methamphetamine from Asia is not as common as in the past. Mexican criminal groups dominate the transportation of crystal methamphetamine from the West Coast to Hawaii and the wholesale distribution of the drug within the state. The drugs are transported either by couriers on commercial airlines or by package delivery services.

After four years of intense community focus on Hawaii’s “ice” problem, the number of arrests for the drug are in a downward trend. In addition to the reduced number of arrests, law enforcement officials also cite the rising cost of the drug (even as the quality of the “ice” on the streets is decreasing) as evidence that law enforcement efforts are succeeding. The Hawaii Narcotics Task force reports that more than 6,400 grams of ice were seized and 1,283 arrests were made in the State from July 2007 through June 2008. Those numbers are down from the 9,306 grams seized in FY 2007. The price of crystal methamphetamine has fluctuated in the past year (upward trend), a possible indication of decreased availability of the illegal drug. Last year, the price of a pound of crystal methamphetamine was about $24,000. Currently one pound costs about $30,000.

**Marijuana** continues to pose a significant threat to Hawaii. Cultivated perennially throughout the four counties, marijuana is distributed locally as well out of state. Processed marijuana is also imported from other states as well as from Canada. The price of Hawaii-grown marijuana, known for its potency and high quality, has remained fairly stable. An ounce of marijuana sells for $400-$800, while a pound costs $6,000-$9,000.

**Cocaine** appears to be growing in popularity, is readily available throughout the state, and is often used in conjunction with other drugs, including alcohol, heroin, and/or marijuana. The tourist industry appears to drive the demand for cocaine; therefore ounce-type dealers flourish in the bar, nightclub, and hotel scenes. A gram of cocaine sells for $100-120, an ounce sells for $1,100-$1,500, and a pound costs $13,500-$25,000. Cocaine arrests in Honolulu have risen, probably resulting from the rising cost of “ice” and law enforcement efforts targeting that drug.

\textsuperscript{12} Ibid.
Most of the heroin seized in Hawaii is black tar heroin from Mexico, although some Southeast Asian heroin is also smuggled and distributed. The majority of the heroin is brought in from California, primarily Los Angeles, by Mexican organizations. A gram of black tar heroin costs $150-$200 and an ounce costs $2,500-$3,500. A gram of “China white” heroin costs $200-$300 and an ounce costs $5,000.

The threat of club drugs, such as MDMA (Ecstasy), GHB, and LSD, is not as serious as the drugs listed above; however, Hawaii teenagers and young adults continue to use Ecstasy. Approximately 80% of the MDA consumed worldwide is produced in the Netherlands and Belgium. A tablet costs $15-$20. GHB is distributed in fitness clubs, since it is touted as a muscle-building supplement. LSD, which historically has been produced in Northern California, costs $4-$6 per hit and $225-$275 for a page (100 hits).

Results from the Hawaii Narcotics Task Force, a JAG-funded effort, are shown below.13

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<th>Hawaii Narcotics Task Force Arrests and Seizures, 7/1/07-6/30/08</th>
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Marijuana continues to lead all drug seizures, and processed marijuana is almost always found in conjunction with other drugs.

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<th>Hawaii Narcotics Task Force Drug Seizures, 7/1/07-6/30/08</th>
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The prevalence of illegal drugs and the violence and crime associated with drug trafficking and the illegal drug industry continue to warrant the focus of law enforcement. In addition to supporting existing drug interdiction efforts, law enforcement has indicated a need to strengthen airport drug interdiction and to continue to strengthen interdiction efforts in the maritime sector. There was also interest in focusing on underage drinking.

PLANNING, EVALUATION, AND TECHNOLOGY IMPROVEMENT PROGRAMS

Criminal Justice Information Systems

Information technology systems include automated information systems used by the various criminal justice system components (law enforcement, courts, prosecution, corrections, probation, and parole). During the past decade, criminal justice agencies have come to rely on automation and information technologies to provide reliable, timely, and accurate offender and case based information. While most of these agencies have implemented these new technologies in the administration, management, and operations of their various responsibilities and tasks, not all upgrading has been completed or is fully functional. Integrating these often disparate technological systems has been challenging, time consuming and costly.

An example of current efforts in this area includes work to implement and refine Criminal Justice Information System-Hawaii (CJIS-Hawaii). In 2002, the State’s criminal history repository, CJIS-Hawaii replaced the legacy mainframe repository known as the Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) system and resides on a new technology platform. It is administered by the Department of the Attorney General.

