

State of Hawaii
Department of the Attorney General



2006 GOALS AND OBJECTIVES

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SECTION 1: INTRODUCTION

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

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

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

The 687 positions, of which 67 are temporarily unbudgeted, are distributed as follows:

	Managers	Attorneys	Other professionals	Support staff
OAG	1	2	1	4
Legal services	16	160	50	99
Public services	31	4 (hearings officers)	83	157
Investigations	1	0	49	3
Administrative services	6	0	6	14

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

SECTION 2: DEPARTMENT-WIDE GOALS AND OBJECTIVES

MISSION

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

CORE VALUES

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

GOALS

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

OBJECTIVES AND POLICIES

- People's Representative: Safeguard the rights and interests of the people of the State of Hawaii by undertaking appropriate legal actions on their behalf.
- Litigation: Represent the State, its agencies, and its officers in civil proceedings in state and federal courts.
- Administrative Hearings: Represent the State, its agencies, and its officers in administrative proceedings.
- Criminal Prosecutions: Prosecute criminal offenses such as public corruption, bribery, fraud, environmental crimes, high technology crimes, and Internet crimes against children, and other crimes when necessary and appropriate.
- Legal Opinions and Advice: Provide legal opinions and advice to the Governor, the Legislature, judges, and state departments and officers.
- Rules and Legislation: Assist state departments and agencies in reviewing rules and legislation.
- Contracts: Draft, review, and approve as to form various legal documents.
- Law Enforcement: Enforce federal, state, and local laws, rules, and regulations; and monitor the operations of the Hawaii Career Criminal Program, the Witness Security and Protection Program, and the Victim-Witness Program.
- Investigations: Investigate criminal and civil matters as appropriate.
- Federal Funds for Crime Prevention Programs: Seek, apply for, and administer federal funds and other resources to enhance and expand the capabilities of criminal justice and juvenile justice programs.
- Policy Development for Criminal Justice Programs: Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs.

ACTION PLAN

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

Year One

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

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

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

Management Oversight: The Attorney General will investigate the need to reorganize certain areas within the department to create efficiencies in the delivery of legal services.

Years Two to Five

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

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

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

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

Year Five

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

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

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

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

Update

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

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

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

Management Oversight Update: Special communication groups, chaired by the Attorney General, have been established outside the chain of supervision to increase the information flow to the Attorney General. Reorganization took place during 1999-2002. The Department of Education received additional representation through the 1999 bifurcation of the Administration and Education divisions. In 2002, because of legal representation conflicts, the Tort Litigation division was divided into two separate divisions. In the separation, the Civil Rights Litigation Division was created. In 2003, at the invitation of the Attorney General, the Conference of Western Attorneys General assembled a team of experienced administrators from other attorney general offices. This review team conducted a week-long assessment of the department's operations and provided a report of its findings and recommendations. The department has implemented some of the recommended changes and continues to implement others as resources permit.

MEASUREMENT PROCESS

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

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

- Reactivated the state sex offender registry web site immediately upon the enactment of Act 45, 2005 Session Laws of Hawaii. Within two weeks, the web site received more than 1.6 million hits. Act 45 implemented a state constitutional amendment ratified by Hawaii voters in the November 2004 general election, which gave the public a right of access to registration information on persons convicted of certain sexual offenses and certain crimes against children, and allowed the Legislature to decide the conditions for public access. This law, proposed by the department, allowed for immediate public access to previously restricted information.
- Facilitated Hawaii's participation as one of the first 21 states to join the U.S. Attorney General and the Department of Justice in the launch of the National Sex Offender Public Registry.
- Significantly assisted the State in ending federal court's oversight of special education (Felix). The department performed a vital role in securing a judgment and dismissal of the Felix case. The court's jurisdiction terminated on May 31, 2005. The department will continue to work with the Department of Education and the Department of Health in preparing and posting quarterly reports on the Internet in the same format as was being provided to the court for at least the next year.

- In the United States Supreme Court, the Attorney General successfully argued for the State in Linda Lingle, et al v. Chevron U.S.A. Inc.. The Court unanimously reversed the decision of the United States Court of Appeals for the Ninth Circuit, which had held unconstitutional, under the Takings Clause of the United States Constitution, a law limiting the rent large oil companies can charge independent service station owners in Hawaii. The disavowed the test used by the Ninth Circuit and found that the law did not in any way offend the Takings Clause. The Court affirmed the right of the legislative and executive branches of government, not the judicial branch, to set economic policy in the United States.
- Successfully defeated in toto in the Ninth Circuit a state taxpayer challenge to the constitutionality of the Department of Hawaiian Home Lands programs for native Hawaiians, and substantially narrowed the scope of a lawsuit challenging the constitutionality of Office of Hawaiian Affairs programs for Hawaiians.
- Successfully defended in the Supreme Court of Hawaii the sign-in identification procedure used by the Administrative Drivers License Revocation Office for security at all of its administrative hearings, thereby putting to rest dozens of legal challenges to numerous drunk drivers' license revocations. In addition, successfully defended in the Supreme Court of Hawaii against other legal challenges to license revocations that were also raised in dozens of cases.
- Successfully defeated in the United States Court of Appeals for the Ninth Circuit a suit by a now-deceased prisoner's family claiming his Eighth Amendment right against cruel and unusual punishment was violated by the psychiatric treatment he received in prison.
- Successfully defended the Employees' Retirement System in the Hawaii Supreme Court from a broad and inappropriate expansion of the term "accident" for purposes of determining eligibility for service-connected disability retirement.
- Vigorously defended the Akaka Bill against unfair and inaccurate editorial and congressional attacks.
- Defended the statutory authority of the Department of Transportation, Harbors Division, to adopt administrative rules governing the allocation of responsibility between parties that use the State's commercial harbors.
- Filed an amicus brief in the Hawaii Supreme Court defending the State of Hawaii's grandparent visitation law against constitutional attack.
- Filed an amicus brief in the Hawaii Supreme Court supporting a narrow interpretation of the waiver of sovereign immunity as it interacts with the no-fault automobile insurance law.
- Filed an amicus brief in the United States Court of Appeals for the Ninth Circuit seeking to have the panel ruling declaring Kamehameha's admissions policy illegal overturned.
- Filed an amicus brief in the United States Supreme Court seeking to ensure that the burden of proof in Individuals with Disabilities Education Act proceedings is upon the parents challenging the State's Individualized Education Program.
- Presently representing the State Defendants in a new federal suit regarding the employment application residency law, and initiating a vigorous defense of the law's constitutionality.
- Issued a formal Attorney General opinion stating strongly that the Governor's veto proclamations were valid despite a clerical error contained within them.
- Successfully established the absolute immunity of government lawyers carrying out the State's oversight of charitable trusts.

- Handled a large number of appeals that are awaiting decision in state and federal appellate courts, including:
 - Appeals involving the assertion of the public trust doctrine against the State of Hawaii.
 - Appeals involving the absolute and qualified immunity of State of Hawaii employees named as defendants in civil rights cases.
 - Cases involving sovereign immunity of the State of Hawaii.
 - Cases involving the discretionary function exception of the State Tort Liability Act and cases involving the proper apportionment of the liability to the State in joint tortfeasor cases.
 - Cases involving claims of civil rights and other constitutional violations against the State, including claims of employment discrimination and improper conditions of confinement.
 - Class action cases against the Employees' Retirement System for unpaid benefits and for attorneys' fees and costs.
 - Appeals from DUI administrative license revocations.
- Successfully prosecuted a Hilo couple for stealing a 91-year-old man's home and vacant lot, and stealing more than \$60,000 from his bank accounts.
- Successfully prosecuted a Waipahu woman for stealing thousands of dollars from a 60-year-old victim who had suffered a stroke.
- In fiscal year 2004-2005, initiate six drug nuisance abatement civil lawsuits. Since 2003, the Drug Nuisance Abatement Unit has received to more than 832 complaints from the community regarding illegal drug activities and drug houses, and taken action including investigation, direct intervention, and litigation.
- Obtained a fine of \$500,000 in Kauai environmental crime case involving the knowing alteration of a system of drainage through soil excavation that allowed runoff and pollutants to go directly into the ocean, damaging, resulting in damage to beach and reef.
- In fiscal year 2004-2005, assisted in the issuance of bonds in the amount of \$1,684,285,000, as follows:

General Obligation Bonds:	1,221,310,000
Highway Revenue Bonds:	183,915,000
Housing and Community Development Corporation of Hawaii, Single Family Mortgage Purchase Revenue Bonds:	75,155,000
Hawaii Pacific Health Special Purpose Revenue Bonds	156,905,000
Hawaiian Electric Co. and Subsidiary	47,000,000
- Collected more than \$16 million for the State in the last fiscal year, compared to \$12 million the prior year. These collections involved more than 24,000 transactions.
- On behalf of the Department of Transportation, trained an employee to be a certified auctioneer for the State, resulting in a savings of \$45,000 to date.
- Saved the State approximately \$2 million in construction claims.
- In fiscal year 2004-2005, filed:
 - 441 involuntary commitment petitions. Of those that went to hearing, most were sustained.
 - 965 child welfare petitions. Virtually all of these were sustained.
 - 211 pretrial statements for child welfare contested hearings
 - 172 truancy petitions
 - 44 adult protection/Office of Public Guardian petitions

- 210 adoption petitions
- In fiscal year 2004-2005, successfully defended 32 appeals where the Family Court had terminated appellants' parental rights. In the same period 26 new appeals were filed by parents whose parental rights had been terminated
- In fiscal year 2004-2005, successfully defended the Child Support Enforcement Agency in 17 administrative appeals.
- Successfully brought more than 30 motions for involuntary treatment orders for dangerous patients at the Hawaii State Hospital.
- Worked closely with the Judiciary, the Public Defender, the county prosecutors' offices, the Department of Public Safety, and Department of Health personnel to establish videoconferencing capability in all the circuits for Hawaii State Hospital patients' hearings. This means that Hawaii State Hospital patients with court hearings on neighbor islands no longer need to be picked up at 4:00 a.m. and transported via commercial aircraft, at great expense and at risk to public safety, with two escorts each from public safety, their social worker, and very often either their psychiatrist or psychologist from the hospital. The savings in money and time are substantial, and the patients are spared a lengthy ordeal.
- Provided assistance to the Honolulu Prosecuting Attorney's office to establish a new protocol for subpoenas of school health aides. The new procedure has saved substantial amounts of time for deputy prosecutors, the school health aides, and our deputies.
- Settled a class action having to do with notice to confirmed perpetrators of abuse. The State changed its notice procedures and was not required to make a monetary payment to settle the case.
- Handled numerous appeals to circuit court from administrative decisions. Most of them concerned eligibility for, or the amount of, benefits; some concerned administrative confirmations of abuse. In one case, the administrative hearings officer found that the Department of Human Services had not proved a health care worker had committed sexual abuse of an elderly patient; we appealed the finding and the circuit court reversed it.
- Worked with the Army and Navy to obtain their increased cooperation in the blind vendor program. Contributions required under federal law from vending machines income were received from the Army for the first time. Solicitations for new vending facilities have been received from the Navy.
- In fiscal year 2004-2005, reviewed for legality a total of 361 contracts, 1,024 other documents, and 18 sets of new or amended administrative rules in addition to rendering 197 legal advice letters. The division initiated 4 new court cases and handled 53 new cases filed against state agencies or officials. Also, the division closed out 12 eminent domain cases.
- Worked closely with the Parks Division of the Department of Land and Natural Resources (DLNR) on its Adopt-A-Park Program in an effort to foster partnerships between the State and private nonprofit groups to improve the care of state parks. Also, the division continued to work with DLNR to address legal issues concerning the Mauna Kea science reserve leased to the University of Hawaii. The division additionally is working with DLNR and the Tort Litigation Division of the Department of the Attorney General on the possible reopening of Sacred Falls Park and the matter of state liability for rock falls.
- Began serving as counsel to the newly formed Hawaii Invasive Species Council.

- Worked closely with the State Historic Preservation Division of DLNR on the case of a major discovery of Hawaiian human skeletal remains at the Keeaumoku Street Wal-Mart site and assisted in the preparation of legislation, which was adopted in 2005, to strengthen the penalty provisions of Hawaii's historic preservation law. Additionally, the Division played a major role in presenting training for the four island burial councils on contested case issues and the public records and sunshine laws.
- In a contested case, successfully pursued for DLNR fines and damages against a private landowner whose unpermitted land disturbance activities caused significant harm to land in a conservation district including harm to a bay and coral reef. The State was awarded \$4,032,996.93 in the contested case. The private landowner has appealed.
- Reached a negotiated settlement in the van cam matter. The State paid \$1,149,666.20 on a claim of \$3,335,980.
- Collected \$33.7 million in tax appeal, bankruptcy, foreclosure and miscellaneous tax cases in the last fiscal year
- Closed the following tax-related legal matters:
 - 8 appeals
 - 285 bankruptcies
 - 213 foreclosures
 - 7 subpoenas
 - 4 opinions
 - 1 contract
 - 874 legislation
 - 18 miscellaneous
- Reviewed and approved the registrations and surety bonds for 70 professional fundraising counsels and 35 professional solicitors as of this date, without any increase in staff. A list of registered fundraisers is now available to the public for the first time, on the Department's website.
- Improved the Department's oversight over Hawaii's charitable organizations by reviewing all information returns (990PF) filed by Hawaii private foundations and by following up on questionable entries and transactions between the foundations and disqualified persons (directors, officers, etc)
- The State ID program reached out to communities in Nanakuli, Windward Mall, Waipahu Filipino Community Center, Kapolei, Mililani, and Kaiser high schools, by processing applicants for State IDs in their community, reaching almost 2,000 citizens to date.
- Successfully implemented electronic bookings, including digital mug photos and fingerprints, at the Kauai Police Department and the Honolulu Sheriffs, adding to previous implementation at the Hawaii County Police Department.
- Successfully implemented electronic fingerprinting via livescan technology for both applicant and criminal processing statewide, reducing the processing time with the FBI to less than one day, as compared to eight weeks.
- In fiscal year 2004-2005, the Office of Child Support Hearings issued 3,974 orders or decisions regarding child support.

SECTION 3: DIVISION DESCRIPTIONS

LEGAL SERVICES DIVISIONS

Administration Division

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

Appellate Division

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

Civil Recoveries Division

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

Civil Rights Litigation Division

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

Commerce and Economic Development Division

The Commerce and Economic Development Division provides legal services and litigation support to the Department of Commerce and Consumer Affairs (including the professional and vocational licensing boards), the Department of Business, Economic Development, and Tourism (including the Aloha Tower Development Corporation, the Hawaii Strategic Development Corporation, the Hawaii Tourism Authority, the High Technology Development Corporation, and the Natural Energy Laboratory of Hawaii Authority), and the Department of Agriculture (including the Agribusiness Development Corporation. The division also enforces the antitrust laws, administers the laws providing for the commissioning of notaries public, and provides legal services to the Board of Trustees of the State's Deferred Compensation Plan and to other state agencies involved in administering tax deferral programs.

Criminal Justice Division

The Criminal Justice Division performs prosecutorial functions on behalf of the State in areas such as welfare fraud, tax fraud, unemployment fraud, unauthorized practice of law, and public corruption. The division is also responsible for prosecuting Internet crimes against children, high technology crimes, Medicaid fraud and elder abuse, violations of state tobacco laws, drug nuisance, environmental crimes, cold homicide cases, and conflict cases from the four county prosecutors' office. The Missing Child Center-Hawaii is administratively attached to this division, and is Hawaii's only clearinghouse assisting in the recovery of missing or abducted children.

Education Division

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

Employment Law Division

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

Family Law Division

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

Health and Human Services Division

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

Labor Division

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

Land/Transportation Division

The Land/Transportation Division provides legal services to both the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT). These assignments include servicing all divisions of the DLNR (Aquatic Resources, Boating, Conservation and Resources Enforcement, Forestry and Wildlife, Land, State Historic Preservation, State Parks, and Water Resource Management) and the DOT (Airports, Harbors, and Highways). The division also provides

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

Legislative Division

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

Public Safety, Hawaiian Home Lands, and Housing Division

The Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and support to the Department of Public Safety, the Department of Hawaiian Home Lands, the Housing and Community Development Corporation of Hawaii, and the Hawaii Community Development Agency. The division is responsible for reviewing pardon applications and extradition documents, and responding to petitions for release from inmates under Rule 40 of the Hawaii Rules of Penal Procedure.

Tax Division

The Tax Division provides legal representation and advice to the Department of Taxation and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division contains an informal bankruptcy unit devoted to handling all bankruptcy cases for the Department of Taxation, and occasionally assists other agencies in bankruptcy matters. The division represents the Attorney General in the oversight and enforcement of laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The division is also responsible for the department's registration and bonding function for professional solicitors and professional fundraising counsels under HRS chapter 467B, and enforcement of the State's charitable solicitation laws. The division is the custodian of certifications by charities that issue charitable gift annuities under HRS § 431:204(b).

