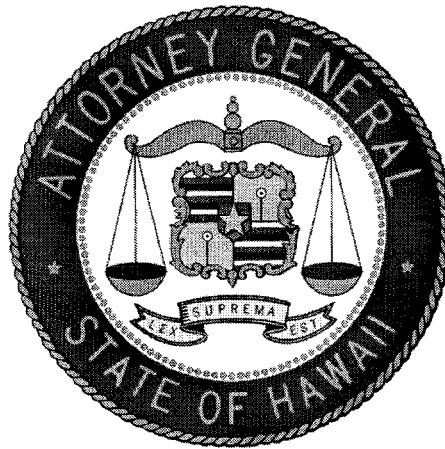


State of Hawaii
Department of the Attorney General



2004 GOALS AND OBJECTIVES

Submitted to
The Twenty-Second State Legislature
Regular Session of 2004

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
PART I: DEPARTMENT OF THE ATTORNEY GENERAL (ATG).....	2
PART II: DEPARTMENT-WIDE GOALS AND OBJECTIVES	4
PART III: ATG DIVISION DESCRIPTIONS	8
ADMINISTRATION DIVISION (ADMIN).....	12
ADMINISTRATIVE SERVICES OFFICE (ASO).....	14
INFORMATION SYSTEMS AND TECHNOLOGY UNIT	14
FISCAL OFFICE	20
LIBRARY SERVICES	22
PERSONNEL.....	23
APPELLATE DIVISION (APPD).....	26
CHILD SUPPORT ENFORCEMENT AGENCY (CSEA).....	28
CIVIL RECOVERIES DIVISION (CRD).....	30
CIVIL RIGHTS LITIGATION DIVISION (CRLD).....	35
COMMERCE AND ECONOMIC DEVELOPMENT DIVISION (CED).....	38
CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION (CPJA)....	41
JUVENILE JUSTICE INFORMATION SYSTEM	51
CRIMINAL JUSTICE DIVISION (CJD).....	53
EDUCATION DIVISION (EDU).....	57
EMPLOYMENT LAW DIVISION (ELD).....	60
FAMILY LAW DIVISION (FLD)	62
HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)	65
HEALTH & HUMAN SERVICES DIVISION (HHSD)	70
INVESTIGATIONS DIVISION (INVES)	71
LABOR DIVISION (LBR).....	73
LAND/TRANSPORTATION DIVISION (L/T)	74
LEGISLATIVE DIVISION (LEG).....	77
MEDICAID INVESTIGATIONS DIVISION (MID)	81
OFFICE OF CHILD SUPPORT HEARINGS (OCSH)	84
PUBLIC SAFETY, HOMELANDS, AND HOUSING DIVISION (PSHHD)....	87
TAX DIVISION (TAX).....	89
TOBACCO ENFORCEMENT UNIT	94
TORT LITIGATION DIVISION (TLD)	100

**PART I: DEPARTMENT OF THE ATTORNEY GENERAL (ATG)
REPORT TO THE LEGISLATURE
Regular Session 2004**

PART I: INTRODUCTION

This report is mandated by Section 7, Act 100, Session Laws of Hawaii 1999 and Executive Memorandum Number 99-12, dated October 14, 1999, and requires that all state agencies and departments submit a report to the legislature at the start of the regular session of 2000 and each regular session thereafter relating to the departments' and agencies' goals and objectives, action plans, and processes.

Department Description and Overview

The Department of the Attorney General is comprised of 18 legal divisions, 4 public support divisions and a central administrative services office. The Attorney General (AG) is the executive in charge of the Department. The executive office of the Attorney General (OAG) is comprised of the AG, First Deputy Attorney General (FDAG), Special Assistant to the Attorney General (SPA), and an Administrative Services Manager (ASM), as well as necessary administrative support personnel.

The Department consists of approximately 683 personnel. The following is a breakdown of these positions by specific Department functions:

Legal Services Personnel:

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total Legal Staff
Managers	27	7%
Attorneys	160	40%
Other Professionals	113	28%
Support Staff	103	25%
Total	403	

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

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total CSEA/OCSH
Managers	19	10%
Hearings Officers	5	2%
Other Professionals	50	26%
Support Staff	120	62%
Total	194	

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

Position Type	HCJDC Number of Positions by Type	CPJA Number of Positions by Type	Total Number of Positions by Type	% of Program Staff in Relation to Total HCJDC and CPJA Staff
Managers	7	5	12	16%
Other Prof.	7	16	23	30%
Support Staff	35	6	41	54%
Total	49	27	76	

Administrative Services Office (ASO) Personnel:

Position Type	Number of Positions By Type	% of Program Staff in Relation to Total ASO Staff
Managers	6	24%
Other Professionals	5	20%
Support Staff	14	56%
Total	25	

Department Powers and Responsibilities

The authority of the Department of the Attorney General is derived through the Hawaii State Constitution, Article V, Section 6, by various Hawaii Revised Statutes (HRS), principally Section 26-7 and Chapter 28, and the common law¹.

Organization of this Report

The report is structured in four parts: the introduction; a listing of the general department goals and objectives; a listing and general description of the individual divisions/offices; and a compilation of the individual division/office goals and objectives. Each division supervisor was provided maximum flexibility to structure their individual goals and objectives according to their respective division management plans.

¹ See State Attorneys General, Powers and Responsibilities, edited by Lynne M. Ross, Deputy Director and Legislative Director, National Association of Attorneys General, 1990 [second printing 1998].

PART II: DEPARTMENT-WIDE GOALS AND OBJECTIVES

Core Values

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

Goals

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

Objectives

1. People's Representative: Safeguard the rights and interests of the people of the State of Hawaii by undertaking appropriate legal actions on their behalf.
2. Litigation: Represent the State, its agencies, and officers in civil proceedings in state and federal courts.
3. Administrative Hearings: Represent the State, its agencies, and officers in administrative proceedings.
4. Criminal Prosecutions: Prosecute criminal offenses such as public corruption, bribery, and fraud, and any other crimes when necessary and appropriate.
5. Legal Opinions and Advice: Provide legal opinions and advice to the Governor, the Legislature, judges, and state departments and officers.
6. Rules and Legislation: Assist state departments and agencies in reviewing rules and legislation.
7. Contracts: Draft, review, and approve as to form various legal documents.

8. Law Enforcement: Enforce federal, state, and local laws, rules, and regulations; and monitor the operations of the Hawaii Career Criminal Program, the Witness Security and Protection Program, and the Victim-Witness Program.
9. Investigations: Investigate criminal and civil matters as appropriate.
10. Federal Funds for Crime Prevention Programs: Seek, apply for, and administer federal funds and other resources to enhance and expand the capabilities of the criminal and juvenile justice programs.
11. Policy Development for Criminal Justice Programs: Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs.

Department Action Plan

General: Over the past three years, the department has achieved a high measure of success in meeting all of its objectives. Recent examples of this success are: the Department's successful lawsuit and negotiations with Duty Free Shoppers (DFS), successful negotiations with insurers to return millions of dollars to the State, successful programs to help stamp out illegal sales of cigarettes, successfully defending litigation against the State, the department's efforts in the Bishop Estate investigation and litigation that have improved the lives of countless beneficiaries and employees of the estate; the successful completion of the asbestos case that returned over \$35 million to general fund; the settlement of the tobacco litigation that will return over one billion dollars to the State; and numerous antitrust actions to protect Hawaii's consumers. In order to sustain this substantial record of accomplishments, the following general support plan is provided. The Department's detailed plan is supplemented by individual division/office plans attached at Part IV.

Action Plan

Action Plan Factors: From the department level, the primary factors that the Attorney General believes 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; level of information technology supporting the service delivery; and the management oversight for the service delivery. These factors will be addressed in the following manner:

Year One:

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

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

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

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

Years Two to Five:

Staffing Levels: Continue to conduct analysis to determine staffing level necessary to provide quality legal services. Begin building strategic plan to increase staffing levels to keep pace with growing demand for legal services and support.

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

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

Management Oversight: The Attorney General will continuously review the department's organization and communication flow to ensure a department structure that enhances optimum productivity. Publishing a report of the department's activities and accomplishments will enhance pride of service within the department.

Update and Status Report of the Action Plan:

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

Training Update: Although training has occurred on more frequently than in previous administrations, economic constraints have made it difficult to ensure that all staff are receiving the appropriate professional training on an ongoing basis. One area of particular concern is IT training. The Department is currently undergoing a standardization of office applications (i.e., word processing, spreadsheet, and presentation software) and has found it necessary to procure the training services of an outside vendor. As IT training has never been formally budgeted for, monies were moved from other areas of the budget to support this training.

Information Technology Update: With the assistance of the Legislature, the Department contracted with IT consultants to improve its IT environment. Over the past 1-½ years the Department has purchased and implemented the following: a modern networking environment; standard office tools; a case management software system; and, a document management software system. In addition, within the last two years the Department has undergone drastic changes in IT modernization. Critical business tools such as Internet and e-mail access have been provided to approximately 75 percent of the total staff and nearly 100 percent of the legal staff. The advent of new business productivity tools will allow staff to concentrate on their true work functions rather than routine and mundane tasks that they were forced to do in the Department's obsolete IT environment. The entire project is scheduled for completion in January 2003.