The use of imaging technology has enhanced the accuracy and completeness of the available information in CJIS-Hawaii. CJIS-Hawaii has operational interfaces with police booking, prosecutor case management, court information, and corrections management systems. Future plans include interfaces with additional prosecutor and supervision/probation systems and improved integration with the State’s Automated Fingerprint Identification System (AFIS). System enhancements will be required for these future interfaces and integration.

Hawaii’s Juvenile Justice Information System (JJIS), a statewide information system that combines juvenile offender information from the police, prosecutors, Family Court, and Hawaii Youth Correctional Facility to track juvenile offenders. The JJIS is also the repository for statewide information on missing children. Responsibility for the JJIS lies with the Department of the Attorney General.

Current JJIS initiatives are to upgrade its system by implementing a newer and more technologically sophisticated platform, employ GIS capability, and expand analysis capacity. Additionally, in the next few years, JJIS will explore the possibility of expanding system applications to share relevant information between the juvenile justice agencies and health, social services, and education agencies.

The JJIS needs to modernize from a mainframe-based application developed in the 1980s to a browser-based application. This effort will build on three previous JJIS modernization efforts in which OJJDP grant funds were used to take the first steps in a successful technology update. This initiative will continue the application development effort to provide an appropriate test environment for the applications that have been developed for the Next Generation (NG). This testing will be necessary to ensure the delivery of reliable, available, and defect-free applications to the JJIS user community.
Integrated Booking System (Green Box)

In 2001, the Green Box project streamlined the manual booking process by creating a single point of data entry and image capture for the police officer. The offender’s fingerprints and mugphoto are electronically captured through the integrated livescan unit and combined with the arrest/booking information to form a complete record. The fingerprint information is transmitted electronically to the Lights Out Transaction Controller (LOTC) where the automated identification process is performed. The LOTC is responsible for managing the entire identification process by requesting and receiving information from the State’s AFIS, Green Box, and CJIS-Hawaii and using this information to make an identification decision. Once the decision is made, the LOTC is responsible for transmitting the appropriate fingerprint information to the FBI, the State’s AFIS, and Archive systems. The mugphoto is electronically transmitted to the Hawaii Mugphoto System database, CJIS-Hawaii, and the county police system. The arrest/booking information is electronically transmitted to CJIS-Hawaii, and the appropriate police Records Management Systems (RMS). This pilot project reduced the time to complete an arrest/booking by 50% and allowed the police officer to return to his/her law enforcement duties in significantly less time.

Due to the success of this pilot, integrated livescan units were installed over 6 years at the Honolulu Sheriff's Division, the Kauai County Police Department, the Honolulu Police Department, and the Maui Police Department. It can now be said that all law enforcement agencies statewide electronically capture and transmit fingerprint and arrest/booking information.

In June, the Green Box system was integrated with the Message Broker system. The Message Broker is a combination of hardware and software that allows different agency systems to exchange information electronically with each other on an automatic or on-demand basis. The Green Box is now sending arrest/booking information to the Department of Public Safety (PSD) and the Hawaii County Prosecutors Office. In March 2009, the Judiciary’s Judicial Information Management System (JIMS) Traffic module will be receiving arrest/booking information from the Message Broker.

The Message Broker validated the technical feasibility of real-time electronic information exchanges. This success helped establish the foundation for Hawaii Integrated Justice Information Sharing (HIJIS) program where criminal and non-criminal justice agencies can electronically share information with each other. To effectively participate in the HIJIS program, CJIS-Hawaii and Green Box will require enhancements to conform to the standardized HIJIS technical architecture.

Criminal Justice Infrastructure Improvement/ Other Technological Needs

One very realistic concern of the State is to ensure the availability and operationality of the State’s criminal justice information system despite the occurrence, for example, of various unexpected or unanticipated events. It remains critically important for the criminal justice system, at the county, state, and national levels, to have criminal justice information and
identification systems remain operational through natural and man-made disasters. Specifically, this will probably involve providing processing capacity at an alternate or back-up site outside the State’s computer center where the current system resides. Such an initiative would involve the capacity for timely identification of individuals at the point of contact through the use of wireless hand-held fingerprint capture devices and wired fingerprint capture devices.

Criminal justice personnel expressed the need for continued resource support for basic, core criminal justice-related information sharing services in addition to new system improvements and enhancements necessary for keeping abreast of emerging technologies and system requirements and demands.

IV. PERFORMANCE MEASURE DATA

The BJA Justice Assistance Grant Program Performance Measures will be applied to projects as appropriate for the activities being conducted.