Tort Litigation Division

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

PUBLIC SERVICES DIVISIONS**Child Support Enforcement Agency**

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

Crime Prevention and Justice Assistance Division

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

Hawaii Criminal Justice Data Center

The Hawaii Criminal Justice Data Center is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), the statewide sex offender registry, and the issuance of state identification cards.

Office of Child Support Hearings

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

INVESTIGATIONS DIVISION

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

ADMINISTRATIVE SERVICES OFFICE

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

SECTION 4: LEGAL SERVICES DIVISIONS

Administration Division

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

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

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

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

GOAL 2: Improve work performance of support staff.

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

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

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

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

GOAL 3: Improve utilization of legal assistant support.

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

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

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

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

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

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

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

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

GOAL 5: Improve division expertise in sunshine law matters.

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

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

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

Process: Expose all division deputies on sunshine law issues.

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

Objective 1: To develop expertise in land use reform in anticipation of legislative action in reforming our state land use laws.

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

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

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

Appellate Division

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

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

Overall Goal

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

Objectives

- Continue to maintain contact with appellate divisions of all other states through the National Association of Attorneys General (NAAG) and particularly through the exchange of amicus briefs in cases with issues that affect numerous states (such as federalism and states' right issues);
- Continue to provide advice, review, and revision services to other attorneys within the department;
- Continue to serve on the appellate rules committee, which reviews and revises the Hawaii rules of appellate procedure;
- Continue to serve on internal department committees that critique written opinions, briefs, and oral argument, and that oversee complex litigation;
- Continue to serve on the department's contracts committee and various special project task forces.

Action Plan

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

Civil Recoveries Division

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

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

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

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

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

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

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

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

GOAL 3: To provide efficient and effective representation to the Hawaii Health Systems Corporation in the collection of its aged delinquent accounts (greater than one year old). The goal for 2006 is to increase the amount collected by 10%.

Objective: To increase the amount collected for the Hawaii Health Systems Corporation from delinquent accounts for services rendered.

Action Plan: To have division staff continue to work with Hawaii Health Systems Corporation staff in coordinating the referral and collection process.

Process: In 2004, new computers were obtained and referrals increased. Collections for 2004 totaled \$1,229,923. The goal for 2005 was to increase that amount by 20%. That goal was met as collections for 2005 totaled \$1,660,887. The goal for 2006 is to increase the amount collected by 10%.

GOAL 4: To provide efficient and effective representation to the Child Support Enforcement Agency in the collection of payments in difficult child support and FIDM cases. The goal for 2006 is to increase the amount collected by 5%.

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

Action Plan: To have division staff continue to work with the Child Support Enforcement Agency staff in coordinating the referral and collection process.

Process: Collections for 2004 totaled \$1,349,711. The goal for 2005 was to increase that amount by 10%. Collections increased by 8% for a total of \$1,457,434. The goal for 2006 is to increase the amount collected by 5%.

GOAL 5: To provide efficient and effective representation to the Department of Human Services in the collection of its Medicaid third party liens, home property liens, and estate recovery liens. The goal for 2006 is to match the amount collected in 2005.

Objective: To increase amounts collected for the Department of Human Services from Medicaid third party liens, home property liens, and estate recovery liens.

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

Process: Collections in 2004 totaled \$5,253,848. The goal for 2005 was to maintain that amount. That goal was exceeded as collections in 2005 totaled \$7,229,500. The goal for 2006 is to match collection of that amount.

GOAL 6: To provide efficient and effective representation to state agencies that have major construction or contract claims and to prosecute appropriate false claims. The goal in 2006 is to collect or save the State \$3,000,000.

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

Action Plan: To train and work with the Department of Transportation and Department of Accounting and General Services staff to increase the recoveries and mitigate the claims from major state construction and contract claims.

Process: Extensive training to personnel in the Department of Transportation and the Department of Accounting and General Services in contract management and revision of contract documents was carried out in 2003 and 2004. In 2005 \$1,009,381 was collected and \$2,000,000 was saved. The goal in 2006 is to collect and/or save the State \$3,000,000.

GOAL 7: To provide efficient and effective representation to the Department of Human Resources Development and the Department of Education in the recovery of third party liens on workers compensation liens. The goal for 2006 is to increase the amount collected by 10%.

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

Action Plan: To have the team work with Department of Human Resources Development and Department of Education staff in coordinating the referral and collection process.

Process: Collections in 2004 totaled \$138,576. The goal for 2005 was to collect \$220,000. This goal was achieved in 2005 as collections in 2005 totaled \$238,718. The goal for 2006 is to increase that amount by 10%.

GOAL 8: To provide efficient and effective representation to the Department of Transportation in the collection of its delinquent lease rents, salary overpayments, and property damage claims at the airports, highways and harbors. The goal for 2006 is to match the amount collected in 2005.

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

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

Process: In 2004, collections totaled \$1,696,152. The goal for 2005 was to maintain that collection amount. That goal was exceeded in 2005 as collections totaled \$2,805,939. The goal for 2006 is to match that amount.

GOAL 9: To provide efficient and effective representation to general funded departments in their collection of liquidated claims, such as salary overpayments, loans, and reimbursements for damage to state property. The goal for 2006 is to increase collections by 33%.

Objective: To increase the amount collected for the Department of Public Safety, the Department of Education, and the Department of Accounting and General Services in salary overpayments, loans, and reimbursements for property damage claims.

Action Plan: To have division staff use ProLaw to track its collections, to provide a legal assistant to organize the files and prepare demand letters and complaints, and to continue to work with Department of Public Safety, Department of Education, and Department of Accounting and General Services staff in coordinating the referral and collection process.

Process: Collections in 2004 totaled \$46,997. The goal for 2005 was to collect \$200,000. Collections in 2005 totaled \$149,998. The goal for 2006 is to collect \$220,000.

GOAL 10: To provide efficient and effective representation to the Department of Taxation in its collection of difficult collection cases. The goal for 2006 is to increase collections by 20%.

Objective: To increase the amount collected for the Department of Taxation from its difficult collection cases that have been levied.

Action Plan: To provide a legal assistant to organize the files, search for assets, and work with the Department of Taxation staff in coordinating the referral and collection process. To provide an investigator to update debtor information. To provide a deputy to issue demand letters and pursue collection remedies.

Process: This team began as a pilot project in March 2004. In 2005 collections totaled \$671,288. The goal for 2006 is to increase that amount by 20%.

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

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

Action Plan: Continue to participate in and to conduct training in areas, which will prepare the Department of Defense and the State for natural and man-made disasters or emergencies and assist in additional homeland security readiness; to review contracts; and to draft and review appropriate legislation.

Process: Training and preparation has been stepped up since 9/11. In 2002, this team participated in and assisted in providing numerous training classes/workshops to the Department of Defense and members of the Civil Defense system. The team continues to assist in advising, training, and assisting in the pursuit of legislation that is necessary for man-made disasters or mass violence.

Civil Rights Litigation Division**GOAL 1: Provide quality legal representation to clients**

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

Action Plan: Facilitate discussion of case specific issues as requested. At present, deputies are encouraged to present issues and solicit input on their cases at weekly division meetings,¹ or to request ad hoc meetings to discuss issues as needed. Informal one-on-one mentoring by more experienced deputies is also encouraged, and is occasionally mandated by specific case assignment.

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

Action Plan: Explore the availability of training opportunities, including in the areas of trial advocacy, computer skills, legal writing and legal research, and encourage staff to take advantage of all such opportunities, as fiscal resources will allow. This past year, several clerical staff attended brown bag seminars presented by local professional organizations, and several legal assistants attended a series of seminars on relevant topics, presented by the Hawaii Paralegal Association. Continue to make efforts toward establishing a system of in-house training as time permits, drawing on the expertise of division members and other department personnel.

Objective 3: Facilitate positive relationships with division clients.

Action Plan: Encourage the identification and implementation of improved means of communication with clients. Reinforce with division deputies the importance of keeping clients apprised of significant case events, particularly regarding potential settlement or other case resolution.

Objective 4: Assist with client training and special projects, as requested.

Action Plan: Participate in client training upon request of the client. This includes the provision of informal advice over the phone or in person, and participation in formal training. The division also provides staff to assist with special client projects, as requested. This past year, division staff again participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will likely be doing so again this coming year. Division staff also provided assistance to the Department of Land and Natural Resources in their efforts to establish administrative rules as required by Act 82, SLH 2003 (relating to Public Land Liability); and also with regard to a taskforce developed by the Department of Land and Natural Resources to address continuing rockfall issues.

Objective 5: Promote the use of informal, mini litigation review committees.

Action Plan: In addition to the weekly division meetings, the division continues to routinely use informal, mini litigation review committees as a means of discussing case-specific issues, such as issues relating to liability, case strategy, and case value. Depending on the issue being presented, the participation of deputies from other divisions who may have relevant expertise is often sought. This practice improves the level of service the division is able to provide to its clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

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

GOAL 2: Increase the level of knowledge of division deputies and legal assistants in substantive civil rights law

Objective 1: Continue to identify sources of relevant information.

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

Objective 2: Facilitate the acquisition of relevant materials.

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

GOAL 3: Promote a positive work environment

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

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

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

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

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

Action Plan: This past year, division was again fortunate to have the benefit of a law student volunteer during the summer months. The volunteer was able to assist with substantive matters (e.g., doing legal research; writing legal memos; and doing medical summaries), and also with various aspects of case preparation, such as compiling and marking exhibits. A student attending law school on the mainland has already expressed interest in providing volunteer services to both the Civil Rights Litigation Division and the Tort Litigation Division during summer 2006.

GOAL 4: Continue addressing practical concerns of the division

Objective 1: Continue to resolve space issues.

Action Plan: Space continues to be a significant issue for the division. Several of the boxes of documents from the Tapoan class action case are still being retained in Hale Auhau by necessity, although many have been moved to an off-site storage facility. Also, computer upgrades for the division deputies have required us to find storage space for old computer monitors and CPUs. The division will continue to identify additional storage space, if any, within Hale Auhau, and will also make continuing efforts to more quickly prepare closed files for transfer to outside storage.

GOAL 5: Maximize use of departmental/other technology

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

Action Plan: Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside resources. This past year, several division staff initiated a system of inputting expert depositions on Summation for use as a reference in other cases by division deputies. Several legal assistants also attended training on Westlaw, in an effort to strengthen their legal research skills and provide increased assistance to their assigned deputies. The division also currently has an "expert bank" which allows access to the names and curriculum vitae of experts in a variety of fields, such as economists, medical experts, etc.

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

Commerce and Economic Development Division

The division has two separate missions.

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

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

PART 1. LEGAL SERVICES TO CLIENT AGENCIES

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

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

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

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

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

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

Action Timetable: Throughout the year.

GOAL 2: Monitor distribution of workload and timeliness of output for each attorney in the division.

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

Objective 2: Review timesheets regularly to assess workload distribution.

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

Objective 4: Develop system for tracking receipt of legal documents for review and for monitoring timeliness of return of documents to client.

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

GOAL 3: Develop mechanisms to obtain feedback from directors of client departments and other key staff on routine basis.

Objective 1: Maintain practice of monthly meetings with the director of the Department of Commerce and Consumer Affairs to discuss pending matters, upcoming issues, and any areas of concern.

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

Action Timetable: Both objectives are ongoing projects.

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

Objective 1: Maintain communication between the division and other agencies (such as the Office of Consumer Protection, the Regulated Industries Complaints Office, the Public Utilities Commission, the Insurance Division, the Securities Enforcement Unit, and other private and federal entities) so that consumer complaints are appropriately and quickly referred for handling.

Objective 2: Improve relationship and coordination between the division and federal agencies with overlapping jurisdiction (U.S. Department of Justice and Federal Trade Commission).

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

Action Timetable: As to Objective 1, there has always been confusion arising from overlap in responsibilities in responding to complaints or inquiries from consumers or others particularly in areas such as charitable solicitations, health care and insurance, and other types of consumer protection issues. Great strides have been made in meeting this objective particularly in coordinating multistate initiatives between the division and the Office of Consumer Protection. Ongoing communication and interaction between the division and federal agencies are developing as each new case arises. Guidelines for prioritizing our resources are being applied and modified as necessary.

GOAL 5: Improve technology skills for staff and attorneys.

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

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

PART 2: OPERATING THE NOTARY PROGRAM

GOAL 1: To modernize and upgrade the regulation of notaries public.

Objective 1. Adopt administrative rules implementing the current law governing the regulation of notaries.

Objective 2. Develop a hearings process to adjudicate cases involving notary misconduct.

Objective 3. Acquire the equipment and implement the computerization of the recordkeeping function of the notary program to replace the current manual filing system and to permit microfiching or other electronic storage of records.

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

Action Timetable: All objectives are ongoing.

PROCESS FOR MEASURING PERFORMANCE

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

Criminal Justice Division

The division comprises a core unit that prosecutes a variety of cases, and seven specialized units that handle cases unique to each unit's subject matter jurisdiction. There is commonality of personnel within the division, but, as noted above, there is not shared jurisdiction. The division has a complement of 18 attorneys and 14 administrative staff members. The Investigations Division provides investigative support to the Criminal Justice Division. Following is a brief description of each unit and its staffing complement.

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

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

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

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

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

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

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

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

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

DIVISION GOALS

- Vigorous prosecution of crimes against the State, crimes committed by state employees, conflict cases referred to division by county prosecutors, and offenses arising under the jurisdiction of specialized units within the division.
- Further assimilation of all specialized units into the division.

- Further improvement of case-management and data integration within the division.
- Implementation of “direct filing,” sentencing reform, sex offender registration, DNA database, and other laws and constitutional amendments that promote efficient law enforcement.

DIVISION OBJECTIVES

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

DIVISION ACTION PLAN

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

Asset Forfeiture Unit

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

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

Objective 1: Complete an operations manual for asset forfeiture program.

Action plan: Complete edits and revise drafts of subsections by asset forfeiture program staff (if not already done). Compile and complete manual.

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

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

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

Action plan: Review collection of rules from other jurisdiction and work on proposed rules. Implement new policies and procedures.

GOAL 2: Continue to meet or exceed historical norms in next fiscal year (see AF annual report):

Objective 1: Coordinate efforts between deputy and program staff.

Action plan: Review and process documents (orders, petitions, training requests) for approvals in a timely manner. Update templates for asset forfeiture orders.

Objective 2: Continue to monitor storage space needs.

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

Environmental Crimes Unit

The unit was established in February 2004 as a cooperative effort between the Attorney General, the Department of Health, and the United States Environmental Protection Agency to investigate and prosecute environmental crimes that pose a substantial risk to public health or the environment. The unit's goals are to continue to foster the relationships between the department and other state, local, and federal agencies.

GOAL 1: To investigate and effectively prosecute crimes against the environment.

Objective 1: Maintain and increase cooperation, collaboration, and communication with the Department of Health, the Department of Land and Natural Resources, and federal and local agencies in the protection of the environment.

Objective 2: Continue to perfect investigations and prosecutions for crimes against the environment.

GOAL 2: To increase the public's awareness of illegal activity against the environment.

Objective 1: Continue to develop ways to increase public awareness of crimes against the environment.

Objective 2: Assist local and federal law enforcement agencies in all aspects of the investigation and prosecution of crimes against the environment.

Objective 3: Develop ways to increase public awareness of crimes against the environment.

GOAL 3: Strengthen state law enforcement of crimes against the environment.

Objective 1: Continue to participate in multi-agency task force and information exchange work groups.

Objective 2: Support legislation that will be protective of the environment.

GOAL 4: Deter individuals and the business community from committing crimes against the environment.

Objective 1: Aggressively investigate and prosecute crimes against the environment.

Objective 2: Secure just punishment against those who commit unlawful acts.

ACTION PLAN

This past year, the unit successfully prosecuted an individual resulting in felony convictions. The unit's goal includes the realization of the above stated goals and objectives.

The unit will continue to aggressively investigate and prosecute crimes against the environment. It will also continue to foster relationships with other state, local, and federal agencies. The unit will continue to be an active participant in the multi-agency environmental crimes task force and is committed to actively train various state and local agencies regarding the crimes against the environment.

Internet and Technology Crimes Unit

Hawaii High Technology Crimes Unit (HHTCU) (June 1, 2005 – February 28, 2006)

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

- Objective 1: Continue to increase the investigative capabilities of local law enforcement officers in the detection, investigation, and apprehension of computer related crimes.
- Objective 2: Increase the number of computer related cases being investigated by the State of Hawaii by 20% during this period.
- Objective 3: Maintain our multi-agency task force response to computer related crimes in the State of Hawaii and increase participation.
- Objective 4: Maintain and increase our public awareness and prevention programs by 10% during this period.