Management Oversight Update: Reorganization plans over the period 1999-2002 have alleviated backlogs and provided staff with the structure to accomplish more. The Department of

Part II

Education, specifically, received additional representation through the 1999 bifurcation of the Department's Administration and Education divisions. In 2002, because of legal representation conflicts the Tort/Litigation division was divided into two separate divisions. In the separation a new division, Civil Rights Litigation Division, was created.

As a result of actions that the State must take due to the Tobacco Settlement Agreement, with the Legislature's assistance the Department also created the Tobacco Enforcement Unit (under the Tax Division). The unit is charged with the strict oversight of tobacco products and enforcement of the tobacco stamp tax law, which was passed during the 2000 session.

Five Years:

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

Training: With adequate funding, the department should be on track with training necessary to ensure the high quality of legal services.

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

Management Oversight: OAG will continue routine internal reviews to discover new efficiencies. Reporting on department achievements will become an annual report for submission to the Governor.

Measurement Processes

The Attorney General will measure progress in accomplishing department goals and objectives by periodic surveys of departments that receive services. For departments that request formal legal advice, the Attorney General will routinely monitor the timeliness of opinions provided.

PART III: ATG DIVISION DESCRIPTIONS

Administration Division (ADMIN):

ADMIN is a legal division principally responsible for commercial and financial related legal issues. The division provides legal advice and litigation support to various departments including the Department of Accounting and General Services (includes ICSD, State Foundation on Culture and Arts), the Department of Budget and Finance (including advice regarding bond matters and advice to the Employees Retirement System); the Judiciary (includes Office of Judiciary Counsel, Office of Disciplinary Counsel, Board of Bar Examiners, Judicial Selection Commission); Land Use Commission; the Health Fund; the Stadium Authority; and the Public Defenders Office.

Administrative Services Office (ASO):

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

Appellate Division (APPD):

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

Child Support Enforcement Agency (CSEA)

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

Civil Recoveries Division (CRD):

CRD is a legal division that pursues claims that the state has against non-state entities for debts, liens, and complex claims, such as those that may arise in construction contract disputes.

Civil Rights Litigation Division (CRLD):

CRLD provides legal defense to the State, its department/agencies, and certain State employees' in lawsuits or other claims that involve allegations of constitutional/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/or trials.

Commerce and Economic Development Division (CED):

CED is a legal division that provides legal services to the Convention Center Authority, the Department of Commerce and Consumer Affairs, the Department of Business, Economic Development and Tourism, and the various boards and agencies attached to these agencies. CED also handles the department's antitrust work.

Crime Prevention and Justice Assistance Division (CPJA):

CPJA is a non-legal division that coordinates statewide programs, activities, and grants for the improvement of law enforcement and criminal justice.

Criminal Justice Division (CJD):

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

Education Division (EDU):

EDU is a legal division that principally provides legal advice and support to the Department of Education and the Board of Education. Other clients include the University of Hawaii, State Library, Governor's Office, and the Lieutenant Governor's Office (including Campaign Spending Commission, Elections Office, and OIP). The special education, or Felix unit, is also part of the division.

Employment Law Division (ELD):

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

Family Law Division (FLD):

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

Hawaii Criminal Justice Data Center (HCJDC):

HCJDC is a non-legal division that is responsible for the statewide criminal justice information system (OBTS/CCH), the statewide Automated Fingerprint Identification System (AFIS), and the issuance of the state identification cards.

Health and Human Services Division (HHSD):

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

Investigations Division (INVES):

INVES is a non-legal division that conducts criminal, civil, and administrative investigations in support of the department's civil and criminal cases. Investigations involve such areas as drug trafficking, prohibited animal smuggling, hazardous waste violations, unlawful practice of law, and sunshine law violations.

Labor Division (LBR):

LBR is a legal division that provides legal services to the Department of Labor and Industrial Relations. In connection with its enforcement of the various labor laws, the division also collects penalties, fines and reimbursements for labor law violations.

Land/Transportation Division (L/T):

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

Legislative Division (LEG):

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

Medicaid Investigations Division (MID):

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

Office of Child Support Hearings (OCSH):

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

Public Safety, Homelands, and Housing Division (PSHHD):

PSHHD is a legal division that provides legal services and support to the Departments of Public Safety and Hawaiian Homelands and to the Housing Community Development Corporation of Hawaii and the Hawaii Community Development Agency.

Tax Division (TAX):

TAX is a legal division that provides legal representation and advice to the Department of Taxation and other state departments and agencies primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division also contains a bankruptcy unit devoted to handling all bankruptcy cases for the Departments of Taxation and

Human Services. The division also represents the Attorney General in the oversight and enforcement of charitable trusts.

Tort/Litigation Division (TLD):

TLD provides legal defense to personal injury lawsuits/claims made against the State and/or 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 Tort Litigation Division include Accepting service of legal complaints for the Attorney General, Answering legal complaints made against State department and agencies, Investigating claims and conducting discovery on claims, representing State interests at arbitrations, mediations and trials.

**ADMINISTRATION DIVISION (ADMIN)
GOALS AND OBJECTIVES**

GOAL 1: Provide quality, consistent, pro-active legal services to client agencies.

Objective 1: Work with client agencies to develop timely and effective legal services.

Objective 2: Provide cross-training for attorneys to ensure depth of coverage.

Action Plan: Implement research banks of existing documents and opinions so that attorneys in the division have the benefit of previous work by others on similar issues. Meet with clients to discuss approaches to issues and to prioritize questions, if necessary. Compile and index copies of opinions and legal advice by subject matter and/or statutory section, as well as copies of court documents, both in hard copy and on diskette and keep them in a central place available to all staff.

Process: Keep logs of when requests for advice are received and responses are sent; monitor the amount of cross-coverage that is needed; meet with attorneys to monitor workload and make adjustments as needed.

GOAL 2: Assist in improving the state procurement process and contracting functions.

Objective 1: Continue appropriate review of contracts, as expeditiously as possible.

Objective 2: Work with clients and with the Attorney General Contracts Committee to update standard contract forms and guidance for recurring procurement and contracting situations.

Objective 3: In conjunction with the Contracts Committee, provide training and education to client agencies and to legal services divisions within the department on various procurement and contracting issues, including methods of financing procurements in order to achieve consistency.

Objective 4: Vigorously defend the procurement process in appropriate cases and assist client agencies in enforcing sanctions against contractors for procurement violations; provide expertise to state agencies in procurement disputes.

Action Plan: Continue to monitor the turnaround time for receipt and review of contracts; explore methods to increase efficiency in review and to assist clients in developing specifications and evaluation criteria and procedures that are clear and consistent and reduce the risk of challenge.

Process: Maintain records of performance on contract turnaround, on training sessions provided, procurement disputes defended and procurement enforcement actions taken.

- GOAL 3:** **Assist the Employees' Retirement System and the Employer-Union Health Benefits Trust Fund ("EUTF") in administering their respective employee benefit programs.**
- Objective 1:** Ensure procurement and contracting activities associated with awards of health benefits contracts, investment manager contracts, and office systems modernization contracts are in accordance with applicable laws, rules, and procedures.
- Objective 2:** Ensure client agencies are drafting legislation, rules, agreements and other legal documents to achieve their goals while minimizing the risk of legal challenges.
- Action Plan:** Continue to work closely with the client agency staff and board members to ascertain their goals and objectives; continue to review legislation, rules, agreements and other legal documents.
- Process:** Maintain records relating to the procurement and contracting activities that we assist on; maintain records relating to the legislation, rules, agreements and other legal documents, including advice and opinions, that are provided to the client agencies.

A REVIEW OF 2003 ACTIVITIES

Assisting in the smooth transition from the Cayetano administration to the Lingle administration was a major activity of the Administration Division. The division provides legal counsel to the Office of the Governor, the Office of the Lieutenant Governor, the Department of Budget and Finance and the Department of Accounting and General Services and provided training and advice on executive functions such as the filling of vacancies on boards and commissions, the use of executive orders, procurement and bond financing. During the past year almost a billion dollars in bonds were issued by the State to finance projects for the airports, highways, Hawaiian Electric Company and Queen's Hospital. Other activities of the division included assisting the Legislative Salary Commission in completing its task of publishing a review and report to the Legislature recommending salary increases for legislators and assisting in the transition of the Public Employees Health Fund to the Employer Union Health Benefits Trust Fund. The division also handled several important cases for the Employees' Retirement System both at the administrative hearing level and in the courts.

ADMINISTRATIVE SERVICES OFFICE (ASO)

INFORMATION SYSTEMS AND TECHNOLOGY UNIT

The goals established by the Information Systems and Technology Unit (IST) last year has not changed except for goal #3 which was achieved with the implementation of ProLaw (new Case Management System) and iManage (new Document Management System). As a result, Goal #3 has been restated to provide on-going support and continued development for the newly acquired applications. Also, some objectives were added or changed to more accurately reflect things that must still be accomplished to attain our stated goals as they become more clearly defined as we move forward. Additionally, the Unit developed and implemented a Departmental Intranet that was not listed as part of the goals and objectives in last year's Plan. Significant progress has been made during the past year toward attainment of our stated goals and the IST staff will continue to focus its efforts in the coming year to complete or move even closer to realizing these goals.