In concert with the JAG performance measures, the SAA will continue to use the Project Effectiveness Model (PEM) with its subgrantees. The PEM was developed with the assistance of BJA. It ensures that grant applications have a logical link between problem statement, goals, objectives, project activities, budget, and performance measures. In this manner, project can report whether, or to what extent, objectives were accomplished and performance measures were achieved. The subgrantee project directors submit progress reports every six months. Collection of this data, in conjunction with other monitoring efforts including site visits, will enable the SAA to report on the applicable performance measures as well as obtain and report information on other accomplishments.

V. STATEWIDE PRIORITIES, PLANNING, AND COORDINATION

PRIORITIES

As previously noted, the following areas are priorities:

- Law enforcement programs
- Prosecution and court programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs

Although the actual projects that will be funded under these areas will not be known until the solicitation process is completed, it is possible that the projects will include:

- Substance abuse treatment
- Reentry efforts
- Mental Health case management
- Sex offender management
- Violent crime, including sex assault and domestic violence
- Cyber crimes
• Property Crimes
• Drug Task forces
• Community policing or prosecution
• Information Systems Improvement

PLANNING AND COORDINATION

As previously mentioned, a key mission of the Grants and Planning Branch is to coordinate statewide criminal justice planning efforts and programs. The Branch has evolved in the past decade. A primary focus has been administering federal grants to improve the criminal justice system. Today, the Branch is also a major resource for criminal justice and non-profit victim service agencies and helps to facilitate, support, and coordinate multi-disciplinary and multi-jurisdictional planning efforts. In some cases, agencies have requested Branch staff to lead or participate in these planning and coordination efforts; in other cases, the Branch has been a catalyst to initiate these efforts.

Presented below are relevant Branch planning and coordination efforts. A notation is made if other Department of Justice grants, besides JAG, impact these efforts.

- **Interagency Council on Intermediate Sanctions (ICIS).** The Branch staff participates in the ICIS effort by providing assistance as requested. In the recent past a Byrne/JAG grant supported the effort.

- **Correctional Program Checklist (CPC)** (formerly Correctional Program Assessment Inventory®, CPAI). In an effort to improve the service and treatment response to reduce offender recidivism, ICIS has adopted the CPC to measure program integrity and quality. Branch staff facilitate the CPC Coordinating Committee. The committee is responsible for developing the processes for coordinating/assigning review teams, scheduling assessments, reviewing reports and responses, providing technical assistance to programs, and developing policies and procedures for program assessment. CPC members include representatives from the Departments of Public Safety, Health, and Human Services, the Judiciary, and the Hawaii Paroling Authority. The CPC is being used to assess adult substance abuse, domestic violence, and sex offender treatment programs to ensure that evidence based practices are used and that a sound agency organization exists. Since 2004, 15 offender program assessments were completed. In 2007, staff coordinated mandatory training for state-funded programs that provide services to offenders. The training sought to build on three areas: 1) service provider’s core knowledge of evidence-based programs to reduce recidivism, 2) service provider’s understanding and application of risk assessment instruments, and 3) improving working relations between service providers, probation, parole, and corrections to reduce recidivism. A total of 246 participants attended the training and represented 67 public and private programs.

To solicit feedback and suggestions from the programs to improve the CPC program assessment process and to identify the obstacles that are preventing agencies from moving toward evidence-based programs, four focus groups were convened.
throughout the state. The information was compiled into an 18-page report “Focus Groups, Programs That Provide Services to Offenders”.

- **Drug Interdiction Multi-jurisdictional Task Forces.** The Branch staff participates in quarterly meetings with the Hawaii Narcotics Task Force and the Statewide Marijuana Eradication Task Force. The task force meetings provide participants with the opportunity to share information, intelligence, and resources. A portion of these meetings is used for training purposes. Mission scheduling and operational tactical planning also take place during these meetings.

- **Community Prosecutors Meeting.** The staff facilitates quarterly meetings with community prosecutors from Hawaii, Honolulu, the deputy attorney general assigned to the drug nuisance abatement unit, and the drug control liaison from the Lt. Governor’s Office to identify and share creative approaches to community prosecution and lessons learned. In 2008, statewide workshops were held in collaboration with the Hawaii Association of Realtors®. Five hundred forty persons participated, including public housing managers, to stop illegal drug activities and other criminal activities that threaten the health, safety, and welfare of residential neighborhoods. While the Attorney General and the County Prosecutors have the option of taking action against property managers and owners who permit the long term presence of illegal drug activity or other criminal activity on their properties, they would prefer to work with landlords to ensure problems never reach such a level.

- **Sex Offender Registration Tracking Team (SORT).** Branch staff participates in SORT meetings, and provides technical support on responding to additional grant solicitations.