PROJECT DESIGN/STRATEGY AND TIMELINE

With respect to Objective 1, we will continue to obtain specialized equipment to properly investigate and prosecute computer related crimes, provide presentations and training to law enforcement officers that address investigative techniques related to computer related crimes, and provide law enforcement agencies with the technical assistance and training needed to properly investigate computer related crimes. We are working with Brad Russ, the ICAC Director of Training and Technical Assistance, to bring ICAC trainings to Hawaii in 2005 (i.e., ICAC Investigative Techniques, CEO Briefing, ICAC Case Management, and a legal presentation) and assist us in developing a roadmap so that Hawaii will continue to increase its ICAC presence and be better able to sustain itself locally should federal funding cease. Notably, the ICAC Investigative Techniques course and CEO Briefing is scheduled for March 2005. As such, we have invited and will pay for six county detectives and six county CEOs to attend this training/briefing. We have also made significant efforts in diversifying the attendees so that ICAC personnel can network in this highly specialized field. Accordingly, federal, state, and county law enforcement officers will be present. Expected completion of the ICAC Investigative Techniques course and CEO Briefing is March 2005. Expected completion of ICAC Case Management course is October 2005. Expected completion of legal presentation will be by end of grant period. Expected completion of increasing investigative capabilities of local law enforcement will be the end of the grant period.

With respect to Objective 2, we will continue to provide the task force with trained investigators, qualified computer forensic examiners, and the specialized equipment to properly investigate and prosecute computer related offenses. We are seeking to hire another ICAC Special Agent. With the addition of another investigator, offering overtime to county police departments to conduct ICAC investigations, and increasing training opportunities, we hope to increase our productivity by 20% during this period. Expected completion of hiring an ICAC Special Agent will be summer 2005 and expected completion of increasing our productivity by 20% will be the end of the grant period.

With respect to Objective 3, we will continue to provide a structured forum between state, county and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training and education, and forensic resources. To date, we have fifteen law enforcement agencies from federal, state, and county law enforcement agencies participating on our task force. We are in the final stages of having the Honolulu Police Department and the U.S. Immigration and Customs Enforcement sign our memorandum of understanding, and we have submitted the memorandum to the U.S. Postal Inspection Service, the U.S. Army, and the U.S. Air Force for consideration. Notably, all of these agencies, whether they have signed the memorandum or not,

have been supportive of the unit's efforts and have assisted us in the apprehension of computer related criminal offenders. Expected completion of this objective will be the end of the grant period.

With respect to Objective 4, we will continue to provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups, and maintain as well as continue to update our informational website at www.hicac.com and implement a high technology website at www.hitechcrimes.com. With the assistance of our task force members and a new Special Agent, we hope to increase the number of our presentations by 10% during this period. Expected completion of this objective will be the end of the grant period.

PERFORMANCE INDICATORS

- (1) Number of trainings;
- (2) Number of computer related offenses being investigated and/or prosecuted by the State of Hawaii;
- (3) Number of agencies participating on our multi-agency task force; and
- (4) Number of presentations given to the public, the number of people attending the presentations, the number of people receiving written educational information, and/or the number of people visiting our informational websites.

Hawaii Internet Crimes Against Children Task Force (HICACTF) (April 1, 2005 – September 30, 2006)

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

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

- Objective (a) Continue to increase the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses.
- Objective (b) Conduct and assist in proactive and reactive ICAC investigations.
- Objective (c) Increase the number of ICAC offenses being investigated and prosecuted by the State 20% during this period.
- Objective (d) Maintain our multi-agency task force response to ICAC offenses in the State of Hawaii and increase participation.
- Objective (e) Maintain our nationwide participation and response to ICAC offenses.
- Objective (f) Maintain and increase our ICAC public awareness and prevention programs by 10% during this period.

PROJECT DESIGN/STRATEGY

With respect to Objective (a), we propose to continue to obtain specialized equipment to properly investigate and prosecute ICAC offenses, provide presentations and training to law enforcement officers that address investigative techniques related to ICAC offenses, and provide law enforcement agencies with the technical assistance and training needed to properly investigate ICAC offenses. We are working with Brad Russ, the ICAC Director of Training and Technical Assistance, to bring ICAC trainings to Hawaii in 2005 (i.e., ICAC Investigative Techniques, CEO Briefing, ICAC Case Management, and a legal presentation) and assist us in developing a roadmap so that Hawaii will continue to increase its ICAC presence and be better able to sustain itself locally should federal funding cease. Notably, the ICAC Investigative Techniques course and CEO Briefing is scheduled for March 2005. As such, we have

invited and will pay for six county detectives and six county CEOs to attend this training/briefing. We have also made significant efforts in diversifying the attendees so that ICAC personnel can network in this highly specialized field. Accordingly, federal, state, and county law enforcement officers will be present. Performance indicators include the number of law enforcement officers receiving ICAC training.

With respect to Objective (b), we propose to conduct and assist in undercover Internet operations in traveler and child pornography cases, and respond to ICAC offenses both locally and nationally (e.g., NCMEC Cybertip referrals). Performance indicators include the number of proactive and reactive ICAC investigations whether they be within the State, referred to other jurisdictions, and/or assisted by HICACTF personnel.

With respect to Objective (c), we propose to provide the task force with trained investigators, qualified computer forensic examiners, and the specialized equipment to properly investigate and prosecute ICAC offenses. With the addition of another Special Agent to this unit, offering overtime to county police departments, and increasing training opportunities, we hope to increase our productivity by 20% during this period. Performance indicators include the number of ICAC offenses being investigated and/or prosecuted by the State.

With respect to Objective (d), we propose to continue to provide a structured forum between state, county and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training and education, and forensic resources. To date, we have fifteen law enforcement agencies from federal, state, and county law enforcement agencies participating on our task force. We are in the final stages of having the Honolulu Police Department and the U.S. Immigration and Customs Enforcement sign our memorandum of understanding, and we have submitted the memorandum to the U.S. Postal Inspection Service, the U.S. Army, and the U.S. Air Force for consideration. Notably, all of these agencies, whether they have signed the memorandum or not, have been supportive of HICACTF's efforts and have assisted us in the apprehension of ICAC offenders. Performance indicators include the number of agencies participating on our multi-agency task force.

With respect to Objective (e), we propose to continue to participate, collaborate, and integrate with existing ICAC task forces, the National Center for Missing and Exploited Children, and federal, State, and county agencies. Performance indicators include the number of times in which we are able to participate in the nationwide response to ICAC offenses.

With respect to Objective (f), we propose to continue to provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups, and maintain as well as continue to update our informational website at www.hicac.com. With the assistance of our task force members and a new Special Agent, we hope to increase the number of our presentations by 10% during this period. Performance indicators include the number of presentations given to the public, the number of people attending the presentations, the number of people receiving written educational information, and/or the number of people visiting the website.

TIMETABLE

With respect to HICACTF's two aforementioned goals, there is no expected completion date as they are ongoing and serve as our guideline of our objectives. The department is designated as the overseer or administrator of these goals and objectives. HICACTF's objectives and accompanying strategies including expected completion date(s) are as follows:

- (a) Continue to increase the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses. Method: Obtain specialized equipment to properly investigate and prosecute ICAC offenses, provide presentations and training to law enforcement officers that address investigative techniques related to ICAC offenses, and provide law enforcement agencies with the technical assistance and training needed to properly investigate ICAC offenses. We are working with Brad Russ, the ICAC Director of Training and Technical Assistance, to bring ICAC trainings to Hawaii in 2005 (i.e., ICAC Investigative

Techniques, CEO Briefing, ICAC Case Management, and a legal presentation) and assist us in developing a roadmap so that Hawaii will continue to increase its ICAC presence and be better able to sustain itself locally should federal funding cease. Expected completion of ICAC Investigative Techniques course and CEO Briefing is March 2005. Expected completion of ICAC Case Management course is October 2005. Expected completion of legal presentation will be by end of grant period.

- (b) Conduct and assist in proactive and reactive ICAC investigations. Method: Conduct and assist in undercover Internet operations in traveler and child pornography cases, and respond to ICAC offenses both locally and nationally (e.g., NCMEC Cybertip referrals). Expected completion will be duration of project.
- (c) Increase the number of ICAC offenses being investigated and prosecuted by the State by 20% during this period. Method: Provide the task force with trained investigators, qualified computer forensic examiners, and the specialized equipment to properly investigate and prosecute ICAC offenses. Expected completion of hiring another Special Agent will be summer 2005 and expected completion of increasing our productivity by 20% will be end of grant period.
- (d) Maintain our multi-agency task force response to ICAC offenses in the State and increase participation. Method: Provide a structured forum between state, county and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training and education, and forensic resources. Expected completion will be duration of project.
- (e) Maintain our nationwide participation and response to ICAC offenses. Method: Participate, collaborate, and integrate with existing ICAC task forces, the National Center for Missing and Exploited Children, and federal, state, and county agencies. Expected completion will be duration of project.
- (f) Maintain and increase our ICAC public awareness and prevention programs by 10% during this period. Method: Provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups, and maintain as well as continue to update our informational website at www.hicac.com. Expected completion will be end of grant period.

Medicaid Fraud Control UnitGOALS AND OBJECTIVESGOAL 1: To investigate and prosecute provider health care fraud

Objective 1: Maintain and increase cooperation and collaboration with the Medicaid program's state administrator (MedQuest)

Objective 2: Polish and perfect investigation and litigation of qui tam complaints alleging provider health care fraud

Objective 3: Further develop existing working relationships with other states' Medicaid fraud control units dealing with interstate and multi-state provider health care fraud

Objective 4: Continue to advance and utilize existing working relationships with federal law enforcement agencies including, without limitation, the Office of Inspector General, Federal Bureau of Investigations and United States Attorney's Office dealing with all aspects of provider health care fraud and the financial exploitation of the elderly and dependent adults

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

Objective 1: Maintain expanded review of Adult Protective Service, Department of Human Services complaints and intakes

Objective 2: Increase the cooperation and collaboration with local county police and prosecutors in the area of investigations and prosecution of abuse and neglect of the elderly dependent adults. Assist these law enforcement agencies in all aspects of the criminal prosecution.

Objective 3: Continue to proactively investigate and prosecute statewide cases of elderly dependent adult abuse and neglect.

Objective 4: Continue to develop ways to increase public awareness of this severely under-reported crime by participating and, or sponsoring training seminars and conferences on this topic.

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

Objective 1: Secure recovery of Medicaid funds from local billing organization presently involved in schemes that resulted in overpayment of substantial sums of funds. Secure possible punitive sanctions and criminal sanctions against employees and, or officer's of the organization.

Objective 2: Assist federal investigators and prosecutors in the ongoing cases of provider health care fraud.

Objective 3: Utilize the recently enacted Hawaii False Claims Act. Prosecute cases against health care providers under the Hawaii False Claims Act.

Objective 4: Improve communication and coordination with MedQuest and the state fiscal intermediary. Improve and implement information technology between the division and state fiscal intermediary.

Objective 5: Justify and efficiently resolve and settle disputes without excessive expenditure of the division's personnel and financial resources.

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

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

Objective 2: Participate and support legislation and policy-making efforts by various agencies and governmental committees.

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

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

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

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

ACTION PLAN

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

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

The short-term plans also include the continued prosecution of statewide cases of abuse and neglect. The unit will also continue prosecution of Medicaid fraud against providers of health care.

For the long-term, the unit will continue to organize a multi-disciplinary task force responsible for enforcing regulations, rules and statutes in an effort to prevent severe patient-neglect abuse type cases. The unit already assists with and will continue to become more involved in the all areas of the financial exploitation of the elderly dependent adults within the unit's jurisdiction.

The unit will also continue to participate and support legislative and policymaking efforts by various governmental agencies and committees; especially those whose goals and objectives are to protect the vulnerable elderly and dependent adults.

Missing Child Center – Hawaii

GOALS AND OBJECTIVES

To increase public awareness of the Missing Child Center-Hawaii and missing and abducted children issues.

- To participate in community events throughout the State.
- To get the word out to the community using different forms of media.

To train law enforcement and mental health professionals on the importance of counseling for the recovered children and their families especially for family abduction cases.

- To offer trainings on reunification counseling.
- To form a core of mental health professional volunteers to be available when a child recovery occurs.

To educate the public on child abduction prevention.

- To revise the Prevention Guide to Missing and Abducted Children.
- To distribute the revised Prevention Guide to those involved in missing and abducted children cases.

Drug Nuisance Abatement Unit (Fiscal Year 2005-2006)

The Drug Nuisance Abatement Unit will continue to assist other law enforcement agencies and our communities in closing down drug houses and disrupting the distribution and manufacture of drugs in our State. For the fiscal year 2005-2006, the unit's major goals include:

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

Act 178 SLH 2005 appropriated \$150,000 out of the general fund for fiscal year 2005-2006. However, no funding has been appropriated for fiscal year 2006-2007 out of the general fund. One of the most important goals for this year is to secure funding for the unit from a stable source for the fiscal year 2006-2007.

To accomplish its mission of closing down drug houses, the unit should have a stable source of funding in order to attract and employ experienced law enforcement professionals. These professionals should possess strong investigative skills, an updated and relevant understanding of criminal law, and a willingness to think beyond standard criminal investigation techniques. Because much of the work of the unit is on the cutting edge of the law and its cases are establishing a first impression for the courts, its members must be experienced and be innovative in developing its cases. To keep experienced law enforcement professionals in the unit, the unit's funding should come from a stable source, such as the general revenue.

In addition, to increase the number of drugs houses closings and decrease the backlog, funding for the unit will have to be increased so that additional personnel can be hired. At present, the unit's investigation personnel consist of a full-time Investigator V on Oahu and a half-time Investigator V on the island of Hawaii. The unit needs one full-time Investigator VI and one more half-time Investigator V to reduce the case backlog.

The additional investigation positions are needed for a number of reasons. A significant number of the nuisance abatement complaints have been left pending further investigation as the unit has been focusing its priority on more "solid" cases where the county police departments have already executed search warrants and initiated criminal investigations. These cases are generally easier and quicker to close because criminal investigations have already been conducted and can be used as a resource by the investigators and as evidence in civil lawsuits. If the unit receives additional investigators, the unit will be able to implement a plan of action to decrease the backlog of cases immediately.

Because of its limited resources, the Drug Nuisance Abatement Unit relies heavily on investigative reports from the respective police departments. An increase in personnel would increase the unit's ability to conduct independent investigations, which would increase the closing down of drug nuisances and decrease the backlog.

If an additional investigator were assigned to Oahu, then one of the two investigators would be specifically assigned to investigate cases in Maui County while the other is assigned to investigate cases on Kauai. Presently, the investigator living on Oahu is responsible for investigating all cases on Oahu, Kauai, and Maui County. This would allow the unit to be more proactive in investigating these cases rather than having to rely on information from the respective county police departments.

An additional half-time investigator assigned to the island of Hawaii would immediately increase the efficiency of investigations. Presently, the Hawaii based investigator must cover complaints throughout the island. Because of the large geographical nature of the island, the half-time investigator must drive to the Kona coast from Hilo to investigate complaints. For example, a round trip from Hilo to Kona takes approximately four hours (two hours each way) and the round trip mileage is nearly 200 miles. Travel time to Waimea is about one hour, Honoka'a is about 45 minutes, Kea'au is about 20 minutes, and Pahoa is about 30 minutes. An additional investigator assigned to and living on the Kona coast would decrease the loss of work time due to travel and increase the efficiency of investigations and response time.

The addition of an Investigator VI position would also increase the efficiency of the unit, as the Investigator VI would be assigned to oversee and supervise the unit's investigators as well as investigate drug nuisance complaints.

In addition, the Drug Nuisance Abatement Unit needs one Clerk-Typist III assigned to the unit. Conservatively, at least 30% of our full-time investigator's time is devoted to clerical type duties such as reviewing complaints that have been received, entering case data in the drug nuisance database and corresponding to landlords, legislators, and other government agencies. If a clerk-typist position were approved for the unit, this individual would be assigned the above-described duties, which would free up the investigators to conduct investigations.

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

To effectively close down drug houses, coordination and the sharing of resources with other law enforcement agencies is a paramount goal. Coordination is essential so that law enforcement agencies do not duplicate work nor compromise another agencies ongoing investigations.

Presently, the unit has an informal agreement with the Honolulu Police Department, the Hawaii County Police Department, and the Hawaii County Office of the Prosecuting Attorney. The unit also has a memorandum of understanding with the Office of the Prosecuting Attorney for Kauai and Maui County, which sets out a policy relating to the sharing of information and coordination of criminal and civil nuisance abatement lawsuits. These agreements have contributed to the sharing of information. However, occasionally, requested reports have been slow in coming and when they arrived, essential reports have been found to be missing. The Drug Nuisance Abatement Unit will continue to work to improve coordination with other law enforcement agencies and streamline the process for the sharing of information and investigative reports.

In addition, the unit will work to improve its coordination with federal law enforcement agencies. The U.S. Attorney's office announced that it is formulating a plan to use federal forfeiture laws to forfeit property tied to drug houses. The Drug Nuisance Abatement Unit will be working closely with the federal government to coordinate the drug nuisance abatement program with the federal forfeiture program so that work will not be duplicated.