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

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

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

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

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

OBJECTIVE 3: Develop work flow applications.

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

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

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

OBJECTIVE 1: Continue development of Case Management System (ProLaw) as more screens and reports are requested.

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

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

OBJECTIVE 1: Budget annually to acquire 100 to 125 personal computers and 10 to 15 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.

ACTION PLAN

ADDITIONAL STAFFING

The Information Systems and Technology Unit (IST) is tasked with the functional responsibility of providing all Information Technology (IT) related services for the entire Department with the exception of the Hawaii Criminal Justice Data Center (HCJDC), Juvenile Justice Information System Project (JJIS), and the Child Support Enforcement Agency (CSEA). Essentially, the Unit supports all but two (2) divisions in the Department.

The Unit presently consists of five (5) systems analysts and one (1) data processing user support technician. Although the Unit provides IT support to more than seventy percent (70%+) of the department's personnel, the staff is the smallest when compared to the staff of the other three (3) IT Units (HCJDC, JJIS, and CSEA) in the Department. The IST staff is tasked with providing day-to-day operational support to more than five-hundred fifty (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) and 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; and eventually the development of Workflow applications.

The workload of the Unit has steadily increased from year to year and has now reached a point where it is at times overwhelming, more work than the IST Unit can handle. Also, the department has grown and moved into several new locations that have made it logistically more difficult and time consuming for the IST staff to provide the day-to-day operational support that is required. Yet, the Unit has not increased in size for almost eleven (11) years and actually became smaller when three (3) half-time positions were eliminated several years ago and one (1) intern position was lost this year.

With the implementation of the new Case Management System (ProLaw) and new Document Management System (iManage) last year and the recent implementation of a Departmental Intranet, the workload of the IST Unit has substantially increased. As further development on the above applications progress, the workload of the IST Unit is projected to increase even more. In order to undertake these new responsibilities and accomplish our stated goals, additional staffing will be required. A budget request to establish two (2) additional Computer Programmer IV positions has been submitted to the upcoming Legislative Session. If the request is not approved this year and since the additional staff is critically needed, the request for additional positions must be resubmitted year after year or whenever possible until the IST Unit can be adequately staffed.

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 the IT staff receives the necessary on-going technical training.

Due to some imposed budget restrictions and the enormous initial effort that was required to support the newly implemented Case Management and Document Management Systems, the IST staff were not able to attend any technical training this past year. Hopefully, the IST staff will be able to enroll in some much needed technical training this coming year. On-going training for the IT staff is essential in order 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's the first year, second year, or fifth year of the Department's Action Plan. Sufficient funds for technical training must be budgeted each and every year.

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

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

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

OBJECTIVE 2: Setup 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 additional positions are approved and created by the Legislature. 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). The department has again submitted a budget request for two additional Computer Programmer IV positions 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 in the department's web sites (i.e., disseminating information to the public, online access to forms and applications).

It is anticipated that modifications to the department's main web site will be required as a new departmental template is developed by ICSD for the Executive Branch. The IST staff will also continue its effort in integrating more business functions into the department's web sites and continue to redesign/enhance other departmental web sites. However, it should be noted that this would be an ongoing effort as new business functions evolve.

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

Phase II and III (remaining planned phases) of the Departmental Intranet are scheduled to be implemented sometime during the coming year.

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

OBJECTIVE 1: Continue development of Case Management System (ProLaw) as more screens and reports are requested.

It is projected that a huge effort will still be required during the coming year to further develop additional screens and reports for the new Case Management System (ProLaw). More requests are anticipated as users become more aware of the potential capabilities and use for the new application.

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

Since iManage training cannot be acquired locally, the IST Unit will be requesting for one of its staff to take an iManage Administration course on the mainland sometime early next year. The training is necessary in order to implement new versions of the software that have already been released.

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

OBJECTIVE 1: Budget annually to acquire 100 to 125 personal computers and 10 to 15 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.

A budget request has been submitted to the upcoming Legislative Session for funds to replace approximately 100 PCs. In order to fully implement the 4-year PC replacement cycle recommended in the Conference of Western Attorney General's (CWAG) "Review of the Operations of the Hawaii Department of the Attorney" report, dated May 2003, this should be a perpetual request that becomes 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 receives the necessary on-going technical training.

As mentioned previously, on-going training for the IT staff is essential in order 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's 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: Setup a department-wide network (local and wide area networks) for all units on Oahu as well as all the legal offices on Hilo, Kona, Maui, and Kauai.

As mentioned previously, the above objective has already been achieved. However, the IST staff is now tasked with the ongoing day-to-day administration and operational support of the department-wide network.

OBJECTIVE 2: Setup 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 the Legislature can approve and fund the two additional positions required by the IST Unit.

OBJECTIVE 3: Develop work flow applications.

As mentioned earlier, the IST staff 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 in the department's web sites (i.e., disseminating information to the public, online access to forms and applications).

As mentioned previously, this will be an ongoing effort as new business functions evolve.

OBJECTIVE 5: Continue development (i.e., adding more content, divisional pages) of recently implemented Departmental Intranet. The above objective should be completed during the first year of this plan. However, the IST staff will be tasked with the on-going support of the Departmental Intranet as it evolves.

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

OBJECTIVE 1: Continue development of Case Management System (ProLaw) as more screens and reports are requested.

Although not as often as in the first year of this plan, it is projected that the IST staff will continue to receive request for additional screens and reports. It will be part of the anticipated on-going support for the new application.

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

The primary course to administer iManage should already have been taken by one of the IT staff during the first year of this Plan. However, more in-depth technical training during the second year would be highly desirable.

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

OBJECTIVE 1: Budget annually to acquire 100 to 125 personal computers and 10 to 15 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.

As mentioned previously, the above goal and objectives should be an ongoing process and ideally should be included in the Department's annual operating budget request 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 & software support, on-going technical training for the IST staff and the continual need to budget for the replacement of outdated computer hardware and software. Since advances in information technology have been occurring so rapidly, it is very hard to develop a plan for projects this far into the future.

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 staff has been trained to use ProLaw and iManage. However it was discovered that the reporting portion of ProLaw did not meet the Department's needs. The iManage software has been a great time-saver for the office as we are able to easily share worksheets among the staff. We have not revised our action plan since last year on the study and installation of a purchase order system. Our plan is to implement the Department of Accounting and General Services' statewide purchase order system once the system is available.

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

Objective 1: UTILIZE AVAILABLE RESOURCES AND COMPUTER TECHNOLOGY TO ENHANCE THE FISCAL STAFF'S ABILITY TO PROVIDE QUALITY AND TIMELY SERVICES.

ACTION PLAN

ADDITIONAL STAFFING

The fiscal office has not grown since 1990 where a staff of six permanent and one temporary position has been in place. As of 1991 the department staff increased from 580 positions to 694 positions. This is a 20% increase over the last twelve years and none of the increase was in the fiscal support area. A comparison was done of comparable department staff and it was shown that our fiscal staff was undermanned.

The increase in staffing meant adding 114 employees to the payroll which includes maintaining their form 5's, preparing payroll adjustment worksheets, preparing TDI or Worker's Compensation claims, making all changes in exemption on the payroll change schedule, stuffing their pay stubs into envelopes twice a month, preparing taxable mileage and travel worksheets and stuffing and ensuring all W-2's are accurate and correct. The increase in staff also translates to an increase in the reimbursements and vouchering handled by the account clerks.

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

The justification to add a professional position to the fiscal office instead of a clerical position is because there has been a shift in the department's fiscal focus to one of more analysis and reconciliation due to the tight money situation over the last five years. We have also seen an increase in the amount of Federal and Special fund accounts that need to be monitored each month.

We need a person who understands the principles of accounting and has the knowledge and skills to examine, analyze and verify financial documents and reports and if necessary prepare management reports. We need someone who can plan and work independently in developing, reviewing and analyzing control accounts. It should also be someone who can understand and interpret policies and procedures both departmentally and statewide. We need someone who can understand the task at hand, determine what needs to be done and how to do it and then do it in the most accurate and timely manner with minimum supervision.

An accountant would also be able to provide accounting, budgeting and selected audit functions for the fiscal office. They could develop forms, procedures and systems for maintaining control of state and federal fund allocations. The accountant would be able to monitor cash balances and would keep special ledgers to insure accuracy of the accounts. The accountant will also be able to research and compile the appropriate documentation to respond to all inquiries pertaining to fiscal matters for which they are responsible. The accountant would be able to provide accounting advisory services to the clerical staff.

FIRST YEAR

The change over to ProLaw did not assist the fiscal office with the litigation report because there was no easy way to include the cost items to each case. Then it was discovered that the ProLaw system could not produce a report similar to the old Litigation report format. Therefore another reporting method had to be done to produce the Litigation report. Our action plan for the first year is to work out the management of the litigation database and create a clear and concise litigation report.

Train staff on the new iManage system and have IST load the software onto the fiscal staff's computers. It is imperative that a network be set up for the fiscal office so files can be shared more easily. The iManage system would provide the networking that is necessary for the fiscal office.