- **Statewide Forensic Sciences Laboratory Services.** The Branch initiated and facilitates quarterly statewide meetings for Hawaii forensic science laboratory services. The meetings are used as an opportunity to update and revise the State’s “Consolidated State Plan for Hawaii Forensic Science Laboratories.” The meetings also serve as a forum to exchange information, discuss efforts to share limited resources, and to encourage improved communication, coordination, and collaboration among agencies. The four police departments, the Honolulu Medical Examiner’s Office, the Narcotics Enforcement Division (PSD) and the Criminal Justice and Investigations Divisions (AG) participate in the meetings.

- **Police Training Directors Coalition.** The Branch Chief participates in quarterly meetings with the training directors from the four county police departments, the Dept of Public Safety, and the FBI. In the last year a prosecutor’s representative joined the group to discuss multi-disciplinary trainings. The meetings provide a vehicle for the departments to discuss training issues, improve training, and share training opportunities and resources. In addition, recruitment and liability issues related to training are discussed. Trainings and resources provided by grant funded projects are brought to the Directors’ attention.
• **Sex Assault.** The Branch is involved in numerous sex assault efforts. As of 2006, the Legislature placed funding for sex assault victims in the Department of the Attorney General. The Branch administers the Master Contract for Sex Assault Services with the Sex Abuse Treatment Center (SATC), which contracts with the sex assault crisis centers throughout the State.

The Branch is working with SATC in the multi-disciplinary statewide HSART (Hawaii Sexual Assault Response and Training Program) to improve and standardize sex assault forensic protocols throughout the state. SATC is the implementing agency for HSART that was convened under the Department’s auspices. Standardized protocols among police, prosecutors, service providers, and forensic examiners, will ensure that a sexual assault victim will receive a complete package of quality services regardless of the county in which the victimization occurred. Issues such as ensuring a sexual assault victim who does not initially want to file a police report can still receive a forensic examination at no personal cost are addressed.

The Branch continues its support for multi-disciplinary sexual assault efforts through its assistance and funding of the annual *Statewide Sexual Assault Multi-Disciplinary Training Conference*. In addition to increasing the knowledge and skill base of participants, the conferences are an opportunity for networking, so that criminal justice personnel and service providers can establish relationships. This is especially vital considering the turnover of criminal justice and service provider staff working in this field.

The Branch staff is a member of the Department of Health’s Steering Committee to develop a strategic plan for rape prevention. This is funded by the Center for Disease Control’s Rape Prevention and Education grant.

The Branch also participates in the Criminal Justice Interdisciplinary Training Committee (CJIT), led by the Criminal Justice Division’s Hawaii Internet Crimes Against Children Unit to plan trainings dealing with internet crimes against children and child predators. Other members include the Community and Crime Prevention Branch, Missing Child Center Hawaii, Children’s Justice Center, the FBI, the U.S. Attorney’s Office, Federal and State Probation, the Honolulu Dept. of the Prosecuting Attorney, and the Sex Abuse Treatment Center. (Relates to VAWA and State grants.)

• **Victim Witness Coordinators (VWC).** Branch staff convenes the bimonthly VWC meetings. The meetings enable federal, state, and county criminal justice personnel to network and discuss victim services and issues. Participating agencies include the four county VW programs, the Crime Victim Compensation Commission (CVCC), the U.S. Attorney’s Office, the Federal Bureau of Investigation, Missing Child Center Hawaii, and the Department of Public Safety’s victim coordinator. The networking and sharing fostered at the meeting lead to improved coordination and collaboration among victim assistance agencies as well as the CVCC. The implementation of the automated victim notification system, which is described below, was initiated by VWC discussions.
• **Hawaii State Family Visitation Centers Network.** The Branch with the Judiciary staff continue facilitating the statewide visitation center network of non-profit agencies, and funding visitation and exchange services for families by coordinating meetings and training events.

• **Domestic Violence Strategic Plan Implementation.** The Branch staff is a member of the oversight committee for the implementation of the Department of Health’s Domestic Violence Strategic Plan. The strategic plan addresses both improving victim services and access to services, and improving batterers’ programs.

• **Automated Victim Notification System (aka VINE, SAVIN).** The Branch was involved in a multi-jurisdictional effort to establish an automated system that would notify victims of the change in status (e.g., release from prison, parole hearing) of their offender. Notification is a method to increase safety for crime victims. The system is operational under the Department of Public Safety (PSD). The Branch was a catalyst and technical assistance provider for PSD’s effort.

Finally, for JAG solicitations, the Department of the Attorney General requires applicant agencies to provide information regarding other local or federal funding that is being sought to finance the project. This information allows the SAA to better coordinate use of the JAG grant. The SAA continues to initiate efforts to foster and encourage greater coordination among all of the subgrantees receiving federal funding assistance.