GOAL 3: Decrease the Backlog of Complaints

One of the biggest frustrations for members of the community is feeling that the government is not responding to their concerns. The backlog of cases is substantial. Since July 2003, more than 832 complaints about drug houses and illegal drug activity have been made to the unit. In that time, 274 of the cases have been closed, leaving the unit with an existing backlog of 558 complaints. In addition, new complaints are made to the unit's hotline each week.

The unit will look into one possible short-term solution. The backlog can be decreased if the full-time investigator is able to focus more of his time on his investigations. This will require that the investigator be relieved of the clerical type duties such as reviewing complaints that have been received, entering case data in the drug nuisance database and corresponding to landlords, legislators, and other government agencies. In the past, the department has utilized volunteers. The unit will look into obtaining volunteers who may assist the investigator by performing some of the clerical type duties.

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

letters on a more frequent basis. The unit will monitor the plan in order to analyze the effectiveness of the warning letters.

GOAL 4. Increase the number of drug nuisance abatements

Decreasing the backlog in the unit will directly relate to the increasing the number of drug nuisances abated. Therefore, the unit's implementation of the solutions described above will hopefully also result in an increased closing of drug houses and nuisances.

In fiscal year 2003-2004, the unit filed four drug nuisance abatement lawsuits. During fiscal year 2004-2005, the unit filed five drug nuisance abatement lawsuits. One of the goals for this year is to increase the number of lawsuits filed.

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

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

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

To continue to raise public awareness of the drug nuisance abatement process, members of the unit will continue to make presentations to community and professional groups. For example, in November 2005, the unit is slated to make a presentation on the drug nuisance abatement process and information about drug houses at the Shriner's Hospital. The presentation will also be televised to other members in the healthcare community through a video conference.

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

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

PERFORMANCE INDICATORS

- (1) Funding for unit for fiscal year 2006-2007
- (2) Number of closed cases in relation to total amount of complaints
- (3) Number of drug nuisance abatement lawsuits
- (4) Number of presentations and estimated number of attendees

Tobacco Enforcement Unit (Fiscal Year 2005-2006)MAJOR PROGRAM, OBJECTIVES, AND MEASURES OF EFFECTIVENESS

The Tobacco Enforcement Unit will continue to respond in a professional and timely manner to all matters related to tobacco enforcement.

OBJECTIVE

To ensure that state laws are followed with regard to the taxation, importation, and sale of tobacco products and that the State receives a full measure of all present and future tobacco settlement payments and collection of taxes to which it is entitled. This objective is influenced by the complexities of tobacco enforcement and regulation. The responsibilities of the unit span both the civil and criminal arenas. By statute, the unit is charged with enforcing and implementing the terms of the Tobacco Master Settlement Agreement and/or Consent Decree (MSA), HRS Chapter 675 (Tobacco Liability Act), HRS Chapter 486P, and other related statutes. The unit is also statutorily responsible for the enforcement of the provisions of HRS Chapter 245 that pertain to tobacco stamp taxation and the prohibition against contraband cigarettes.

PROGRAM SIZE

The target groups include more than 150 cigarette manufacturers worldwide. For the purpose of MSA, Chapter 675, and Chapter 486P enforcement it is necessary to gather data on those manufacturers whose cigarettes are sold in Hawaii. In addition, the Attorney General is responsible for inspecting, investigating, and auditing the 40 authorized cigarette stampers and more than 1,000 stores statewide for compliance with Chapter 245 and related statutes. In fiscal year 2005-2006, the department will begin to advise retailers of the requirements of Act 131, Session Laws of Hawaii 2005, that require any entity involved in the retail sale of cigarettes or other tobacco products to obtain a retail tobacco permit issued by the Department of Taxation.

The State will receive approximately \$119 million (\$82 million in cigarette taxes and \$37 million in MSA payments) in fiscal year 2005-2006, all of which is tied to proactive enforcement of Chapter 245 and Chapter 675. Proactive enforcement requires investigators to conduct inspections at the wholesale and retail level to ensure that only compliant cigarettes are being stamped and sold in the State.

Aggressive enforcement has yielded significant results by way of increased cigarette tax revenues. The following table shows the cigarette tax revenues reported for calendar years 2000 through 2004.

Calendar Year	2000	2001	2002	2003	2004
Cigarette Tax Revenue	\$40,777,139	\$61,282,238	\$64,892,155	\$75,760,904	\$81,615,863

To date, the State has received more than \$250 million in MSA payments. MSA compliance is now very much a part of the inspection process at the wholesale and retail level. This MSA compliance check is designed to facilitate "diligent enforcement" of Chapter 675 and the terms of the MSA. If we are unable to diligently enforce the provisions of the MSA and Chapter 675, the State is at risk of losing all of its MSA payments. Estimated MSA payments for fiscal year 2005-2006 are approximately \$37 million.

Effective July 1, 2004, the cigarette tax rate increased to \$.07 per stick, or \$1.40 per pack. At a consumption rate of approximately 1.2 billion cigarettes per year this yields a potential cigarette tax yield of more than \$80 million in fiscal year 2005-2006.

MEASURES OF EFFECTIVENESS

- NPM identification reporting and fulfillment of escrow obligations.

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

GOAL 1 To vigorously enforce the MSA, Chapter 675, Chapter 486P, and related statutes.

Objective 1: Investigate and enforce when appropriate suspected violations of the MSA and Chapter 675.

Action Plan: (1) Seek out NPMs² who have a presence in Hawaii.
 (2) Monitor NPMs compliance with Chapter 675.
 (3) Vigorously police the local tobacco industry for compliance with the MSA, Chapter 675, and related statutes.
 (4) Enforce NPM obligations under Chapter 675 including payment of funds into escrow accounts.
 (5) Ensure continued compliance by the tobacco industry with advertising restrictions.
 (6) Investigate and monitor gray market activities (including military and Internet sales).
 (7) Conduct investigations into Internet sales.

Objective 2: Monitor issues affecting the MSA.

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

Objective 3: Develop reporting requirements and gather information from tobacco product manufacturers in order to enforce the terms of the MSA, Chapter 675, and other related statutes.

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

² A Non-Participating Manufacturer (NPM) is a tobacco manufacturer who did not participate in the MSA.

(7) Further develop and update a directory as required by Chapter 486P.

Objective 4: Identify nonparticipating tobacco manufacturers selling in the State, notifying nonparticipating manufacturers of the requirements of the Chapter 675, and establish protocol for noncompliance with Chapter 675.

Action Plan: (1) Seek out NPMs who have a presence in Hawaii and send out notices to NPMs to establish escrow accounts.
 (2) Police the local tobacco industry for compliance with the MSA, Chapter 675, and related statutes.
 (3) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.

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

Action Plan: (1) Monitor the payment amounts under the MSA.
 (2) Review information received from the National Association of Attorneys General and the Independent Auditor.
 (3) As appropriate, pass the information on to the Department of Budget and Finance and the Department of Health.

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

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

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

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

Objective 8: Respond to MSA related lawsuits.

Action Plan: (1) Vigorously protect the State's interests.
 (2) Receive information and updates from the National Association of Attorneys General and other states.

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

Action Plan: (1) Provide reports to the legislature in a timely manner.
 (2) Answer questions of why, when, and how much.
 (3) Coordinate local actions with national program
 (4) Provide information as to how other states are allocating their proceeds.
 (5) Ensure that correct information with regard to the MSA is disseminated to the public.

- (6) Answer questions regarding the MSA.
- (7) Act as liaison with the news media.

GOAL 2: To enforce the Tax Stamp Law. The Tax Stamp Law is intended to increase state tax revenues by providing a more effective means to assess, collect, and enforce the cigarette and tobacco tax. Enforcement of this law has the added benefit of promoting the health and general well being of the people of Hawaii by curtailing the cigarette black market. Cheaper, untaxed cigarettes will be less available particularly to Hawaii's youth.

Objective 1: Work closely with the Department of Taxation.

Action Plan: (1) Regarding compliance develop a close working relationship with the Department of Taxation.
 (2) Advise in areas of Tax Stamp enforcement.
 (3) Vigorously enforce the Tax Stamp law.
 (4) Review proposed rules and regulations.
 (5) Implement Chapter 245.

Objective 2: Educate the community and businesses about the requirements of the Tax Stamp Law and Retail Tobacco Permit requirements and record keeping.

Action Plan: (1) Answer questions concerning the Tax Stamp law.
 (2) Ensure that correct information is disseminated to the public.
 (3) Act as liaison with the news media.
 (4) Work with the Department of Taxation in educating the business community of the requirements and timing of the Stamp Tax law and Retail Tobacco Permit requirements (i.e., disseminate information by way of press release, tax information release, and letters to major distributors and wholesalers notifying those businesses of the Tax Stamp law and its requirements.)

Objective 3: Investigate and as necessary prosecute violations of the Tax Stamp Law and other related statutes.

Action Plan: (1) Vigorously enforce the Tax Stamp laws.
 (2) Identify violators of the Tax Stamp law.
 (3) Identify and define the extent of black market cigarette activity.
 (4) Identify and define the extent of gray market cigarette activity.
 (5) Identify and define the extent of counterfeit cigarette stamp tax activity.
 (6) Identify Internet sites selling cigarettes into Hawaii who provide cigarettes that are not taxed to Hawaii residents and prosecute as appropriate.
 (7) Identify sources of cigarettes that do not appear on the directory as required by Chapter 486P and prosecute as appropriate.
 (8) Assist in educating the business community of the laws requirements.
 (9) As necessary, inspect and examine all records, including tax returns and reports as permitted by law of any person engaged in the business of wholesaling or dealing cigarettes and cigarette products to ensure compliance with the Tax Stamp laws.
 (10) Develop a close working relationship with the county prosecutor's offices and other law enforcement agencies to investigate and prosecute violations of the law.
 (11) Work closely with the Criminal Justice Division in enforcing Chapter 245.
 (12) Work with investigators and expert witnesses in developing cases.
 (13) As necessary, review search warrants and requests for administrative subpoenas.
 (14) Appear and represent the State in hearings and any other proceedings related to enforcement of the Tobacco Stamp Laws.
 (15) Determine the relevance and suitability of witnesses and prepare such witnesses or testimony as required in the interest of the State.
 (16) Prepare and submit the necessary pleadings and motions on behalf of the State.

- (17) Conduct grand jury inquiries and preliminary hearings as warranted.
- (18) Strive to do justice in any criminal prosecution.

Objective 4: Assist, advise, and cooperate with federal, state, local agencies, and the National Association of Attorneys General to address the problems associated with gray and black market tobacco sales.

Action Plan:

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

Objective 5: Prepare reports to the legislature prior to the convening of the legislature in 2005 and 2006.

Action Plan:

- (1) Detail the unit's, activities including expenses, fines, and penalties collected, and forfeitures.
- (2) Respond to inquiries from the legislature.

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

Action Plan:

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

Objective 7: As necessary, provide client training, attend training programs and division meetings, and be involved in the department's programs.

Action Plan:

- (1) To respond in an appropriate manner as required.

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

Action Plan:

- (1) To respond in an appropriate manner as required.

CONCLUSION

Given the complexity of tobacco enforcement, there are a number of unknowns that impact upon the mix of personnel and the time spent on various activities. Certainty lies in the fact that the unit's activities are critical and time-sensitive to the State receiving its fair share of the Tobacco Settlement Funds. Further, effective enforcement of Chapter 245, Chapter 486P, and related statutes will allow the unit to continue to define, identify, and address any problems that the State may have with contraband cigarettes to increase state tax revenues by providing a more effective means to assess, collect, and enforce the provisions of the relevant statutes.

Education Division**GOAL 1:** Provide quality and timely legal services to clients

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

Action Plan: Continue to provide training to deputies and staff. Continue to work on the development of the division manual for reference and to assist new employees.

Objective 2: Build capacity within the division to have every attorney competent to advise any client serviced by the division.

Action Plan: Continue the training program of having attorneys with expertise in certain areas of subjects share their knowledge with the newer attorneys. Continue to hold weekly meetings with deputies and legal assistants to discuss issues that have arisen during the week. This allows for brainstorming and full discussion of how issues should be addressed and how legal issues should be interpreted. Having weekly meetings has led to more consistency within the division and assists the newer deputies in building knowledge.

Objective 3: Ensure timely responses to clients.

Action Plan: Develop and implement a division-wide computerized calendaring system that everyone can access from his or her desktop to assist in keeping track of all assignments and due dates.

Objective 4: Proactively work with the clients to better perform their duties and reduce the potential for mistakes and liabilities.

Action Plan: Continue to provide training and retraining of clients regarding the laws that affect them in order to build technical competence and confidence in the clients.

GOAL 2: Increase capacity to address legislative matters.

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

Action Plan: Provide refresher training regarding legislative matters to all deputies and staff prior to the opening of the legislative session.

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

Action Plan: Develop a system for tracking bills during the legislative session.

GOAL 3: Increase clients' capacity to perform effectively and efficiently.

Objective 1: Continue to assist clients in updating administrative rules.

Action Plan: Work with clients to review administrative rules and the application of the administrative rules.

SECOND YEAR

Continued training and retraining of clients will be used as the vehicle to improve clients' performance of duties and instill confidence in clients. Training of staff and clients on the No Child Left Behind initiative will continue. Develop a division-wide system for tracking legislative bills assigned to our division.

FIFTH YEAR

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

PROCESS

Monitor the timeliness of the delivery of legal services based on department guidelines for due dates and client requested due dates. Monitor the timeliness of addressing legislative matters based on internal department due dates. Continue to solicit feedback from the clients on an informal, but regular basis.

Employment Law Division

GOAL 1: Provide quality legal representation to all State clientele in all areas of employment law.

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

Objective 2: Ensure effective communication with clients.

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

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

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

Action Plan 4: Establish a mini litigation review committee within the division to assist lead counsel.

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

Action Plan 6: Encourage clientele to confer with division staff before making questionable or unprecedented management and personnel decisions.

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

During the past eighteen months all of the action plans have been implemented. However, certain areas have had to start over because we have lost fifty percent of our staff during this time. One deputy died and four others left for higher paying positions. Two of our five legal clerks left, one to retirement and one to take an appointed position, one of our two clerk typists left and one of our three legal assistants left, all for higher paying positions. Assignment of staff to cases has been changed to provide more opportunity for less experienced deputies to be first chair on cases with a more experienced second chair to assist. Assignments to cases have been mixed to give each member the opportunity to work with all members of the division. Mini litigation review committees have been conducted on selected cases and on several cases we have assigned up to seven deputies with each deputy assigned to do an aspect of the case under the overall coordination of one deputy. However, with three brand new deputies (we are recruiting for one more and we lost funding for the fifth deputy) our flexibility has greatly diminished.

We have made a point of making ourselves available to clients for meetings in advance of taking action or making decisions. We have met with the directors or deputies of the Departments of Accounting and General Services, the Department of Budget and Finance, the Department of Business, Economic Development, and Tourism, the Department of Commerce and Consumer Affairs, the Department of Education, the Hawaii State Public Library System, the Department of Human Services, the Department of Labor and Industrial Relations, the Department of Human Resources Development, the Department of Public Safety, the Department of Taxation, the Department of Transportation, and the Research Corporation of the University of Hawaii.

GOAL 2: Initiate preventive law measures.

Objective 1: Reduce employment law claims.

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

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

Action Plan 3: Coordinate training for clientele with other divisions within the department as well as with other state agencies.

Action Plan 4: Develop a system of categorizing and inventorying court and administrative decisions for use by legal staff and clientele.

Action Plan 5: Develop a system to consistently inform clientele of major court and administrative decisions and trends in employment law.

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

Action Plan 5 may be overtaken by events. The Department of Human Resources Development has begun putting all arbitration decisions on a web site and eventually may add prohibited practice complaints and contract interpretations.

We have identified a significant problem area developing with the charter schools. We have been meeting regularly with the Department of Education and the Department of Human Resources Development in an effort to address these matters through legislation, collective bargaining, etc.

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

Family Law DivisionPROGRESS REPORT

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

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

Action Plan 1: We have continued to have occasional out-of office training provided by the court, our clients and the Children's Justice Center, and in-office training by experts in our area. We continue a bi-weekly question and answer session at which we discuss issues that come up at court as well as changes in the law. Summaries of this and frequently asked questions have been posted to the office network (P-drive) so that deputies statewide in the division can access it.

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

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

Action Plan 4: We continue to meet with the court on an as needed basis. The supervisor continues to attend a monthly meeting with the Oahu Administrative Judge to discuss juvenile cases including child welfare, truancy and juvenile law violations. This meeting includes the supervisors from the prosecutors' and public defenders' offices. A newly established monthly meeting with the Oahu Administrative Judge deals with the court's specialty calendar. This calendar consists of involuntary hospitalization, paternity, TROs, and adult guardianships. There are also ongoing meetings between the court and deputies on several of the neighbor islands.