SECOND YEAR

Implementation of the statewide purchase order system if all of the bugs have been worked out. Train staff on the new system and implement the actual use of the system. We anticipate using the statewide purchase order system in FY 2005.

FIFTH YEAR

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

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 AG Library and divisional libraries in order to save costs and space. We are currently in the process of asking the divisions to evaluate proposed cuts in the AG 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 #1 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.

I. SECOND YEAR

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

II. 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 AG Library and the divisions. Last year the library spent \$109,000 and the divisions about \$70,000 on library materials.

ACTION PLAN

III. FIRST YEAR

Submit a list of all subscriptions of library materials for the AG 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 to the AG for his evaluation and recommendations. .

IV. SECOND YEAR

Follow through with AG's recommendations and initiate cuts to bring costs in line for both the AG Library and the divisions.

V. FIFTH YEAR

The combined budget for library materials for both the AG Library and the divisions should be approximately \$100,000.

PERSONNEL

There is no change to the goals that require the participation of the personnel staff and the assistance of the departmental IT staff in utilizing technology to provide quality and timely personnel services. This is due to the limited resources of the personnel and IT staff. We do, however, continue to provide technical assistance and guidance to the managers and supervisors on personnel matters.

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

Objective 1: UTILIZE COMPUTER TECHNOLOGY TO ENHANCE OUR ABILITY TO PROVIDE QUALITY AND TIMELY SERVICES.

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

Objective 1: STUDY FEASIBILITY OF A COMPUTER NETWORK SYSTEM TO FACILITATE DEPARTMENT WIDE COMMUNICATION FOR PERSONNEL ACTIVITIES.

Objective 2: ESTABLISH ELECTRONIC BANK OF STANDARD PERSONNEL FORMS TO EXPEDITE ACTIONS.

Objective 3: EXPLORE ABILITY TO PROCESS AND TRANSMIT DEPARTMENTAL ACTIONS ELECTRONICALLY BETWEEN DIVISIONS, INCLUDING SIGNATURES.

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

Objective 1: PREPARE POLICIES AND PROCEDURES TO ASSIST IN THE MANAGEMENT OF THE WORKFORCE.

ACTION PLAN

FIRST YEAR

GOAL #1 *CONTINUE TO PROVIDE QUALITY AND TIMELY SERVICE TO MEET DEPARTMENTAL PERSONNEL NEEDS.*

Objective 1: UTILIZE COMPUTER TECHNOLOGY TO ENHANCE OUR ABILITY TO PROVIDE QUALITY AND TIMELY SERVICE.

A majority of our work and records are still processed manually. Review work processes and existing computer hardware capabilities to meet expanding personnel needs due to new programs resulting from legislative action, federal laws, and/or other mandates. Explore the development of a tracking mechanism to monitor personnel activities and enhance our ability to provide personnel information in a timely manner.

Ensure personnel staff receives training on the latest computer software programs, e.g., ACCESS, EXCEL, Internet, etc., to assist in the work processes and request for information.

GOAL #2: *EXPLORE DEVELOPMENT OF CENTRAL DEPARTMENTAL COMPUTER NETWORK SYSTEM FOR PERSONNEL MATTERS.*

Objectives are to be explored in conjunction with the departmental IT Section.

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

Review existing policies and procedures. Develop a supplement to the departmental office manual on personnel matters containing forms and instructions with cross references to departmental office manual various other guides and manual available such as Position Description Manual, Reasonable Accommodations Manual, Performance Appraisal System, etc. Assure that each division or field office has pertinent reference material readily available.

SECOND YEAR

GOAL #1 *CONTINUE TO PROVIDE QUALITY AND TIMELY SERVICE TO MEET DEPARTMENTAL PERSONNEL NEEDS.*

Develop tracking mechanism to monitor personnel activities and enhance ability to maintain and provide information in a timely manner.

GOAL #2 *EXPLORE DEVELOPMENT OF CENTRAL DEPARTMENTAL COMPUTER NETWORK SYSTEM FOR PERSONNEL MATTERS.*

Objectives are to be developed in conjunction with the departmental IT Section.

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

Provide periodic and on-going training and review on pertinent topics.

FIFTH YEAR

GOAL #1 *CONTINUE TO PROVIDE QUALITY AND TIMELY SERVICE TO MEET DEPARTMENTAL PERSONNEL NEEDS.*

Acquire software and/or assistance of departmental IT Section to implement tracking mechanism to monitor personnel activities. Explore automation of internal records in various personnel functions - position, employee, workers' compensation claims, training, etc.

GOAL #2 *DEVELOPMENT OF CENTRAL DEPARTMENTAL COMPUTER NETWORK SYSTEM FOR PERSONNEL MATTERS.*

Objectives are to be implemented in conjunction with the departmental IT Section.

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

Provide periodic and on-going training and review on pertinent topics.

**APPELLATE DIVISION (APPD)
2004 GOALS AND OBJECTIVES**

Division Summary and Recent History:

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

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

- Most cases involving Hawaiian rights and entitlements, including cases involving the State of Hawaii's administration of laws, lands, and trust monies intended to benefit Hawaiians.
- Cases in which the State of Hawaii asserts Eleventh Amendment immunity.
- The FEMA case involving Hawaii reimbursement to FEMA for its services in the aftermath of Hurricane Iniki.
- Cases involving the assertion of the public trust doctrine against the State of Hawaii;
- Cases involving the absolute and qualified immunity of state officers named as defendants in civil rights cases;
- Cases involving legal issues between the State of Hawaii and the Office of Hawaiian Affairs;
- Cases involving the discretionary function exception to State tort liability and cases involving the State of Hawaii's share of liability in joint tortfeasor cases;
- 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 the fraud exception to the statute of limitations and the criminalization of the unauthorized practice of law;
- ERISA cases.
- Drunken driver license revocation cases

OVERALL GOAL:

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

OBJECTIVES:

- Continue to maintain contact with appellate divisions of all other states through the National Association of Attorneys General (NAAG) and particularly through the exchange of amicus briefs in cases with issues that affect numerous states (such as federalism and states' rights issues).
- Continue to provide advice, review and revision services to other attorneys within the Department.
- Continue to serve on the appellate rules committee, which reviews and revises the Hawaii rules of appellate procedure.

- Continue to serve on an internal Department committee that critiques written opinions, briefs and oral arguments.
- Continue to serve the Department's contracts committee and complex litigation committee.

ACTION PLAN:

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

CHILD SUPPORT ENFORCEMENT AGENCY (CSEA)
Goals & Objectives

Mission

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

Goal

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

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

Action Plan: Ensure that the number of Paternities established meets or exceeds the required rate of eighty percent or higher by September 30, 2004. Create and establish procedures with the County Family Support Divisions to maintain a higher rate of paternity establishment.

Action Plan: Coordinate and receive birthing and paternity data from the Department of Health and the hospitals, which are captured through their electronic system.

Action Plan: Continue to schedule the case file cleanup of prior system's data, which include children born out of wedlock information. The schedule will include branch caseworkers from all statewide branch locations.

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

Action Plan: Pursuant to the approval of the CSEA's reorganization plan, the State Administration will institute a formalized training program by June 30, 2004. The program will address: (1) new employee training, (2) periodic KEIKI system training, (3) Title IV-D professional continuing education using a multi-media approach to employee development.

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

Action Plan: Complete a comprehensive strategic plan for review by the CSEA's Advisory Council by June 30, 2004. The strategic plan will include programs addressing the improvement of the KEIKI system as well as a more definitive management

goals and objectives. Recommendations provided by the State Auditor during the FY2002 Systems audit will be addressed.

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

Objective 4: *Consummate a contract(s) with systems vendors to improve and enhance the KEIKI systems data.*

Action Plan: Complete an RFP by June 30, 2004, which includes four major technical areas of the KEIKI system: Decision Support Systems, System Optimization, Program Documentation, and Improved Management Information.

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

Action Plan: Prioritize the KEIKI system's issues through the KEIKI Steering Committee by January 15, 2004, and allocate programmer resources to assist in each functional area of the agency. Teams comprising of functional leads from the operational staff and IT will concentrate on the following major activities: Locate, Paternity, Case Management, Orders, and Financials.

Objective 6: *Improve customer services by installing a new Interactive Voice Response system.*

Action Plan: Install and startup a new interactive voice response system by December 30, 2003. The new system will include multiple access to customer records through the use of confidential PIN and ACCESS code numbers provided to the customers. Account information, up-to-date payment receipt and disbursement information, as well as general case information may be accessed through the telephone.

Customers will be able to request for a caseworker in the event that the customer prefers to speak directly to our customer services representatives.

**CIVIL RECOVERIES DIVISION (CRD)
YEAR 2004 GOALS AND OBJECTIVES**

GENERAL

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

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

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

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

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

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

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

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

JUDICIARY

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

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

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

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

HAWAII HEALTH SYSTEMS CORPORATION

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

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

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

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

CHILD SUPPORT ENFORCEMENT AGENCY

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

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

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

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

HUMAN SERVICES

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

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

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

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

AGRICULTURE

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

Objective: To counsel and advise the Loan Division and to maintain the level of delinquent loan collection for DOA.