Action Plan 5: We continue our "trial deputy" system and the bi-weekly trial case conference that is used for assigning trials is very productive. Due to high caseloads in the troubled youth and adult protection calendar, we moved one deputy from the trial calendar to this special calendar.

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

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

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

Objective 2: Foster effective communication and understanding with clients.

Action Plan 1: Client training is still happening on a regular basis including the Departments of Education, Health, and Human Services. A special training for our Office of Public Guardian client was held when the guardianship statute was amended.

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

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

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

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

Action Plan 2: Our meetings with the Education Division have been very productive. Our meetings with the Health and Human Services Division are increasingly productive. These meetings are good opportunities to resolve issues that we share.

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

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

2006 GOALS AND OBJECTIVES

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

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

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

Year 2: As we add a new deputy in Hilo and two new legal assistants on Oahu, we will examine ways to improve our training. A "brainstorming" session with our present legal assistants is planned to think about how this will occur.

Year 5: Continue to evaluate what training is needed for new and continuing staff.

Action Plan 2: Years 1 through 5: Continue to update and keep the office manuals current.

Action Plan 3: Years 1 through 5: Continue to update the network memo bank.

Action Plan 4: Years 1 through 4: Continue to meet regularly with the court to deal with problems and improve practice.

Year 5: As the plans gel for the new Family Court facility in Kapolei, work with the court to begin an efficient transition.

Action Plan 5: Years 1 through 4: Continue our plan of having senior deputies assigned to do all the trials to eliminate the chaos of doing trials part of the time and regular reviews as well. Continue alternate week trial case conferences. Continue to cross train all deputies in the various types of cases so they can rotate through them. Continue to model good practice for new deputies.

Year 5: Continue to evaluate the efficiency of our plan as we rotate people through various types of work, and as we add new positions.

Action Plan 6: Years 1 through 5: Continue twice a month staff meetings to keep abreast of changes in office policy and practice.

Action Plan 7: Years 1 through 5: Continue regular post-court briefings to discuss current problems and anticipate future issues.

Action Plan 8: Years 1 through 5: As conditions change, (deputies leave, positions are added, the caseload grows or diminishes) it is necessary to "tweak" our assignments. We must do this to ensure that the work is being done efficiently, and that we have an adequate number of people doing it. Continue to reevaluate the statistics we keep to ensure that we are clear on what outcomes we are looking for.

Objective 2: Foster effective communication and understanding with clients.

Action Plan 1: Years 1 through 5: Continue client training for all the agencies we represent.

Action Plan 2: Years 1 through 5: Continue to meet with clients on a regular basis. This becomes increasingly important as one of our clients, the Department of Human Services, goes through a program improvement plan that has resulted in major changes in their practice.

Action Plan 3: Years 1 through 5: Maintain good communication with the client so emergencies can be handled expeditiously.

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

Action Plan 1: Years 1 through 5: Continue to meet with appropriate deputies to discuss the issues.

Action Plan 2: Years 1 through 5: Maintain rapport with the advice and counsel deputies so that issues that need to be litigated will be clearly understood by the deputy doing the litigation. If the proposed department reorganization becomes a reality, this should be an important aspect of that plan.

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

Action Plan 1: Years 1 through 5: Be sensitive to issues that arise in Family Court or by new federal legislation that may require changes in our statutes.

PROCESS

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

Health and Human Services Division

GOAL 1: Increase our ability and efficiency in litigation (formerly “Expand division’s capacity to represent clients in complex litigation”)

We have broadened this goal because we need to develop greater skill in all types of litigation, not just complex cases. Although many of our cases include issues that are very important to the State, not all of these actions are considered “complex litigation.”

Objectives and policies to achieve this goal:

- Continue to assign experienced litigators to work on cases with less seasoned deputies (lead/secondary teams)
- Develop legal assistants’ and legal clerks’ litigation skills through cross-training and team assignments
- Take advantage of formal litigation training when available and as funds permit
- Encourage more use of LRC and cross-division consultation
- Refine our use of a master litigation calendar for planning and tracking purposes

Progress in this area to date:

Progress includes the consistent use of lead/secondary teams on new court actions. We have also converted a legal clerk position to a second legal assistant position for general and litigation work. We have created a master litigation calendar on which we record and track all court deadlines and hearings and are learning to use it more effectively.

GOAL 2: Provide timely, effective legal advice to our client programs

Objectives and policies to achieve this goal:

- Continue to develop our knowledge of client programs through periodic meetings between deputies and program heads and by attending clients’ training sessions
- Continue to provide training to program staff on legal issues
- Continue to use the department’s computerized tracking system to monitor turnaround time on document review and on other projects
- Stay current on developments in the law through formal training and conferences (as funds permit) and periodic substantive discussions in relevant areas
- Continue with regular division training sessions
- Create a system of primary and backup deputies for substantive areas so that at least two deputies are familiar with the law governing each of our clients’ programs
- Become more pro-active in providing legal assistance to our clients, identifying and resolving legal problems as early as possible
- Develop division resource manuals on recurring substantive issues such as confidentiality laws, claims for attorneys’ fees, sovereign immunity law, and others

- Assist DOH in completing its obligations under the community plan in United States v. State of Hawaii (the HSH/DOJ case) and having the case dismissed
- Assist DOH in expanding the use of videoconferencing for involuntary treatment order hearings on the neighbor islands

Progress in this area to date:

All deputies meet regularly with their clients, a practice that educates us about our clients' work and can also indicate areas that may need attention. Our assignment tracking system has allowed us to monitor discrete projects such as rule and contract review. It also has encouraged us to communicate more regularly with our clients on the status of those projects and to keep more accurate records on their progress. Deputies have attended seminars or conferences on mental health law, public benefits law, emergency preparedness, and environmental matters. We have not had as much formal in-division training this year as in the past; we plan to devote more time and attention to this issue in the coming year. However, collaboration between deputies in similar substantive areas has provided consistent opportunities for learning and growth. We worked closely with other government entities to establish videoconferencing capability in Hilo for hearings on involuntary treatment orders, saving a great deal of time and money and sparing patients the ordeal of transport. As for giving more pro-active legal assistance, we have dedicated a newly established deputy position to working closely with the Director of Human Services on new initiatives and other important projects. Development of resource manuals is a new objective on which we will start this year, as is the creation of primary/backup deputy teams for each substantive area.

Labor Division

GOAL 1: Sustain quality and timely legal services to client department and agencies.

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

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

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

Action Plan:

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

Process:

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

GOAL 2: Assist client department and agencies in their efforts to diligently administer or enforce the state's labor laws on a fair and consistent basis and in an efficient manner based on integrity.

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

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

Action Plan:

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

Process: Review advice and recommendations made to clients.

GOAL 3: Anticipate potential problems facing the client department and agencies and work together to formulate a plan for resolution.

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

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

Action Plan:

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

Process:

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

GOAL 4: Use the technology in the department (ProLaw, iManage, Lotus Notes, departmental intranet, Internet) to the fullest potential.

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

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

Objective 3: Identify information to post on the Departmental Intranet in order to share knowledge within the Division and Department.

Action Plan:

- Train each member of the division on an ongoing basis, taking advantage of training offered in-house, as well as by sharing knowledge on an informal basis.
- This is an ongoing and continuous process.

Process:

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

Land/Transportation Division

This report was prepared as the contribution of the division to the Annual Report of the Department of the Attorney General in response to the requirement set forth in section 7 of Act 100, 1999 Hawaii Session Laws 368, 369-70.

Over the years since 1999, the division has established one goal and six objectives that needed to be met in order to achieve the division's goal. We believe this goal and the six objectives continue to be appropriate for the division.

GOAL: To provide high quality, timely legal services on a sustained basis.

Objective 1: Improve the quality of written work

Objective 2: Improve litigation skills

Objective 3: Attain and sustain optimum efficiency in the provision of legal services

Objective 4: Sustain good relations with clients

Objective 5: Eliminate backlog of assignments

Objective 6: Increase and improve training for deputies and support staff

In 1999, along with the goals and objectives the division submitted in its first report, we presented an action plan to show how we expected to implement each objective in one, two, and five years. We have satisfactorily completed our one and two year action plans for all of the objectives except the fifth objective (eliminate backlog). Nevertheless, in fiscal year 2004-2005 we did clear out a good portion of the backlog. For example, our plan for eliminating backlog called for the completion of ten eminent domain cases, and we closed out twelve in fiscal year 2004-2005.

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

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

"New Action Plan for Objective No. 5:

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

FIRST YEAR (2003)

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

SECOND YEAR (2003-2004)

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

FIFTH YEAR (2008)

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

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

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

“Action Plan for Objective No. 6:

FIRST YEAR (2004)

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

SECOND YEAR (2005)

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

FIFTH YEAR (2006)

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

In 2005, thanks to the Department of Transportation, a deputy was able to attend a workshop on transportation law in Georgia and another attended a conference on airport business diversity in California. Also, one deputy received training locally in environmental law and another attended a training program on the Americans with Disabilities Act. Additionally, the land deputies received training in site map reading from the State Surveyor and also continued their in-house training on contested case procedures. Deputies attended two classes in procurement training.

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

PROCESS FOR MEASUREMENTS

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

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

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

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

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

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

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

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

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

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

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

Objective 2: Assist in the reporting of problems discovered during the review of legislative bills by preparing a list of bills to be tracked, determining whether hearings have been scheduled for the bills with problems, ensuring that appropriate testimony is prepared, and reviewing testimony and legal advice letters on those bills.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Action Plan: Years One, Two, and Five: Continue to prepare meeting notices, agendas, and minutes for the Commission to Promote Uniform Legislation in compliance with the Sunshine Law; assist in seeking legislative appropriations of funds for the payment of Hawaii's dues for

the National Conference of Commissioners on Uniform State Laws and for the payment of the registration and travel expenses for Hawaii's commissioners to attend the National Conference's annual meetings; continue to prepare bills to enact uniform laws for introduction by legislators; and continue to annually prepare for the Commission to Promote Uniform Legislation reports to the Legislature on the activities of the National Conference and the Commission to Promote Uniform Legislation.

Public Safety, Hawaiian Home Lands, and Housing DivisionACCOMPLISHMENTSGOAL 1: Continue Internal Division Training.

As outlined in the plan, some division attorneys were reassigned to different branches of their client, thereby allowing them to cross-train in different aspects of their work. The reassignments allowed the deputies to learn about their new assignments with the aid of existing employees, rather than learning about their new clients after the experienced deputy retired. Furthermore, division employees attended twenty training classes, three more than last year.

GOAL 2: Maintain the quality level of legal services to the agency clients.

Based on the supervisor evaluations and oral discussions with the clients, the quality of legal services remains high. The evaluations also indicated at least one new areas of focus to be improved that will be inserted into next year's goals and objectives.

2006 GOALS AND OBJECTIVESGOAL 1. Improve the litigation capability of the division

Objective 1: Increase the litigation experience of the division's attorneys.

Action Plan: Ask for the creation of a new attorney position, with the intent to hire an attorney experienced in litigation. If approved, hire a new attorney in fiscal year 2006-2007. If denied, send existing attorneys to litigation training and offer to second chair existing litigation cases in other divisions.

Performance Measurement: Whether a new deputy attorney general is hired.

Objective 2: Improve the support services for litigation.

Action Plan: Draft, adopt and implement written standards for a litigation calendaring system early in the fiscal year. Utilizing the existing computer programs, PSHHD will need to adopt written standards and train both staff and attorneys in how to utilize the computer system. Training monies may be requested.

Performance Measurement: Whether new written standards are drafted, adopted, and implemented.

GOAL 2: Fully staff all positions

Objective 1: Hire a new legal assistant and legal clerk.

Action Plan: Submit the appropriate requests, draft written questions pursuant to the new interview requirements, conduct the interviews, and select a new legal assistant and new legal clerk as soon as possible.

Performance Measurement: Whether a new legal assistant and new legal clerk is hired.

Tax Division**1. TAX ADMINISTRATION**

GOAL 1: Provide professional advice and legal representation to the Department of Taxation 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 the Department of Taxation, with appropriate consideration for the issue, amount and circumstances.

Action Plan: Supervise and monitor litigation of deputies, including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from 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 Department of Taxation. Review annually how the division has met this objective. Provide appropriate feedback to deputies on the handling of their cases.

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

Action Plan: Supervise and monitor other litigation of deputies, including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from 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 Department of Taxation. Review annually how the division has met this objective. Provide appropriate feedback to deputies on their cases.

Objective 3: Provide legal advice and counsel to the Department of Taxation on proposed legislation, regulations, and interpretations. Whenever possible, the division shall also provide recommendations to the Department of Taxation on possible legislation to close unintended loopholes or to improve tax administration.

Action Plan: Supervise and review each legislation, regulation, and case.

Process: Review annually how the division has met its objectives.

Objective 4: Be sensitive to and aware of abusive or less than quality service to the public.

Action Plan: Encourage and foster frank communications with the Department of Taxation, 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 division has met this objective.

Objective 5: Vigorously protect the privacy of taxpayer tax returns and return information made confidential by HRS §§ 235-116 and 237-34.

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

Process: Review annually how the division has met this objective.

GOAL 3: Improve the quality and timeliness of legal services provided to or on behalf of the Department of Taxation.

Objective 1: Ensure that legal services provided by the division are both high quality and timely.

Action Plan: Supervise and monitor litigation of deputies, including periodic cases audits to discuss strategy, development, and resolution. Provide continuing training whenever possible or resources permit. Seek guidance from the Appellate Opinion Review Committee or the Complex Litigation Committee whenever necessary or appropriate.

Process: Provide appropriate feedback and evaluation of legal work performed by deputies. Review annually how the division has met this objective.

Objective 2: Improve the quality and timeliness of advice and counsel to the Department of Taxation on the legal aspects of proposed legislation, regulations, and cases.

Action Plan: Supervise and review each legislation, regulation, and case. Coordinate as appropriate with the Legislative Division.

Process: Review annually how the division has met his objective.

Objective 3: Improve communication with the Department of Taxation at all levels.

Action Plan: Encourage and foster open and timely communication with the Department of Taxation.

- Meet frequently, formally and informally, with the Director, and Deputy Director.
- Encourage all division deputies keep the Department of Taxation informed of developments in major cases or issues affecting other taxpayers.
- Provide periodic status reports to the client.

Process: Continue to have an annual report card from the Department of Taxation. Review annually to how the division has met this objective.

Objective 4: Improve the working relationship with the Department of Taxation at all levels.

Action Plan: Encourage formal and informal interaction with the Department of Taxation.

- Encourage joint participation in in-house seminars and meetings.
- Encourage the sharing of resources to the extent possible.
- Encourage cross training by Attorney General and Department of Taxation professionals.

Process: Review annually how the 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 divisions deputies through training and relationships with tax practitioners and the public.

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

Process: Review annually how the 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 division has met this objective.

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

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

Process: Review annually how the division has met this objective.

GOAL 5: Integrate and maximize the new technology in the division.

Objective 1: Maximize the new technology in the 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 division, where we can communicate within the department and the division.

Process: Review annually how the division can improve and integrate technology within the division and the department, and with the Department of Taxation.

2. CHARITABLE TRUSTS, PUBLIC CHARITIES AND NONPROFITS

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

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

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

Process: Assess following 2005 legislative session.

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

Action Plan: Develop an Internet based registration, bonding and certification forms, develop a searchable online database of registered solicitors and fundraising counsel and enforce requirements against un-registered fundraisers.

Process: Monitor development of forms and databases.

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

Action Plan: Upgrade the department's Internet site to provide public information about Hawaii charities laws and regulations, registration data, and provide resources to nonprofits, and conduct outreach through presentations and interaction with the professional community and the public.

Process: Review annually how the division has met this objective.

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

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

Process: Review annually how the division has met this objective.

Tort Litigation Division

GOAL 1: Provide quality legal representation to all clients

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

Action Plan: Division deputies are continuously encouraged to attend training sessions presented by the local bar association and other organizations, depending upon budgetary constraints. Division clerical staff are also encouraged to take advantage of training opportunities relevant to their job responsibilities. This past year, several clerical staff attended brown bag seminars presented by local professional organizations, and several legal assistants attended a series of seminars on relevant issues, presented by the Hawaii Paralegal Association. Continue to make efforts toward establishing a system of in-house training as time permits, drawing upon the expertise of division members and other department personnel.

Objective 2: Facilitate positive relationships with division clients.

Action Plan: Encourage the identification and implementation of improved means of communication of clients. Reinforce with division deputies the importance of keeping clients apprised of significant case events, particularly regarding potential settlement or other case resolution.

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

Action Plan: Participate in client training upon request of the client. This includes the provision of informal advice over the phone or in person, and participation in formal training. The division also provides staff to assist with special client projects, as requested. This past year, division staff again participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will likely be doing so again this coming year. Division staff also provided assistance to the Department of Land and Natural Resources (DLNR) in their efforts to establish administrative rules as required by Act 82, SLH 2003 (relating to Public Land Liability); and also with regard to a taskforce developed by DLNR to address continuing rockfall issues.

Objective 4: Facilitate the use of informal, mini litigation review committees for case evaluation and other purposes.

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

GOAL 2: Risk management

Objective 1: Assist with State risk management efforts.

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

collaborative working relationship with the State Risk Management Office at the Department of Accounting and General Services. This past year, the division supervisor participated in several meetings with the State's insurance broker to discuss issues related to excess coverage.

Objective 2: Actively participate in risk assessment working groups.

Action Plan: The division supervisor continues to be the designated risk manager for the department, and in that capacity participates in meetings with the State Risk Manager and risk managers for the other state departments when requested. This past year, the division supervisor also attended two presentations by the State's excess insurance carrier, including a review of insurance requirements for contracts.

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

Action Plan: Division deputies are encouraged to participate in alternative dispute resolution in appropriate cases, as approved by the Attorney General, in an effort to resolve cases in a timely manner and limit expenditure of costs. This past year, a number of cases were successfully mediated.

GOAL 3: Promote a positive work environment

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

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

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

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

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

Action Plan: This past year, the division was again fortunate to have the benefit of a law student volunteer during the summer months. The volunteer was able to assist with substantive matters (e.g., doing legal research; writing legal memos; and doing medical summaries), and also with various aspects of case preparation, such as compiling and marking exhibits. A student attending law school on the mainland has already expressed interest in providing volunteer services to both the Tort Litigation Division and the Civil Rights Litigation Division during summer 2006.

GOAL 4: Maximize use of departmental/other technology

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

Action Plan: Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside resources. This past year, several division staff initiated a system of inputting expert depositions on Summation for use as a reference in other cases by division deputies. Several legal assistants also attended training on Westlaw, in an effort to strengthen their legal research skills and provide increased assistance to their assigned deputies. The division also currently has an "expert bank" which allows access to the names and curriculum vitae of experts in a variety of fields, such as economists, medical experts, etc.

PROCESS

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

SECTION 5: PUBLIC SERVICES DIVISIONS**Child Support Enforcement Agency****Mission**

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

Key Areas of Focus:**Goal: Improve Performance Measures**

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

Targeted Outcomes:

- Increased financial support for children participating in the Title IV-D child support program.
- Increased percentages in the five program areas measured by the federal office for incentive funding.
- Maximized federal incentive funds.

Objective 1:

To ensure that performance measures in paternity establishment meet or exceed the required rate of 80% or higher by the end of the federal fiscal period, thereby attaining a 100% allotment of federal incentive payments for this activity.

Action Plan: Develop partnership with the Department of Health Office of Vital Statistics to determine the most effect means to share paternity data.

Action Plan: Develop electronic system to receive paternity data from the Department of Health and birthing hospitals.

Action Plan: Initiate community-based awareness programs to promote the benefits of paternity establishment.

Objective 2:

To ensure that the number of support orders established and current support collections meet or exceed the required rate of 80% or higher by the end of the federal fiscal period, thereby attaining a 100% allotment of federal incentive payments for this activity.

Action Plan: Meet the performance goals established by maximizing local sources, maximizing collection tools, and ensuring that support orders are reasonable.

Action Plan: Determine resources necessary to exceed the current number of support orders established and conduct case reviews necessary to eliminate cases that meet federal case closure criteria.

Objective 3:

To increase collections of cases with arrears balances to meet or exceed the required rate of 80% or higher by the end of the federal fiscal period, thereby attaining a 100% allotment of federal incentive payments for this activity.

Action Plan: Establish clear priorities for arrears collections, based on success rates of existing processes.

Action Plan: Maximize available resources and collections tools.

Goal: Provide Quality Customer Service

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

Targeted Outcomes:

- The establishment of a pervasive customer service culture within the Agency.
- The implementation of a comprehensive training program for all levels.
- The determination of customers' needs and wants to create customer friendly processes.

Objective 1:

To conduct a customer satisfaction survey by December 31, 2005.

Action Plan: Solicit customer feedback through a random selection of customers and distributing a survey consisting of questions directed to the Agency's customer service performance and customers' suggestions.

Action Plan: Determine customer needs and wants, define process for improvement, and implementing programs to improve customer satisfaction.

Objective 2:

To build a customer call center by July 01, 2006 with recently approved resource appropriation for the purpose of expediting services, avoiding long "hold" times by customers, and improving the Agency's overall customer call response rate.

Action Plan: Develop a plan to coordinate functions assigned to the call center with functions assigned to the caseworkers.

Action Plan: Establish infrastructure to accommodate a call center operations which includes selecting an office location, building communications, computer system and other functional tools, and developing a comprehensive training program. Training will include child support enforcement as well as quality customer services programs.

Objective 3:

To develop an interactive website by July 01, 2006 through which the Agency's customers can request, retrieve and submit child support information and documents.

Action Plan: Coordinate a work plan with the State's contracted vendor, EHawaii.gov to develop an interactive website designed to encourage customer self-service.

Goal: Exploit System Capabilities

In the most recent study of the Automated Child Support Enforcement System (KEIKI) by the State Auditor, the consultant found that KEIKI has capabilities that are not being fully exploited by the Agency and the Agency is not converting data being captured into information to support management, planning, and operational control.

Objective 1:

To develop and implement a Decision Support System capable of supporting executive management in making informed decisions.

Action Plan: Contract with a vendor to provide the expertise and technological knowledge to develop a decision support system.

Action Plan: Solicit best practices from other states who have developed and implemented similar systems.

Crime Prevention and Justice Assistance Division

HIGHLIGHTS FOR FY 2004-2005

This year five major areas are highlighted.

Community Mobilization

The annual Community Action Seminar brings “grass roots” community teams together to be trained in organizing, communicating, and developing action plans. There were 24 community teams made up of 195 individuals. The focus of this year’s Seminar included the prevention of drug use, underage drinking, and gangs. At the follow up May meeting, 16 community teams returned to report on the status of their plans and share their experiences.

This year the community teams had an added advantage of applying for small start-up moneys. Federal (drug) restitution funds were made available to teams. Five community teams from Kalihi Valley, Kalihi, Waimanalo, Ewa, and Puna were selected for these small grants (\$2,000 to \$3,000). It should be noted that the federal restitution funds are payments made by a federal judge’s order to a defendant, where a drug-related crime was committed but no victim involved. The Department receives part of the fines and the Department of Health, the other portion.

Two other workshops that dealt with community mobilization included “Community Works” and “Keeping Illegal Drugs Out of Rental Property”. “Community Works” targeted schools and communities in dealing with violence and substance abuse, and the latter, targeted landlords in dealing with crimes and nuisance behaviors and how to control and address illegal activities on their rental properties. While “Community Works” drew 23 youth agency workers, the “landlord” training drew 792 participants statewide.

Staff also represents the Department in substance abuse prevention and community mobilization efforts of the Lieutenant Governor’s State Drug Strategy. This is a statewide effort to address substance abuse issues.

Interagency Council on Intermediate Sanctions (ICIS)

Division staff play a large role in this statewide, system-wide effort to reduce recidivism among adult offenders. The Research branch provides the necessary data collection and analysis of data to the multi-agency effort. Without the analysis, the premise (data-driven and research-based efforts and program) of the ICIS would be weakened. This past year, with the division’s Project Researcher supervising a Program Analyst of ICIS, 5 reports were completed and distributed. This provided information for the group to make changes and to confirm the hypothesis of the assessments tool, the Level of Service Inventory-Revised (LSI-R). Analysis of the Likert survey, assessing system change, and the Domestic Violence Screening Instrument, another tool to assess domestic violence offenders were completed. All information were shared with the multi-agency group, and are available on the division’s website.

Grants and Planning staff sustains the Correctional Program Assessment Inventory (CPAI) effort, begun in 2003, by leading and coordinating the multi-agency teams. The CPAI examines 6 areas to measure program integrity and quality for programs that treat offenders. Three service providers volunteered to be assessed by the team using the CPAI instrument. The intent is to train state purchase of service specialists in using the CPAI, as well as providing service providers a head start in improving their programs for offenders. In the near future, the intent is that all service providers would need to meet the standards of the CPAI.

The division administrator is an active member of the ICIS Working Group that plans and implements the strategy. The Attorney General is a member of the ICIS policy group that determines the direction of the effort. Thus the Department plays a supportive role in research, evaluation, funding, and policy decision-making of this gigantic effort.

Senior Citizen Concerns

There are 2 federally funded projects that deal with elder abuse. One deals with services to elder victims of physical and financial abuse. The other supports the Adult Protective Services with staff to enable the investigation of elder financial exploitation. The projects provide the opportunity to bring to the table agencies that were not necessarily working together: the Department of Human Services, Executive Office on Aging, Honolulu County Elder Affairs Division, Honolulu Police Department, Honolulu Prosecuting Attorney's Office and the department's Medicaid Fraud Control Unit. Numerous meetings were held to resolve concerns among the agencies.

The Kupuna ID program began in 2003. The Kupuna ID is an identification card that includes senior's name, photo, and emergency contact person and phone number. It is to assist police or emergency workers in contacting someone for a senior citizen in case of an accident. It is a safety card. There were 5 events at which staff and volunteers offered the IDs to senior citizens. A total of 2,259 cards were issued. The State Farm Insurance Company donated \$3,000 for the purchase of a special ID printer and software.

An application to research elder abuse was submitted to the National Institute of Health by Ball State University (Idaho) in a collaborative effort between the Department, the University of Hawaii, and the Departments of Health and of Human Services. At the end of the fiscal year, approval was pending.

Sexual Assault

The Hawaii Coalition Against Sexual Assault received VAWA funding to develop a strategic plan. The report was completed and recommended that the Department of the Attorney General take over the administration of the general funds for the treatment and prevention of sexual assault. The Coalition submitted a bill, which passed, and resulted in a change in the division's statute that specifically states that it can "administer" such programs and funds (Act 133). As a result of the Act, the Department has initiated discussion with the DOH to transfer the funds and programs to the Department.

Three projects supported sex assault issues. One was a statewide, multi-disciplinary training for forensic examination protocols. And the other two supported Sex Assault Nurse Examiner programs in Hawaii and Kauai where medical services are not substantial.

Staff is also involved in the Sex Offender Management Team (SOMT), chaired by the Department of Public Safety. The SOMT is composed of agencies that provide treatment to juvenile and adult sex offenders. Staff assisted the Hawaii Paroling Authority in applying for a technical assistance grant to train providers as well as probation and parole officers in evidenced-based methods. (The technical assistance was approved in July 2005). The technical assistance is part of the SOMT collaboration efforts.

Juvenile Justice Information System (JJIS)

This year was an exciting year for the JJIS. A significant amount of time was spent on initiating the first phase of the "Next Generation" JJIS. The JJIS was designed in the 1980s and is anticipated to be replaced in 2008. The first phase of assessing the user needs and making technical recommendations was essentially completed, with the final report done in August 2005. Staff applied for and will receive free technical assistance from a national group, Integrated Justice Information System (IJIS) Institute, which is composed of information experts from the private and government sectors. IJIS will review the phase 1 report and make its recommendations. Phase 2 is the design phase and will begin in FY 06.

Staff was successful in working with Hawaii's Congressional representatives to secure second year funds to continue the design phase of the "Next Generation" JJIS. This will move the JJIS faster to its goal.

The Geographical Information System (GIS) application using JJIS data was completed. The application is updated quarterly to keep the data current. It is currently in use by the juvenile justice agencies. In the "Next Generation" JJIS, this web-based GIS application will also be included. The use of the GIS can enhance research as well as agency operational analysis.

Multi-Year Plan
(Fiscal Years 2004-2008)

Department Program Objective (as it relates to the division)

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

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

MISSION:

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

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

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

- Assist the Intermediate Sanctions effort in establishing an evaluation and research infrastructure by 2004. (Completed. In 2005 a federal grant application to the DHHS was submitted by the UH but was not awarded).
- Assist in analyzing Intermediate Sanctions data and publish reports by 2006.
Outcome: This fiscal year, 5 reports which analyzed data for the Intermediate Sanctions effort were completed and shared with the members. Reports are posted on the division's website. The analysis and dissemination of reports will continue through the next fiscal year.
- To seek general funds for a researcher position at the 2006 legislature.
Performance measure: establishment and funding for the position in the Department's budget.

Objective: Expand and improve program evaluation efforts.

- Establish a program evaluation research position with federal funds by 2004. (Completed).
- Assist federally funded projects to establish measurable goals, objectives and performance measures, so that evaluations can be done by 2006.
Performance measure: number of new projects assisted in establishing measurable goals, objectives, and performance measures.

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

- Create monthly grant-specific bulletins on website by 2006.
Performance measure: At least one bulletin on the division website.

Objective: Implement changes and enhancements to the JJIS to meet users needs.

- Create an interface with the Hawaii County Police Department's new Records Management System (RMS) by 2004.
Outcome: This was not completed. The Hawaii County Police Department had some issues with their vendor, and so their timeline was changed. They intend to have the adult system addressed first, and juveniles in the next fiscal year. This will be addressed in the next year.
- Add Family Court detention home processing information by 2004.
Outcome: This was not completed; the priority for this task has been moved to 2007 because resources will be used for the "Next Generation" JJIS.

- Create an interface with Kauai Police Department's new RMS by 2004.
Outcome: This was not completed. Like the Hawaii County Police Department, the Kauai Police Department's implementation is not on schedule. This affects their readiness to interface with the JJIS. This will be addressed in the next year.

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

Objective: Train communities in addressing crime problems.

- Conduct annual Community Action Seminar to teach problem-solving and teamwork skills.
Outcome: Completed. The CAS was held on February 3-4, 2005 with a follow-up meeting on May 19. Of the 24 team action plans submitted, 16 teams returned to the follow up meeting to share their results and what they learned.
- Publish newsletters as well as a web page to share the efforts of community teams throughout the state.
Outcome: Partially completed. At the May follow up meeting, information on the teams' efforts were shared. This is on the web page of the Branch in the division's website.

Objective: Disseminate crime prevention information to students and the community utilizing the McGruff character.

- Increase the number of McGruff Truck School Assemblies to K-3 public school students so that students know where to get emergency assistance.
Outcome: Not accomplished. Seventeen (17) School Assemblies were completed, compared to 21 the previous year. Three thousand seventy-nine (3,079) students participated in the assemblies.
- Support neighbor island McGruff coordinators and their efforts in disseminating crime prevention messages.
Outcome: Completed This year McGruff Truck Assemblies were done on Maui (1), Hawaii (1), and Kauai (2).
- Partner with a radio or television station to maximize McGruff air-time messages.
Outcome: Completed. Three television stations reported that they aired the McGruff public service announcements that totaled \$744,000 in air time.

Objective: Promote multi-agency collaborative planning and grant applications efforts (government/community, restorative justice)

- Assess current collaborative efforts by 2004. (Completed).

Objective: Initiate discussions and recommendations by the Juvenile Justice Interagency Committee (JJIC) on JJIS policy issues.

- Discuss "positive identification" of a juvenile, policies on confidentiality and misuse of data, and guidelines for data requests by 2004. (Not completed; waiting for administrative rules.)
- Establish standard policies for participating agencies that guide the use of the JJIS, confidentiality, and penalties for mis-use. (Completed).
- Determine access to the JJIS by the Public Defender, inclusion of the Youth Level of Service Inventory (YLSI) information, and the review of the JJIS purpose statement by 2006.
Performance measure: JJIC decision on access by the Public Defender, inclusion of YLSI data, and JJIS purpose statement.

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

- Objective: Pursue funding opportunities to continue development of the Incident Based Reporting System (IBRS) and crime research and data needs.
- Assist police departments in seeking funding sources for police departments in 2004; continue as needed. (Outcome: Not completed as police departments determined that IBRS is not a priority.)
 - Continually seek non-general fund resources to advance crime research.
Outcome: Completed. An application for research was submitted to the DHHS through the University of Hawaii, but was not approved. Another was submitted to NIH through Ball State University.
 - Seek/initiate partnerships with other organizations for crime research.
Outcome: An application to study abused elderly was submitted through Ball State University (Idaho) in collaboration with the Departments of Human Services and Health, and the University of Hawaii; at the end of the fiscal year, approval was pending.
 - Seek resources to establish JJIS research position by 2006.
Performance measure: JJIS research position and funds included in Department budget.
- Objective: Conduct policy-relevant GIS/crime mapping research.
- Develop in-house GIS capabilities by 2004. (Outcome: not completed as staff left for another position and the position was not filled.)
 - Foster UH and other partnerships by 2006
Performance measure: number of and organization partnerships.
- Objective: Increase the capability of criminal justice and victim agencies to access federal grants.
- Provide discretionary grant information to agencies.
Outcome: Partially done. As soon as the Division receives a notice of grant application, it is sent to any agency that indicated an interest in the topic. We have not developed a system or mechanism to alert everyone, although we encourage agencies to sign up for the federal on-line grants information service.
 - Assist agencies in applying for grants.
Outcome: Completed. Staff assisted the Hawaii Paroling Authority in applying for a technical assistance grant from the Center for Sex Offender Management, which was approved. Staff assisted the Sex Abuse Treatment Center in an application for underserved sexual assault victims; this is pending at the end of the fiscal year.
 - Apply for discretionary grants to support crime and victim assistance efforts.
Outcome: Completed. A discretionary grant application for human trafficking was submitted and approved. Another grant application for family visitation centers was submitted and is pending at the close of the fiscal year.
- Objective: Improve the administration of federal grants.
- Develop a multi-year strategy for the use of the Byrne grant that is outcome based by 2004. (Completed).
 - Assess Violence Against Women and Victims Of Crime grants as to the achievement of the intended goals by 2004. (Not completed).
This effort will be completed this fiscal year.
Performance measure: VAWA 3-year plan with past achievements by December 2005. VOCA strategic plan assessment by the University of Hawaii at the end of 2006.
 - Develop and implement a grants management system (GMS) by 2004. (Not completed).
Performance measure: A GMS for the division. This has been moved to 2006 due to staff time constraints the past year.