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

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

BUSINESS AND ECONOMIC DEVELOPMENT

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

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

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

Process: In 2001 the DBEDT team collected \$1,062,996 and its goal for 2002 was to maintain that amount. Collections in 2002 totaled \$305,724, a decline due to fewer referrals. The goal for 2003 was to maintain collections for DBEDT at \$1,000,000. The goal was not met due to the continuing decline in referrals. The collections in 2003 totaled \$226,256. The goal for 2004 is to collect \$200,000.

CONSTRUCTION AND CONTRACT CLAIMS

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

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

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

Process: In 2001 the Contracts team collected \$290,000 and saved the State \$2,975,000. Its goal for 2002 was to increase the amount collected by 100%. That goal was achieved in 2002 when collections totaled \$1,153,783. The goal for 2003 was to maintain collections at \$1,000,000. This goal was not achieved due to fewer referrals. Extensive training to DOT and DAGS in contract management and the revision of contract documents has been achieved. The goal for 2004 is to collect \$1,000,000.

HUMAN RESOURCES AND DEVELOPMENT AND EDUCATION

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

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

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

Process: In 2001 the Workers' Compensation team collected \$183,622. Its goal for 2002 was to increase the amount collected by 10%. Collections in 2002 totaled \$64,925. The goal for 2003 was to increase the amount collected for DHRD and DOE by 100% this year and 10% each year thereafter. This goal was achieved as collections totaled \$196,063. The goal for 2004 is to increase this amount by 10%.

TRANSPORTATION

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

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

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

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

MISCELLANEOUS

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

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

Action Plan: To have division staff utilize ProLaw to track its collections and to continue to work with PSD, DOE, and DAGS staff in coordinating the referral and collection process.

Process: In 2000 the Miscellaneous team collected \$79,337. Its goal for 2004 is to increase that amount to \$200,000.

DEFENSE

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

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

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

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

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

GOAL 1.: PROVIDE QUALITY LEGAL REPRESENTATION TO ALL CLIENTS

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

Action Plan: Facilitate discussion of case specific issues as requested. At the present time, deputies are encouraged to present issues and solicit input on their cases at the weekly division meetings², or to request ad hoc meetings to discuss issues, as-needed. Informal one-on-one mentoring by more experienced deputies is also encouraged, and is occasionally mandated by specific case assignment.

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

Action Plan: Explore the availability of training opportunities, including in the areas of trial advocacy, computer skills, legal writing and legal research, and encourage staff to take advantage of all such opportunities. This past year, several staff members attended training in Westlaw, Word, CAAP arbitration, and other subjects. Continue to make efforts toward establishing a system of in-house training, drawing upon the expertise of division members and other department personnel.

Objective 3: Facilitate positive relationships with the division clients.

Action Plan: Encourage the identification and implementation of improved means of communication with clients. Reinforce with division deputies the importance of keeping clients apprised of significant case events. This past year, the nature of certain cases has required intense client interaction, both to obtain and provide relevant information.

Objective 4: Assist with client training, 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. Staff from the Civil Rights Litigation Division have previously participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will be doing so again this year.

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

Action Plan: In addition to the weekly division meetings, the Civil Rights Litigation Division continues to routinely utilize informal, mini LRC's as a means of discussing case-

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

specific issues, such as issues relating to liability, case strategy, and case value. Depending on the issue(s) being presented, the participation of deputies from other divisions who may have relevant expertise is typically sought. This practice improves the level of service we are able to provide to our clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

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

Objective 1: Continue to identify sources of relevant information.

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

Objective 2: Facilitate the development of a division library.

Action Plan: Continue efforts to obtain treatises and other publications of specific relevance to the division, such as treatises regarding prison litigation, civil rights law, etc. This past year, we have been able to obtain materials from seminars presented on the mainland regarding civil rights law (i.e., Section 1983).

GOAL 3: PROMOTE A POSITIVE WORK ENVIRONMENT

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

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

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

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

trials have taken place, and in both instances the deputies' support staff were able to spend significant time observing the court proceedings.

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

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

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

Objective 1: Continue to resolve space issues.

Action Plan: Identify additional storage space, if any, within Hale Auhau. Facilitate movement of closed file boxes to storage in order to increase space and improve the professional appearance of the division. This past year, the division was faced with significant space issues because of the numerous boxes of documents relating to the Burns-Vidlak and Tapaoan class action lawsuits.

COMMERCE AND ECONOMIC DEVELOPMENT DIVISION (CED) GOALS AND OBJECTIVES

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

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

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

PART I. LEGAL SERVICES TO CLIENT AGENCIES

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

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

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

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

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

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

Action Timetable: Objectives 1, 2, and 3 will be addressed on an ongoing basis throughout the year. Objective 4 will be addressed over the coming year.

GOAL 2. Develop mechanisms to obtain feedback from directors of client departments and other key staff on routine basis.

- Objective 1. Maintain practice of monthly meetings with the director of DCCA to discuss pending matters, upcoming issues, and any areas of concern.
- Objective 2. Contact directors of other client departments to ascertain what method for routinized communication is desirable for them.
- Action Timetable: Both objectives are ongoing projects.
- GOAL 3. Ensure that CED plays an appropriate role in antitrust enforcement, multistate initiatives such as those involving the National Association of Attorneys General, and in responding to consumer complaints and that CED coordinates and cooperates with other state and federal agencies in Hawaii and in other jurisdictions.
- Objective 1. Monitor consumer complaints and consumer protection initiatives and maintain communication between CED and other agencies (such as the Office of Consumer Protection, the Regulated Industries Complaints Office, the Public Utilities Commission, the Insurance Division, the Securities Enforcement Unit, and other private and federal entities) so that consumer complaints are appropriately and quickly referred for handling.
- Objective 2. Establish and monitor the appropriateness of guidelines for prioritizing use of resources in responding to requests for participation in NAAG multistate efforts and in-house antitrust efforts.
- Action Timetable: As to Objective 1, there has always been confusion arising from overlap in responsibilities in responding to complaints or inquiries from consumers or others particularly in areas such as charitable solicitations, health care and insurance, and other types of consumer protection issues. Great strides have been made in meeting this objective particularly in coordinating multistate initiatives between CED and OCP. Guidelines for prioritizing our resources are being applied and modified as necessary.
- GOAL 4: Improve technology support for staff and attorneys.
- Objective 1. Modernize and upgrade the division's computer systems, including e-mail and internet access, and networking capability.
- Action Timetable: This is an ongoing process throughout the department.

PART II. OPERATING THE NOTARY PROGRAM

- GOAL 1: To modernize and upgrade the regulation of notaries public.
- Objective 1. Adopt administrative rules implementing the current law governing the regulation of notaries.

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

PROCESS FOR MEASURING PERFORMANCE

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

**CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION (CPJA)
FIVE YEAR PLAN
(1998-2003)**

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 & State government on issues relating to crime prevention and criminal justice issues.

GOALS:

- I. To inform and educate the community, policy-makers, and government agencies on issues & concerns to create a safer environment;
Obj. A. To collect, analyze, and disseminate information for better decision-making with respect to crime and crime prevention.
- II. To collaborate with and assist the criminal justice and related agencies to improve operations and services;
Obj. B. To bring into the state, additional resources and to maximize resources to address crime and crime prevention.

Obj. C. To coordinate and facilitate improvements to the criminal justice system response to communities, victims, and offenders.

Obj. D. To stimulate creative ideas in dealing with crime in Hawaii.
- III. To promote the involvement of communities in the prevention of crime; and
Obj. E. To educate and mobilize communities and agencies in collaborating to address crime and crime prevention issues.

Action Plan & Timetable

GOAL I: TO INFORM AND EDUCATE THE COMMUNITY, POLICY-MAKERS, GOVERNMENT AGENCIES ON ISSUES AND CONCERNS TO CREATE A SAFER ENVIRONMENT.

Objective:

Collect, analyze, and disseminate crime/crime prevention information

Year I (1998-99) and Year II (1999-00)

- A. 5 year summary report of Victimization Surveys published.
Performance measure:
 - *Completed - published in 12/98.*
- B. *Data Briefs* to be published as an *ad hoc* publication and on Web site.

Performance measures:

- *FY 99 - No Data Briefs published.*
- *FY 99 - All division research reports available on division web site.*
- *FY 00 - "Weapons Used in Violent Crime" on website (11/99)*
- *FY 00 - "Drug Offense Arrests 1982-1999" (5/00).*

- C. Complete and implement a written plan for regular input on research on crime/crime prevention issues; to include input from criminal justice professionals, researchers, community, and legislature/county councils.

Performance measure:

- *Plan completed in FY 02.*
- *A Criminal Justice Roundtable was created in May 2002 and composed of criminal justice professionals and researchers to discuss possible research and evaluation areas. The Roundtable will meet semi-annually.*

- D. Implement plan of regular "brown bags" or other activities to share research findings with criminal justice professionals and community.

Performance measures:

- *FY 99 - 3 brown bags implemented for 3 findings of juvenile robberies, parole recidivism, & restraining orders studies.*
- *FY 99 - Staff were presenters to 3 groups (approx. 70 persons) on research findings).*
- *FY 00 - One information session on probation study completed for 15 participants.*
- *FY 00 - Research personnel spoke to 8 groups (approx. 145 persons) on studies completed.*

Year III (2000-2001) and Year IV (2001-2002)

- A. Research data bases to include Victim Information Management System, Offender-Based Tracking system, and Juvenile Justice Information System.

Performance measures:

- *FY 01 - Access to OBTS and JJIS were secured and utilized*
- *FY 01 - Two studies were completed that used the OBTS data, and 2 using the JJIS database. Note that in FY 01 federal funding for juvenile data analysis was terminated.*
- *FY02 - Determination made by private sector agencies to discontinue VIMS, so no data available for research.*

- B. Begin to evaluate one crime-related project or program annually.

Performance Measure:

- *FY 01 - Evaluation of "Project Bridge", a federally funded residential substance abuse project, was completed.*
- *FY 02 - Initiated evaluation of the Career Criminal Program.*
- *FY 03 - Evaluation of the Career Criminal Program completed.*

- C. Complete written assessment and recommendations for an incident-based reporting system (IBRS) for the state.

Performance measure:

- *FY 01 - Assessment and recommendation report was completed by the SEARCH Group through a technical assistance project in 2/00; Honolulu & Maui police departments concluded to have near compliance.*
- *FY 01 - A grant application for IBRS was submitted to the Office of Justice Programs to fund Maui & Honolulu efforts.*
- *FY 02 - Grant of \$500,620 was awarded to assist the two police departments and the Division to move toward IBRS.*

D. Develop a directory of Hawaii crime data for publication and Web site access.

Performance measure:

- *FY 01 - Not completed due to a 2/3 reduction of research staff during the fiscal year.*
- *FY 02 - Initiated links to other criminal justice web sites for crime data. It was determined that this was a better course to take.*

Year V (2002-2003)

A. Complete 3 program/project evaluations.

Performance measure:

- *Four program evaluations were completed. One on the state Career Criminal Program and 3 on division workshops (Community Action Seminar, Bullying, and Training Institute).*
- *The Career Criminal report was shared with each prosecutor via meetings on each island. The recommendations are to assist in the refining of data collection by the counties.*

B. Begin IBRS development for Hawaii.

Performance measure:

- *A federal grant for \$500,000 was awarded to the Department, to enable the Maui and Honolulu Police Departments to develop IBRS in their information systems.*
- *Due to the late start in the implementation of the project, the RFP development phase was not completed in FY 03, but in subsequent months thereafter.*

GOAL II TO COLLABORATE WITH AND ASSIST THE CRIMINAL JUSTICE AND RELATED AGENCIES TO IMPROVE OPERATIONS AND SERVICES.

Objective:

To bring into the state additional resources and to maximize resources to address crime and crime prevention.

Year I (1998-1999) and Year II (1999-2000)

A. Increase crime grants by 1 more than the previous year

Performance measures:

- *FY 99 - Increased by 2. Awarded \$64,000 for Full Faith and Credit statewide training and \$87,000 for research on sex assault victims & impact of children in reporting incidents.*

- *FY 99 and 00 - Assisted PSD in application for sex offender grant application in FY 99; application not awarded.*
- *FY 00 - Applied for juvenile research grant but was not awarded.*
- *FY 00 - Awarded \$498,588 as a 2nd year discretionary grant for child visitation centers on Hawaii and Kauai; no increase.*
- *FY 99 and FY 00 - Assisted Judiciary & US Attorney with Weed & Seed grant application; awarded in FY 00 at \$175,000.*
- *FY 99 and 00 - Collaborated with Governor's Office in grant application for youth substance abuse prevention; awarded in 10/00 at \$8 million for 3 years).*
- *FY 02 - Applied for 3 discretionary grants; awarded 2. Assisted 4 agencies in applying for discretionary grants, 3 awarded.*
- *FY 03 - Applied for 4 discretionary grants and awarded 1. The other three were awarded after June 30, 2003. Assisted 3 agencies in applying for discretionary grants of which 2 were awarded.*

B. Collaborate and coordinate with other agencies to maximize resources

Performance measures:

- *FY 99 - 7 training workshops involving 847 criminal justice personnel (gangs, housing & policing, cognitive approaches to changing offender behaviors, domestic violence & children, victims in probation & parole, clandestine lab management and enforcement).*
- *FY 99 - Disseminated information to law enforcement agencies on federal Bulletproof Vest program.*
- *FY 99 - Provided consultation to counties for Local Law Enforcement Block grant applications.*
- *Fifteen (15) training workshops involving 708 criminal justice personnel were held on various topics, including LLEBG training.*
- *FY 00 - Completed & disseminated 10-minute police training video and resource guide on how to deal with out-of-state protective orders.*
- *FY 00 - Requested FBI Quality Assurance Review of UCR data; completed report indicates that Hawaii's program provides accurate data and is well managed.*

Year III (2000-2001) and Year IV (2001-2002)

A. Develop & implement annual plan for technical assistance and training for criminal justice agencies.

Performance measures:

- *FY 01 - Annual plan was completed*
- *FY 01 - 8 technical assistance requests were made to the federal Violence Against Women, National Institute of Corrections, Juvenile Justice & Delinquency offices, and the SEARCH Group. All but one was approved and implemented.*
- *FY 01 - Technical assistance workshops included: Stalking Investigation Training, Full Faith & Credit training for service providers, Restorative Justice briefings & workshops, VAW strategic planning workshop, VAW fatality review, Promoting Public Safety Using Effective Interventions with Offenders, Visitation Centers, and next generation for JJIS. Four basic grant writing workshops were developed by staff for criminal justice agency personnel.*

- *FY 01 - There was a positive response by participants on the usefulness of the assistance & training workshops.*
- *FY 02 – A training video on stalking was produced, training workshops were conducted for 57 criminal justice personnel and service providers Other training workshops were on clandestine labs (270 participants statewide) and gangs (51 law enforcement participants)..*

B. Department's crime-related advisory groups to interface with other boards & task forces.

Performance measures:

- *Not completed.*

Year V (2002-2003)

A. Create a system within the division to coordinate grants with other agencies

Performance measure:

- *Completed a listing of all criminal justice grants in Hawaii.*
- *The Office of Justice Programs (OJP) now has grant information on their website, so this is accessed rather than creation another system.*
- *Information of OJP grant availability are sent to criminal justice agencies.*

Objective:

To coordinate and facilitate improvements to the criminal justice system response to communities, victims, and offenders.

Year I (1998-99) and Year II (1999-2000)

A. Conduct Informational/training workshops

Performance measures:

- *FY 99 - 4 interagency and statewide meetings held on restorative justice planning activities.*
- *FY 99 - 2 restorative justice workshops held for probation, parole & intake; 244 participants statewide.*
- *FY 99 - 5 statewide, interagency workshops held on out-of-state protective orders (176 participants).*
- *FY 00 - 2 statewide workshops for police were held on information technology and Uniform Crime Report data entry; attended by 40 police personnel.*
- *FY 00 - 8 statewide workshops for criminal justice personnel were held on out-of-state protective orders (43), data & corrections (25), and grant administration/fiscal accountability (73); total of 141 participants.*

B. Collaborate with others on crime issues

Performance measure:

- *FY 99 - Began interagency assessment of gaps in approaches to domestic violence on Oahu (HCR 65-99) with 24 agencies.*
- *FY 99 - Review of sex offender registration law & procedures with HI Criminal Justice Data Center & Criminal Justice Division (FY99).*
- *FY 99 - Discussions with Crime Victim Compensation Commission (CVCC) and Victim Kokua Office on improving restitution payments.*

- *FY 99 - Assist with drafting of crime victim compensation bill with CVCC.*
- *FY 99 - Facilitated standardization of temporary protective orders for domestic violence victims by circuit courts; standardization completed (courts & police).*
- *FY 99 - HCR 65-99 report completed & submitted to 2000 Legislature.*
- *FY 00 - Gun registration data collection process (HRS 134-14) established & collected for the Department; data to be analyzed on annual basis.*

Year III (2000-01) and Year IV (2001-2002)

A. Implement procedures for regular tracking of Congressional legislation.

Performance measure:

- *FY 01 - Procedures not documented. However, National organizations which the division has memberships, track crime-related federal legislation, and the division is kept abreast through these networks. Tracking of documents is also done through THOMAS as well as Hawaii's Congressional delegation for specific materials. This is thought to be sufficient.*

B. Continue Restorative Justice assistance and publish accomplishments

Performance measure:

- *FY 01 - Thirteen statewide videoconferences were held to share information & plan county workshops. Briefings on RJ were held for criminal justice officials ON Kauai & Honolulu, and the Waianae Neighborhood board (20 people). Fifty-five criminal justice professionals attended a workshop on how to work with communities; community workshops were held on Maui, Kauai, & Honolulu (185 participants).*
- *FY 02 - A web site to share Restorative Justice events and information was created in partnership with Maui Mediation Services.*

C. Complete plan for Department's role in victim rights and services.

Performance measure:

- *FY 01 - Not completed. A proposal for establishing a separate victim program/unit was set aside as the current situation did not indicate such interest by the Department. The division continues its active roles in the State's Domestic Violence Working Group and the Full Faith & Credit Task Force.*

Year V (2002-2003)

A. Restorative Justice practices commonly used.

Performance measure:

- *Not completed. With the initiation of the multi-agency Intermediate Sanctions effort, agencies did not have the time to focus on restorative justice practices. However, it is in the Intermediate Sanctions plan, and is slated for attention in the next few years.*

B. Department's expanded role in victim rights and services

Performance measures:

- *Issues in victim services initiated include: recognition by law enforcement of out-of-state protection orders, stalking, domestic violence fatality review process, coordination of services to victims of mass violence/terrorism, standardized sex*

assault forensic protocols, visitation center network, and standardized bail schedules for domestic violence offenders.