- Objective: Develop partnerships and collaborate with other organizations to sponsor efforts to prevent crime.
- Partner with at least 1 new partner by 2004. (Completed).
 - Develop a Senior ID program for senior citizens to keep them safe. (Completed).
 - Maintenance of the Kupuna ID program.
Outcome: This year 2,259 Kupuna IDs were issued through 5 events. The State Farm Insurance Company donated \$3,000 for the purchase of the identification printer to and software to sustain the effort.
 - Partner with at least 2 agencies annually.
Outcome: Completed. The branch collaborated with other entities in 11 efforts in crime prevention and education. Collaborative efforts included community mobilization, bullying, McGruff program, Kupuna ID, etc.
- Objective: Quality and timeliness of the JJIS data will be improved.
- Provide users with frequent reports on data discrepancies and timeliness of data entry by 2004. (Completed.)
 - Data quality audit will be initiated by 2006.
Performance measure: completion of audit.
 - Frequency of timeliness reports will be increased to quarterly or monthly by 2006.
Performance measure: number of reports completed.
- Objective: Better utilize the JJIS web page.
- JJIC-related matters will be posted by 2004.
Outcome: Not completed; resources reassigned to the "New Generation" JJIS.
 - JJIS "software release" and FAQs will also be available by 2004. (Completed).
 - JJIS user manual and results of data summary requests will be on-line by 2006. (Completed).
- Objective: Improve throughput and response time of requests.
- Time from user change request to implementation will be decreased by 10% by 2004. (Not completed; resources reassigned to "New Generation" JJIS).
 - Significant portion of regression testing will be automated by 2004. (Not completed; resources reassigned to "New Generation" JJIS.)
 - Time from user change request to implementation will be decreased by 20% in 2006. (Not to be completed; resources reassigned to "New Generation" JJIS)
- Objective: Move to a "next generation" of the JJIS.
- Complete needs assessment, system requirements, and design alternatives by 2004.
Outcome: Completed in *August 2005*.
 - Determine the platform for the next generation and the role of the geographic information system (GIS) in the next generation system by 2004. (Completed).
 - Define significant security upgrade as well as subsystems for notification and subscription services by 2004. (Not completed, resource reassigned to "New Generation" JJIS).
- GOAL 4** **To promote and advance improvements to the criminal justice system response to communities, victims, and offenders.**
- Objective: Assess the public's perceptions and concerns regarding crime and criminal justice in Hawaii.
- Begin development of survey instrument with input from agencies by 2004.
Outcome: Draft survey completed and will be implemented in 2006.
- Objective: Assess and prioritize staff involvement in multi-agency planning efforts.
- Determine which efforts to place staff and other resources by 2004.

(Completed).

- Check progress and status of multi-agency efforts to determine continuation by 2006.
Performance measure: Assessment and recommendations on priorities in multi-agency efforts.

Objective: Implement a crime victim notification system.

- Facilitate discussion and development of a victim notification process among the county victim offices and the jail/prison by 2004.
Outcome: Completed. Discussions were done with the county victim coordinators and the Department of Public Safety. The Honolulu Prosecutor's Office has decided to pilot this system.
- Implementation of the victim notification system by 2006.
Performance measure: victim notification system operating via Honolulu Prosecutor's Office.

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

- Develop MOAs to delineate agency responsibilities, process and funding mechanisms by 2004. (Not completed. The US Attorney has taken the lead, and the county Victim programs need to determine their role in their county's response system).
- Mechanism in place for agencies to assist another county in the event of terrorism or mass violence by 2006.
Performance measure: County victim offices have mechanism in place.

Hawaii Criminal Justice Data Center**I. GOAL: CJIS-HAWAII.**

To implement additional strategic phases of CJIS-Hawaii enhancements including "Lights Out" real-time identification for arrested offenders, paperless processing of the OBTS Arrest Form, Statewide Firearms Registration, Statewide wants/warrants information, and additional automated interfaces with agency systems.

II. OBJECTIVES:

The production implementation of the statewide criminal history record repository CJIS-Hawaii took place in November 2002 and we are now focusing on new initiatives for criminal justice in Hawaii.

A. CJIS-Hawaii Enhancements

1. Implement the "Lights Out" real-time identification of arrested offenders.
2. Implement a new more accurate demographic searching algorithm for CJIS-Hawaii.
3. Implement automated interfaces with the Maui County Department of the Prosecuting Attorney, and the Judiciary's Judicial Information System (JIMS) for traffic cases, and the Adult Probation Division's Supervision tracking system.

B. Paperless Processing

1. Expand paperless processing by integrating the booking modules of the Maui County Police Department's (MPD) and Honolulu Police Department's (HPD) Records Management Systems (RMS) with the integrated livescan/mugphoto arrest/booking system (Green Box).
2. Pilot the process of transmitting the OBTS Arrest Form electronically from the Green Box system to prosecution, court, supervision, and corrections agencies within Hawaii County.

C. Start-up planning and design phases for:

1. Statewide Firearms Registration system integrated with existing police department RMS firearms modules including standardization of procedures and codes.
2. Statewide Wants/Warrants system integrated with existing police department (RMS) wants/warrants modules.
3. Migration of CJIS-Hawaii server hardware and operating system software to more powerful models and versions respectively.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	CJIS-Hawaii Enhancements		
1.	Implement the "Lights Out" real-time identification of arrested offenders.	Phase I : 2006 Phase II: 2007	Identification of offenders with no operator intervention in 85% of cases.
2.	Implement a new more accurate searching algorithm for CJIS-Hawaii.	2006	Capture search results in a data base. Perform statistical analysis of experientially derived search results to adjust search criteria weights.
3.	Implement automated interfaces with the Maui County Department of the Prosecuting Attorney, and the Judiciary's Judicial Information System (JIMS) for traffic cases, and the Adult Probation Division's Supervision tracking system.	Maui Pros and JIMS: 2005 Adult Probation Division: 2006	Maui Pros, JIMS, and Adult Probation information updates the corresponding record in CJIS-Hawaii
B.	Paperless Processing		
1.	Expand paperless processing by integrating the booking modules of the Maui Police Department's (MPD) and Honolulu Police Department (HPD) Records Management Systems (RMS) with the integrated livescan/mugphoto arrest/booking system (Greenbox).	2005	All arrests captured in the MPD and HPD RMS booking modules are accessible in the Green Box server.
2.	Pilot the process of transmitting the OBTS Arrest Form electronically from the Green Box system to prosecution, court, supervision, and corrections agencies within Hawaii County.	2006	All arrests in Hawaii County entered into the Green Box server are available through the Message Broket
C.	Start-up planning and design phases for:		
1.	Statewide Firearms Registration system integrated with existing police department RMS firearms modules including standardization of procedures codes.	2006	Statewide Firearms Registration system captures all registrations entered into the agency firearms systems. Statewide and agency systems utilize the same set of standard codes and procedures
2.	Statewide Wants/Warrants system Integrated with existing police department RMS wants/warrants modules.	2007	Statewide Wants/Warrants system captures all wants/Warrants entered into the agency RMS systems. Statewide and agency systems use the same set of standard codes.
3.	Migration of CJIS-Hawaii server hardware and operating system software to more powerful models and versions respectively	2006	On-line inquiry response time is reduced to less than 5 second on the average. Batch interface processing time is reduced by 25% on the average.

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

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

II. OBJECTIVES:

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

A. Upgrade of the State's AFIS to MetaMorpho

1. Migration to the MetaMorpho platform is a requirement for other initiatives, such as "lights out" processing with CJIS-Hawaii.
2. Customization, installation, and implementation for the MetaMorpho System are in progress.

B. "Lights Out" Processing

1. Detailed design phase for "lights out" processing with CJIS-Hawaii will be completed by September 2005.
2. Design, development, testing and implementation of the "Lights Out" Transaction Controller (LOTC) are underway and Phase I is expected to be completed and in production in the first half of 2006, and Phase II by mid-2007.

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

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

D. Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.

1. Sync data from CJIS-Hawaii to the FBI's Interstate Identification Index (III) now that we are a participating state.
2. Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS).
3. Continue to deploy and implement the technical mechanism to transfer information to IAFIS, including the return of the FBI response directly to the submitting agency.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	Upgrade of the State's AFIS to MetaMorpho		
1.	Migration to the MetaMorpho platform	2006	Requirement for other initiatives, such as "lights out" processing with CJIS-Hawaii
2.	Customization, Installation and implementation for the MetaMorpho system are in progress	2006	A complete and non-disruptive transition from XL to MetaMorpho in the timeframe indicated.
B.	"Lights Out" Processing		
1.	Detailed design phase for "lights out" processing with CJIS-Hawaii	2005	Completion of specifications and distribution to potential professional services providers.
2.	Design, development, testing and implementation of the "Lights Out" Transaction Controller (LOTC)	Phase I : 2006 Phase II: 2007	Improvement in response time and accuracy for criminal and civil identification, and reduction in the manual intervention required.
C.	Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.		
1.	Continue to explore all revenue sources, including federal grants, local law enforcement resources, and legislation for funding of more integrated livescan and mugphoto equipment.	Ongoing	Statewide deployment of this technology is now necessary to achieve "lights out" processing under MetaMorpho
2.	Convert the final two counties (Maui and Honolulu) to integrate livescan, cardscan and mugphoto equipment	2006	Installation, configuration and training completed for integrated livescans and cardscans for HPD and MPD.
D.	Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.		
1.	Sync data from CJIS-Hawaii to the FBI's Interstate Identification Index (III).		1. Sync data from CJIS-Hawaii to the FBI's Interstate Identification Index (III).
2.	Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS)		2. Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS)

I. GOAL:

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

II. OBJECTIVES:

- A. Improve the timeliness and accessibility of criminal history record information to authorized entities.
 - 1. Assist more non-criminal justice agencies to deploy livescan technology to capture and transmit applicant fingerprints to the State's AFIS and to the FBI's IAFIS with 24-hour turnaround responses.
- B. Fully implement the sex offender registry statute (Chapter 846E, Hawaii Revised Statutes (HRS)) and ensure that the most accurate, complete, and timely information on each sex offender on the registry is available to law enforcement agencies and the public by:
 - 1. Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.
 - 2. Working with the prosecutors and police departments to file complaints on non-compliant sex offenders, including those who fail to register and those who fail to respond timely and accurately to the 90-day verification notices.
 - 3. Working with the Criminal Justice Division of the Department of the Attorney General to determine the status of each registered sex offender, and to make information on qualifying sex offenders available on the Internet or walk-in public access.
- C. Provide ready access to public conviction information by launching our eCrim website.

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	Improve the timeliness and accessibility of criminal history record information to authorized entities		
1.	Assist more non-criminal justice agencies to deploy livescan technology to capture and transmit applicant fingerprints to the State's AFIS and to the FBI's IAFIS with 24-hour turn around responses.	2006	Decrease in the number of applicants fingerprinted at the HCJDC for other state agencies.
B.	Fully implement the sex offender registry statute (Chapter 846E, Hawaii Revised Statute (HRS)) and ensure that the most accurate, complete, and timely information on each sex offender on the registry is available to law enforcement agencies and the public by:		
1.	Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.	Ongoing	Decline in number of delinquent/non-verified offenders
2.	Working with the prosecutors AG Investigators and police departments to file complaints on non-compliant sex offenders, including those who fail to register and those who fail to respond timely and accurately to the 90-day verification notices.	Ongoing	Decrease in number of non-complaint offenders
3.	Working with the Hawaii Information Consortium (HIC) to maintain/update the public sex offender website, to reflect changes in State and Federal Laws.	Ongoing	Determination that we are compliant and we do not use federal grant money
C.	Provide ready access to public conviction information by launching our eCrim website		
1.	Implement Internet Site	2005	Site available for public use
2.	Determine fee changes that may be required	2006	Passage of Fees Bill
3.	Determine and draft statutory changes that may be required in the future	Ongoing	Passage of appropriate bills
4.	Maintain Optimal Site for public usage	2006	Increase usage

- I. GOAL:
 - A. Continue to aggressively pursue community outreach initiatives for the State ID program and to improve convenient service to the public.
 - B. To implement the Congressional Real ID Act (January 2008)
 - 1. SSOLV (social security on line verification)
 - 2. SAVE (systemic alien verification for entitlements)
 - 3. EVVE (electronic verification vital events)
 - 4. All documents must be scanned and stored
- II. OBJECTIVES:
 - A. Fully implement the renewal by mail option for senior citizens and other qualifying applicants 2X per year.
 - B. Provide services to communities with limited access to the program
 - 1. Continue the successful visits to Molokai and Lanai as necessary
 - 2. Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings from our office.
 - C. Complete Phase II of the new automated system
 - 1. One-to-Many Fingerprint Matching to ensure that an applicant is not already in the database under another record.
 - 2. Disaster Recovery installation
 - D. Fully implement Rules and Regulations
 - 1. File rules and implement

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
A.	Fully Implement the renew by mail option for senior citizens and other qualifying applicants two times per year		
1.	Notices are mailed to qualified applicants.	2005	Number of renewals by mail increase.
B.	Provide services to communities with limited access to the program		
1.	Continue the successful visits to Molokai and Lanai as necessary.	Ongoing	The number of cards issued.
2.	Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings from our office.	Ongoing	The number of cards issued.
C.	Complete Phase II of the new automated system		
1.	One-to-Many Fingerprint Matching to ensure that an applicant is not already in the database under another record	2005	Number of hits versus attempts. I need to find out if the system can give this information or if we need to log it ourselves.
2.	Disaster Recovery installation	2006	Full backup system installed.
D.	Fully implement Rules and Regulations		
1.	File rules and implement	2005	Rules are posted.

Office of Child Support Hearings

I. MISSION STATEMENT

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

II. GOALS, OBJECTIVES, AND ACTION PLANS

OVERALL GOAL 1: Provide quality resolution of child support disputes.

Short Term Goals: Continue expedited disposition of cases, low number of appeals and satisfaction with the current process.

Long Term Goals: Increase the caseload and establish a pre-hearing expedited process.

Objective 1: Maintain expeditious disposition of cases and low numbers of appeals; increase caseload.

Action Plan-Year 1: Gather and analyze statistics to confirm that current disposition of cases remain expedited.

-In fiscal year 2004-2005, a total of 4044 cases were processed.

Disposition of these cases are as follow:

Hearing cases= 2594 (95.5%) of a total of 2716 cases had final orders or decisions issued within 30 days of the hearing.

Non-hearing cases= 1115 (84%) of a total of 1328 cases had final orders issued within 3 days of receipt.

Action Plan-Year 1: Gather and analyze statistics to confirm that the number of appeals from contested cases remains low.

-In fiscal year 2004-2005, a total of 17 cases were appealed.

Action Plan-Year 2: Project how many more cases can be processed while still maintaining an expedited disposition of cases and low appeal rate. Initiate discussions with agency and investigate capacity to increase caseload with current personnel and facilities.

Action Plan-Year 5: Implement plans to increase caseload and evaluate effectiveness.

Measurement of Performance:

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

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

Action Plan-Years 1 and 2:

Train hearings officers in the mediation and volunteer settlement masters' programs currently used in the Family Court to give hearings officers experience and tools in alternative dispute resolution methods.

Action Plan-Year 2:

Draft an administrative pre-hearing process to include the use of mediation and settlement techniques to adjudicate cases predisposed to settlement or dismissal. Adjust the scheduling functions of the KEIKI computer programs to allow flexible hearings scheduling statewide. Draft appropriate forms and orders.

Action Plan-Year 5: Implement the pre-hearing process and evaluate.

Measurement of Performance:

Success will be measured by the number of contested cases that are disposed of pre-hearing under this process, and whether parties are satisfied with this option to contested case hearings.

Objective 3: Ensure effectiveness of the OCSH administrative process.