- C. Underserved populations will have increased accessibility to services
Performance measures:
- *Underserved victim populations identified included: elder abuse, financial exploitation of the elderly, children who witness domestic violence, sex assault services for victims of domestic violence in shelter facilities, victims who have limited English capabilities, and victims who are owed restitution by offenders.*
 - *With federal grant funds, programs were initiated to address these victims.*
- D. Women will have increased safety due to improvements in domestic violence protective orders and implementation of guidelines in accepting out-of-state protective orders.
Performance measures:
- *Training for law enforcement, prosecutors, and private service providers on out-of-state protective orders were completed.*
- E. Crime-related advisory groups will be interfaced with other groups.
Performance measures:
- *Not completed.*

Objective:

To stimulate creative ideas in dealing with crime in Hawaii.

Year I (1998-99) and Year II (1999-200)

- A. Continue restorative justice efforts.
Performance Measures:
- *FY 99 - Revised and compiled listing of restorative justice type programs in Hawaii.*
 - *FY – 99 Arranged for technical assistance for Hawaii county (other counties did not request assistance).*
- B. Increase issue-oriented technical assistance to criminal justice agencies.
Performance Measures:
- *FY 99 -Five technical assistance efforts included: cognitive behavior, domestic violence & children, probation/parole & victims, and clandestine labs; 594 criminal justice personnel participated.*
 - *FY 00 - A workshop of effective corrections programs was held for 18 key criminal justice personnel.*

Year III (2000 - 2001) and Year IV (2001-202)

- A. Arrange for follow-up meetings for criminal justice agencies on restorative justice, and assess and publish accomplishments.
Performance Measures
- *FY 01 - Thirteen statewide videoconferences were held to share information & plan county workshops. Briefings on RJ were held for criminal justice officials (Kauai & Honolulu; other counties were done in the previous year) and Waianae*

Neighborhood board (20 people). Fifty-five criminal justice professionals attended a workshop on how to work with communities; community workshops were held on Maui, Kauai, & Honolulu (185 participants).

- *FY 01 – A Restorative Justice web site was created to share accomplishments.*

B. Assess new issues needing technical assistance

Performance Measures

- *FY 01 - New issues identified were: domestic violence fatality review, effective programs for offenders, and enhancement of the JJIS.*
- *FY 01 - Technical assistance was received from Violence Against Women Office for fatality review consultation; National Institute of Corrections for a workshop on effective offender program; and SEARCH Group for a review of the JJIS.*
- *FY 02 - Other new issues identified were elderly crime victims, domestic violence and its impact on children, and mental health needs of criminal justice clients. The Division staff meets with interagency groups to pursue these issues.*
- *FY 02 – Intermediate Sanctions is a new area that the Department/Division committed itself to. It is a partnership of the Judiciary, the Departments of Public Safety, Health, and the Attorney General. The intent is to reduce recidivism of offenders in the program by 305 in 5 years.*

Year V (2002-2003)

A. Restorative justice practices will be commonly used in the criminal justice system.

Performance Measures:

- *Not completed. Due to the initiation of the Intermediate Sanctions effort, criminal justice agencies placed their resources in that effort. Restorative justice practices has been put “on hold” by the agencies.*

GOAL III: TO PROMOTE THE INVOLVEMENT OF COMMUNITIES IN THE PREVENTION OF CRIME.

Objective:

To educate & mobilize communities and agencies in collaborating to address crime and crime prevention issues.

Year I (1998-99) and Year II (1999-2000)

A. Support the McGruff Crime Prevention Campaign in schools.

Performance measures: (loss on staff during period)

- *FY 99 - Six teacher training workshops - not completed.*
- *FY 99 - Developed & implemented 89 “Choices” visits to schools (target was 40).*
- *FY 99 - Resource to teachers - not accomplished.*
- *FY 00 - Three (3) “Choices” program taken to 5th, 2nd, and 1st graders; 9,000 students reached through 25 performances.*
- *FY 00 - McGruff Truck Program taken to the Leeward school District (13 schools and 4,184 students participated).*

- B. Disseminate crime prevention information utilizing the McGruff character to the community.
Performance measures:
- FY 99 - Participated in 30 community events.
 - FY 99 - Conducted McGruff character training workshop for 22 volunteers.
 - FY 99 - Conducted McGruff Truck training workshops for 8 utility companies and 450 employees.
 - FY00 - Completed two 30-minute videos on crystal methamphetamine and bullying for broadcast on Olelo, community television.
 - FY 00 - Participated in 20 community events and reaching 19,680 persons.
 - FY 00 - Conducted McGruff character training workshops for 55 volunteers.
- C. Provide skills training to those who work with youth and families
Performance measures:
- FY 99 - Conducted Community Action Seminar on community mobilization; 40 community teams and 417 participants.
 - FY 99 - Conducted 4 Training Institute Workshops statewide; 750 participants.
 - FY 00 - Two Community Action Seminars (Oahu & Hawaii) were held on community mobilization; 38 community teams & 641 attendees.
 - FY 00 - A Training Institute workshop on motivating people drew 420 participants.
- D. Develop partnerships and collaborate with others to maximize existing resources.
Performance measures:
- FY 99 - Partnered with 44 agencies in various efforts/activities.
 - FY 99 - Solicited assistance from the Optimist Club of Honolulu (OCH) for volunteers and equipment for McGruff community events.
 - FY 99 - Participated in 14 community and agency committees.
 - FY 00 - Partnered with 64 agencies in various efforts & activities.
 - FY 00 - Actively participated in 34 (13 CCP, 18 GP, 1 RS, 2 JJIS) community and agency committees.
- E. Complete assessment of the feasibility of implementing a data base program to monitor Community Action Seminar team efforts in the state.
- FY 02 - Not completed.

Year III (2000-2001) and Year IV (2001-2002)

- A. Develop crime prevention education programs for parents, general public, and businesses.
Performance measures:
- FY 02 – Completed a Workplace Violence Manual for Hawaii. Disseminated 1,000 manuals, 1,500 CDs and made the Manual available on the division web site. Received the Department's Team Award for this effort.
 - FY 02 – Sponsored an evening workshop on "What Kids Need to Succeed" to parents & general public; 70 individuals participated.

- *FY 02 – Partnered with the State Volunteer Services in a 4 day workshop for community volunteers; hosted a panel on volunteers in crime prevention.*
- B. Conduct 2 “train-the-trainers” workshops on each island to develop company trainers for new McGruff Truck drivers.
- Performance measures*
- *FY 01 - Two workshops were held for Oahu, Maui, and Kauai companies. Seventeen company trainers attended.*
 - *FY 02 – 6 workshops were held on Oahu and Lanai to train McGruff Characters & Truck Drivers; a total of 88 volunteers participated.*

NOTE: The 3rd Year goals below were not met as the focus was shifted to working with larger groups. Staff time was shifted to planning the Crime Prevention Conference and the Workplace Violence Manual. It was determined that resources did not allow for their completion.

- C. Design of McGruff preschool and elementary school crime prevention curriculums.
- Performance Measures:*
- *Curriculums not completed.*
- D. Develop new McGruff messages on Tel-Med in coordination with HMSA staff.
- Performance measures:*
- *Not completed.*
- E. Begin design and coordination of a computerized statewide information & resource system for community mobilization and youth efforts.
- Performance measures:*
- *Not completed.*
- F. Assess need and feasibility of a community mobilization “cookbook”.
- Performance measure:*
- *Not completed.*

Year V (2002-2003)

The goal was revised as follows.

- A. Maximize resources by partnering with other agencies in training workshops and special projects.
- McGruff Training Video production costs were shared with 5 utility companies. The \$150 in general funds was 8% of the production cost.
 - McGruff PSA production was donated & done by Oceanic Cable that also donated air time.
 - Donated air time by television stations of the McGruff PSA totaled \$113,000
 - A 16-page Crime Prevention tabloid was printed in the daily newspaper with 5 sponsoring agencies.
 - Three workshops were held and 1,320 people participated. There were a total of 14 agencies that helped to sponsor & cover the cost of the workshops.
 - A golf tournament with 2 agencies was held to raise funds for the programs.

JUVENILE JUSTICE INFORMATION SYSTEM (JJIS)

JJIS VISION:

The JJIS should be a valuable tool that the users can't imagine working without. The JJIS will be a model for other states and jurisdictions.

MISSION

To assist agencies to improve service delivery by providing leading edge information technology to integrate resources and information.

Goal

Provide valued assistance to user agencies by delivering state-of-the-art technology solutions in a cost-effective and timely manner.