Action Plan-Years 1, 2 and 5:

Monitor users and the public's perceptions and concerns of the OCSH administrative process. Collect letters of compliments or complaints from parties, attorneys or the public. Develop survey instruments and conduct client evaluations biennially. Implement improvements to enhance efficiency and satisfaction with the administrative process.

Measurement of Performance:

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

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

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

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

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

Action Plan-Year 1: Update office policy manual so that new employees and current employees have a central repository of office policies, procedures and forms. Continue to update memo banks and decision digests. Continue weekly office meetings. Continue cross training of clerks.

Action Plan-Years 2 and 5:

Survey training needs; optimize training resources; seek sufficient funding for appropriate training for attorneys and staff. Attorneys need formal training in mediation and settlement methods. They also need advanced training offered by the National Judicial Center. The clerks and the legal assistant need computer training to enhance their skills.

Objective 2: Continue to expand training for users of the OCSH administrative process.

Action Plan-Years 1 and 2:

Integrate and maximize information on the OCSH website to provide information about the administrative process via the Internet. Propose pilot projects like brown bag training to the agency representatives and other users. Create agenda and materials for training. Conduct brown bag training sessions and continue other training forums via the Family Law Section of the HSBA, educational television programs, and public seminars.

Action Plan-Year 5: Evaluate effectiveness of training, amend programs and expand delivery.

Measurement of Performance:

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

SECTION 6: INVESTIGATIONS DIVISION

Goals and Objectives

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

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

- To apprise the Attorney General of all criminal intelligence information that would negatively affect the security, economy, programs, and integrity of the State.

Our division possesses agents who are good investigators and who also have police intelligence backgrounds. Some of our employees are police reservists, allowing us to take advantage of current police disciplines. The State and general public are the beneficiaries of this information. Membership in WSIN, Interpol, and the Federal Law Enforcement Network also helps to keep us current. Homeland security partnerships increase the overall information available, which enables the Attorney General to make informed decisions.

- To continuously improve and upgrade our methods of receiving, reviewing, assignment, completion and recordation of all requests for investigative services.

The division has been able to handle a formidable number of requests for service, and all of the other requirements for successfully completing and cataloging them, by increasing the number of supervisors (span of control) to handle the various aspects of supervision necessary for continued proficiency. Our use of the FileMaker Pro 6 system is adequate at this time to assist in this goal. As new technology develops we will continue to research and integrate applications to further our goals.

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

All agents presently use the same report writing method that is used by the Honolulu Police Department. Newly hired agents are given templates of this method to re-familiarize them with our similar adaptation. The familiar methodical style allows the new agents to readily perform competently. The report writing style and investigative process used for administrative investigations differs. Agents performing these tasks go through a process of learning what is required in relation to unions, state agencies, administrative rules, and legal expectations. Quicker ways of generating written statements and documents will be necessary in the long term. To achieve this goal, new technology is presently being researched.

- Continue to aggressively enforce state tobacco tax laws.

The enforcement of tobacco tax laws requires the physical movement of our agents to all parts of the State to check for violations, as well as the generation of cases involving violators. It is a physically draining task that requires someone who is in reasonably good physical condition. The action plan for this task is the same, in the short run as well as the long run. The continued inspections will maintain compliance and reduce violations to a minimum. This unit is responsible for increased revenue to the State through its tenacious enforcement of the Tobacco Tax Law.

- Continue the aggressive investigation and apprehension of sexual predators of children through the Internet.

The Internet Crimes Against Children Unit is part of a cooperative effort with local and federal agencies with the common goal of protecting children from online predators. The action plan is to detect predators intent on finding naïve and unwary children via on-line chat rooms for the purpose of eventually meeting with and sexually exploiting them. This is a never-ending task and we remain vigilant in this stated goal.

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

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

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

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

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

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

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

The goal is to improve the quality of information of Hawaii's sex offender registry by developing an effective tracking methodology for unregistered and non-compliant offenders. The objectives would involve a short-term plan of developing better methodology for tracking the unregistered and non-compliant offenders within three to six months, reduce unverified sex offender numbers within nine to twelve months and require a seven-day follow-up of leads.

Measurement of Performance

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

SECTION 7: ADMINISTRATIVE SERVICES OFFICE**Fiscal Office**

The goal established in prior years for the fiscal office has not changed. However our action plans constantly change to reflect the needs of the department. The fiscal office finally achieved the goal of converting an Account Clerk III position from temporary to permanent. The department was granted the addition of a professional Accountant III position, but the position was not funded. We were also able to upgrade the fiscal office's computers to assist the staff in producing timely reports and analysis.

GOAL Continue to provide quality and timely fiscal services to meet the needs of the department's personnel and to enhance the fiscal staff's ability to provide fiscal, budgetary, and other reports to management.

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

ACTION PLAN

First Year: Continue to refine the litigation database and make it easier to create a clear, concise, and timely litigation report. This goal has been partially accomplished by our access Datamart. Datamart is a database system of the most current, up-to-date FAMIS reports. The system allows us to view and/or download FAMIS information onto Excel spreadsheets that can be sorted to meet our needs. There is also a need for the departmental staff to learn to read and use the reports accessible to them on iManage, such as the litigation report. The purpose of putting the litigation report on iManage was to reduce the inquiries to the fiscal office for financial information regarding case expenditures.

Train staff on how to use the Datamart system to enable them to retrieve the most current fiscal information for payment inquiries instead of relying on the accountants.

Train staff to use the iManage system more frequently so files can be shared within the division.

Second Year: Refine the purchasing card system recently implemented for the purchase of goods and services. The implementation of this purchasing card system was done with little guidance from the State Procurement Office. So the refinement of this procurement system for this department will have to be done a little at a time as we continue to use the purchasing card. The fiscal office put together its own guidelines and procedures for the departmental staff; this is a work in progress and will be changed as we gain more experience and expertise with the purchasing card.

Fifth Year: Continue to evaluate the FAMIS Model Procedures Systems to determine whether it still meets the needs of the Fiscal Office. The payroll system is one of our major concerns because it is time consuming and adjustments are paper intensive and difficult to process. The State had hoped to implement the Kronis payroll system, but that did not work out in its pilot stage. We do not know what the State's future plans are to upgrade the payroll system to reduce paperwork and keypunching. The State also needs to implement an automated record keeping system for employee leave balances.

Information Systems and Technology Unit

The Information Systems and Technology Unit (IST) is tasked provides all IT services for the department, with the exceptions of the Hawaii Criminal Justice Data Center, the Juvenile Justice Information System Project, and the Child Support Enforcement Agency. IST comprises three systems analysts, one computer programmer, and two data processing user support technicians.

IST's responsibilities include:

- Providing day-to-day operational support to more than 550 personal computers and printers
- Providing day-to-day maintenance and operational support to the department's local and wide area network
- Maintaining the department's case management system (ProLaw)
- Maintaining the department's document management system (iManage)
- Developing and maintaining all PC database applications
- Maintaining the department's e-mail accounts
- Developing and maintaining the department's Intranet
- Maintaining the majority of the department's websites
- Developing Workflow applications

IST's workload has increased steadily in recent years. The department has grown and moved to several new locations that have made it logistically more difficult and time consuming for IST to provide day-to-day operational support. IST's staff has not increased in size in almost thirteen years and actually became smaller when three half-time positions and one intern position were eliminated during this period. With the implementation of ProLaw, iManage, and the departmental Intranet, IST's workload has increased substantially and is projected to increase further as the development of these applications progresses. Additional staffing will be required.

The goals established by IST last year have not changed, and progress has been made during the past year. More could have been accomplished if the additional positions requested were approved and the current budgetary constraints were lifted. IST will continue to focus its efforts in the coming year to complete or move closer to realizing our goals.

FIRST YEAR

GOAL 1: Continue to maintain the highest possible level of day-to-day operational support for all computer related hardware and software.

Objective 1: Ensure that IST staff receive necessary ongoing technical training (i.e., courses to repair and troubleshoot personal computers; PC operating systems) and software (i.e., courses on network design and installation; network operating systems; network security; telecommunication design and installation; iManage administration; SQL programming; web design and development; e-mail administration; work flow application design and development; and new or updated versions of applicable software).

Due to some budgetary shortfalls/restrictions and IST's heavy workload, IST staff have been unable to attend technical training during the last three years. It is hoped that IST staff will be able to enroll in some much-needed technical training in the coming year. Ongoing training of IST staff is essential in order for the department to remain progressive and take advantage of emerging computer/information technology. Technical training for IST staff will be applicable whether it's the first year, second year, or fifth year of the department's action plan.

GOAL 2: Implement widely used telecommunication technologies such as e-mail, local area networks, Internet access, and web sites.

Objective 1: Set up department-wide local and wide area networks for all divisions on Oahu as well as the legal offices on Hilo, Kona, Maui, and Kauai. Major features to include Internet access for all departmental personnel and remote access to file servers.

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

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

Since a huge effort will be required to administer our own e-mail server, it was decided to defer the implementation of this objective until the Legislature approves the request for two additional Computer Programmer IV positions. E-mail is now being provided through an E-mail server at the Department of Accounting and General Services' Information and Communication Services Division(ICSD). IST will again be requesting for two additional Computer Programmer IV positions to be included in the department's supplemental budget request to the upcoming Legislative Session.

Objective 3: Develop work flow applications.

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

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

IST has undertaken a project to redesign all of the department's public websites using the new departmental template developed by ICSD. The objective of this project was to make the department's websites more public friendly by providing more content and easier navigation. With the exception of one divisional website, the redesign effort has been completed and is scheduled to be implemented in October 2005. However, there would be a continual effort to integrate more and more business functions into the department's public websites even after this project is completed. It will be an ongoing effort as new business functions evolve.

Objective 5: Continue development (i.e., adding more content, divisional pages) of the departmental Intranet.

Most major components of the departmental Intranet have been implemented. IST will continue to develop all remaining planned components of the Intranet (e.g., community page, expand content of departmental directory, implement online telephone directory), develop and implement occasional enhancements, and provide ongoing maintenance and support.

GOAL 3: Continue development and enhancement of the case management and document managements systems.

Objective 1: Continue development of ProLaw as more screens and reports are requested.

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

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

Due to budgetary constraints, IST's heavy workload, and some scheduling conflicts, IST is tasked with the responsibility to maintain and support the iManage application was again not able to attend the iManage Administration course that is needed to implement new versions/releases of the application last year. Funding to obtain this needed training must be made available during this coming year. Since iManage training cannot be acquired locally, mainland travel expenses must also be incurred.

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

Objective 1: Budget annually to acquire 100 to 135 personal computers and 5 to 10 laser printers (ideally setting up a 3 year replacement cycle) to ensure that the department will never again be saddled in a situation of having only very old and outdated computer hardware.

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

Because last year's budget request to establish a three-year PC replacement program (replacing a third of the department's personal computers each year) was not approved, IST will again be requesting for a three-year PC replacement program to be included in the department's supplemental budget request to the upcoming legislative session. To fully implement this program, the amount requested must become part of the department's annual operating budget.

SECOND YEAR

GOAL 1: Continue to maintain the highest possible level of day-to-day operational support for all computer related hardware and software.

Objective 1: Ensure that the IT staff receive the necessary ongoing technical training.

Ongoing training for the IT staff is essential for the department to remain progressive and take advantage of emerging computer/information technology. Technical training for the IT staff will be applicable whether it is the first year, second year, or fifth year of the department's action plan. Sufficient funds for technical training must be budgeted annually.

GOAL 2: Implement widely used telecommunication technologies such as e-mail, local area networks, Internet access, and web sites.

Objective 1: Set up department-wide local and wide area networks for all divisions on Oahu as well as the legal offices on Hilo, Kona, Maui, and Kauai.

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

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

Due to the huge effort that will be required to achieve and maintain this objective, it will at least be deferred until two additional positions can be added to IST.

Objective 3: Develop work flow applications.

IST has not been able to acquire some of the necessary training from local training vendors (classes are being cancelled due insufficient enrollment). Also, the requirement for additional staffing is applicable to fully achieving this objective. Until the above obstacles can be addressed, the development of workflow applications, if any, will be very limited.

Objective 4: Integrate some existing business functions into the department's public websites (i.e., disseminating information to the public, online access to forms and applications). This will be an ongoing effort as new business functions evolve.

Objective 5: Continue development (i.e., adding more content, divisional pages) of the departmental Intranet. All major components of the departmental Intranet should be completed during the first year of this plan. However, IST will still be tasked with occasional enhancements and its on-going maintenance and support.

GOAL 3: Continue development and enhancement of ProLaw and iManage.

Objective 1: Continue development ProLaw as more screens and reports are requested. Although it should be decreasing with each passing year, it is projected that IST will still continue to receive requests for the development of additional screens and reports. It will become part of the on-going support for this application.

Objective 2: Acquire necessary training to adequately support, maintain, and upgrade iManage without the need to engage consultants. The primary course to administer iManage should already have been taken by one of the IST staff during the first year of this plan. More in-depth technical training will still be required to ensure that IST will be able to maintain this application without the need to engage outside consultants.

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

Objective 1: Budget annually to acquire 100 to 135 personal computers and 5 to 10 laser printers (ideally setting up a three year replacement cycle) to ensure that the department will never again be saddled in a situation of having only very old and outdated computer hardware.

Objective 2: Plan and budget for the periodic acquisition of upgrades (new versions/releases) to department-wide software. Due to operational issues (i.e., uniformity, functionality), each software upgrade should be purchased for everyone at the same time. This should be an ongoing process and ideally should be included in the department's annual operating budget every year.

FIFTH YEAR

Most of the goals and objectives listed in this plan should be completed before the fifth year with the exception of the need for continual on-going operational hardware and software support, on-going technical training for IST and the continual need to budget for the replacement of outdated computer hardware and software. Besides the perpetual goals and objectives stated above, it is very difficult to develop a plan for projects this far into the future since advances in information technology occurs so rapidly.

Library Services

We have done the following to meet some of our library goals: We have continued to identify and discard materials less frequently used in both the department library and divisional libraries to save costs and space. We are in the process of asking divisions to evaluate proposed cuts in the department library as well as in their own. We are also in the second year of a contract with Westlaw to provide the department's online legal research systems at a flat rate, which has enabled us to eliminate redundant library materials.

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

Objective 1: Address the library's lack of space by replacing older printed materials with increased access to online services such as Westlaw, the Internet, and cd-roms accessed through the department's intranet.

Action Plan: First Year: Discuss options and reach a consensus as to which approaches would help to alleviate the space problem in the library as well as provide enough sources for legal research at an affordable rate. Continue to stress the use of Westlaw in addition to printed materials and the Internet.

Second Year: Investigate the options for replacing printed materials with cd-roms accessible through the department's intranet.

Fifth Year: Begin to replace older printed materials with cd-roms, as well as provide expanded access through Westlaw or the Internet.

Objective 2: Cut expenses significantly in terms of library materials for the department library and the divisions. Last year, the library spent \$109,000 and the divisions about \$70,000 on library materials.

Action Plan: First Year: Submit a list of all subscriptions of library materials for the department library as well as the divisions to evaluate in terms of usage and cost. Forward with comments and suggestions to the librarian who will pass them on the AG for his evaluation and recommendations.

Second Year: Follow through with Attorney General's recommendations and initiate cuts to bring costs in line for both the department library and the divisions.

Fifth Year: The combined budget for library materials for both the department library and the divisions should be approximately \$100,000.

Personnel Office

FIRST YEAR:

GOAL 1 Continue to provide quality and timely service to meet the personnel needs of the department.

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

We would like to eliminate the time-consuming manual posting of personnel transactions to position and employee cards and other manual record keeping such as training records, performance appraisals, vacancy reports, etc. We will conduct surveys of other Departmental Personnel Offices to see if something they have developed may be feasible for us. By working closely with the Information Systems and Technology Unit, we will strive to make advances toward this goal.

In addition, because of our small staff, we will assure that we are able to provide continuous service by cross-training the clerical staff in personnel-related computer programs.

GOAL 2 In conjunction with the departmental information technology section, explore feasibility of a central departmental computer network system for personnel matters.

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

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

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

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

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

Utilizing the scanner, we have made available to employees documents that contain signatures. We will review the processing of various documents to assess the feasibility of transmitting documents electronically. Our study must include the legal implications of such electronically transmitted documents as determined by DHRD and our employment law attorneys.

GOAL 3 Provide technical assistance and guidance to managers and supervisors in developing and maintaining a quality workforce.

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

The Departmental policies and procedures manual has not been reviewed in many years. Personnel rules and regulations have changed drastically over the past few years due to Act 253 (Civil Service Reform). We will develop a policies and procedures manual specifically for personnel matters. With the assistance of the department's information technology staff, we will further develop and enhance the secretaries dedicated site to include managerial information and links to other helpful sites, which will provide information such as arbitration decisions, contract interpretations, and other information that will be helpful in managing their staff.

SECOND YEAR

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

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

FIFTH YEAR

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