OBJECTIVES:

A. Continue the statewide rollout of the JJIS

Performance measures:

- *System testing of the interface with the case tracking system for the Hawaii County Prosecuting Attorney (HcPA) completed August 2002*
- *User acceptance testing by HcPA completed August 2002*
- *Migrate updated JJIS software to production completed September 2002*
- *Convert all HcPA history to JJIS completed December 2002*
- *Scope of next release of the JJIS completed March 2003. Scope to include Maui Police interface; updated Honolulu Prosecutor interface; implementation of record retention policy; and Honolulu Police interface*
- *Analysis and Design of record retention processing completed May 2003*
- *Analysis and Design of updated Honolulu Prosecutor interface completed June 2003*

B. Address policy issues

Performance measures:

- *Executive Policy Subcommittee meeting in February 2003*
- *Juvenile Justice Information Committee meetings: July 2002; January 2003; and May 2003*
- *Expungement legislation signed by the Governor in April 2003*
- *Participation in development of the Serious Habitual Offender Community Action Program as a Big Island pilot from October 2002 through June 2003*

C. Resolve technical issues

Performance measures:

- *Automated testing expansion completed January 2003*
- *User Committee meetings: August 2002; September 2002; November 2002; December 2002; March 2003*
- *Quality control improvements in eliminating duplicate juvenile records completed June 2003*

D. Respond to User Needs

Performance measures:

- *User survey completed July 2002*
- *Three hundred nine change requests were resolved in the fiscal year*
- *Assistance provided to the Kauai Police Department in development of an RFP for their new records management system: March – June 2003*

**CRIMINAL JUSTICE DIVISION (CJD)
GOALS AND OBJECTIVES
(2004-2005)**

GOAL 1: Efficient and effective operation of the Criminal Justice Division.

Objective 1: Effective use of the new ProLaw case tracking system to: (1) track the Division's many different cases and assignments; and (2) quickly producing a wide variety of reports on schedules, caseloads, case status, and dispositions.

Action Plan: 1-2 YEARS

- i. Work closely with IST to customize and refine the ProLaw case management system for criminal prosecution cases and to develop division reports.
- ii. Work with Division personnel to establish Division policies and procedures for the use of the system.
- iii. Train personnel and monitor the implementation of the system.

Objective 2: Proper and effective use of iManage, the department's new documents management system.

Action Plan: 1 YEAR

- i. Work closely with Division personnel to establish Division policies and procedures for the use of the system.
- ii. Train personnel and monitor the use of the system.

Objective 3: Upgrade Division computers to address performance problems.

Action Plan: 2-3 YEARS

- i. Identify computer issues and prioritize need for upgrades and/or replacement of systems.
- ii. Work with the Department IST to upgrade systems

Objective 4: Effective Division use of the new Department Intranet.

Action Plan: 2-3 YEARS

- i. Familiarize Division personnel with Intranet and provide training as needed.
- ii. Work with Division personnel to identify ways of using the Intranet to improve Division operations.
- iii. Develop and maintain Division Intranet page.

Objective 5: Division access to the Juvenile Justice Information System (JJIS).

Action Plan: 1 YEAR

- i. Work with the Department IT team and the Juvenile Justice Information System team to establish connections and access.

GOAL 2: Improved operations of the State Asset Forfeiture Unit.

Objective 1: Completion of an operations manual for the asset forfeiture program.

Action Plan: 1 YEAR

- i. Edit and revise drafts of subsections by asset forfeiture program staff.
- ii. Compilation and completion of manual.

GOAL 3: State and local law enforcement being more aware of computer crime and having adequate resources and capability to respond to computer crimes, computer-related crimes, and computer evidence.

Objective 1: More effective operations of the Hawaii Internet Crimes Against Children Task Force to combat Internet crimes against children through criminal enforcement efforts and ongoing statewide awareness programs for children, parents and teachers.
(Accomplished as a joint effort with the Investigations Division.)

Action Plan: 1 YEAR

- i. Further develop task force relationships with other law enforcement agencies and enter memorandums of understanding with them to facilitate coordinated operations.
- ii. Provide training and equipment for task force members to improve project operations.
- iii. Improve task force operations center.
- iv. Investigate and prosecute cases involving Internet crimes against children, such as child pornography, electronic enticement of a child, promoting child abuse, and sexual assault.

Objective 2: More effective operations of the statewide high technology crime unit to provide investigation assistance and computer evidence training to state and local agencies, and to assist in coordinating law enforcement efforts and resources.
(Accomplished as a joint effort with the Investigations Division.)

Action Plan: 1-2 YEARS

- i. Further develop of task force relationships with other law enforcement agencies and enter memorandums of understanding with them to facilitate coordinated operations.
- ii. Provide training and equipment for task force members to improve project operations.
- iii. Improve task force operations center.
- iv. Investigate computer and computer-related crime.
- v. Prosecute computer crime offenses.

GOAL 4: Efficient and effective operation of the Missing Child Center-Hawaii (MCCH).

Objective 1: Establish MCCH connectivity with necessary databases.

Action Plan: 1 YEAR

- i. Establish connection with National Crime Information Center (NCIC) system with new NCIC 2000 parameters.
- ii. Establish connection with the State Offender Based Tracking System (CJIS) with its new parameters.
- iii. Establish connection with the NLETS system.

Objective 2: Update and complete Hawaii Missing Child Data Base and the database manual.

Action Plan: 1-2 YEAR

- i. Incorporate photos into database.
- ii. Develop automatic generation of posters, Interpol alerts, and pertinent information sheets from database.
- iii. Develop automated fax capability from database.
- iv. Develop database manual.

Objective 3: Develop a Strategic Plan and Procedures Manual.

Action Plan: 1-2 YEAR

- i. Review Mission.
- ii. Analyze internal and external data.
- iii. Develop goals and objectives.
- iv. Identify direction of the Center in the next 3 to 5 years.
- v. Identify Advisory Board's responsibilities and develop protocols and guidelines.

- vi. Identify growth strategies.
- vii. Select participating components.
- viii. Produce a comprehensive manual including the strategic plan, policies, procedures and standards of operations for the Center.

Objective 4: Supply law enforcement liaisons with Lost Child Alert Technology Resource (LOCATER) communications connectivity.

Action Plan: 1 YEAR

- i. Submit applications to the NCMEC for Law Enforcement Technology grants to provide computer technology for at least each liaison office to be connected through the LOCATOR system.
- ii. Coordinate site setup and training.

Objective 5: Implementation of a statewide Maile (Amber Alert) Plan through the coordinated partnership between law enforcement agencies and broadcasters to activate urgent emergency broadcast bulletins in case of serious child-abduction cases.

GOAL 5: Laws to improve the Hawaii criminal justice system.

Objective 1: New legislation supported by the Law Enforcement Coalition to implement the direct filing of charges, make the state wiretap law consistent with federal law, and provide needed sentencing reform.

Action Plan: 1-2 YEAR

- i. Work with the Attorney General, members of the Law Enforcement Coalition and the Legislature to implement the needed changes.

GOAL 6: Effective Drug Nuisance Abatement program to combat drug dealing in our communities.

Objective 1: Further development of Department's Drug Nuisance Abatement Program involving coordinated efforts of the Criminal Justice and Investigations Divisions with other law enforcement agencies in the state.

Action Plan: 1-2 YEAR

- i. Work with county police drug enforcement units to develop abatement cases with an initial focus on Honolulu and the Big Island.
- ii. File civil abatement actions quickly and prosecute them aggressively.
- iii. Follow up with effective enforcement of civil judgments.

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

- GOAL 1:** **Provide the timely delivery of legal advice and representation to clients.**
- Objective 1:** Establish a training program having attorneys with expertise in certain areas or subjects share their knowledge with the newer attorneys.
- Objective 2:** Provide training and retraining of clients regarding the laws that affect them in order to build technical competence and confidence in the clients to better perform their duties and reduce the potential for mistakes and liabilities.
- Objective 3:** Establish and refine client training initiative by utilizing technological tools such as power-point presentations.
- Objective 4:** Establish a division calendar to assist in keeping track of all assignments and due dates.
- GOAL 2:** **Improve the quality of legal services to clients.**
- Objective 1:** Build capacity within the division to have every attorney competent to advise any client serviced by the division.
- Objective 2:** Continue to work on developing paralegal capacity to assist attorneys and maximize efficiency.
- Objective 3:** Provide ongoing training and orientation to clerical staff as to the legal tasks and clients' mission to efficiently deliver legal services.
- Objective 4:** Develop division legal memo/form bank on issues that are handled by division.
- Objective 5:** Develop a division manual for reference and to assist new employees.
- Objective 6:** Develop a client satisfaction survey to be distributed on a semi-annual basis.
- GOAL 3:** **Increase capacity to handle legislative matters.**
- Objective 1:** Build expertise in the review of legislation involving clients.
- Objective 2:** Coordinate with clients as to important legislation to propose or support.

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

GOAL 4: **Increase capacity to handle election matters.**

Objective 1: Build capacity prior to the election cycle in order to be prepared to handle election questions and litigation.

Objective 2: Update legal research on election issues in anticipation of election controversies.

GOAL 5: **Increase clients' capacity to perform function.**

Objective 1: Assist clients in updating administrative rules to clarify ambiguous areas in the rules.

Objective 2: Train clients in the application of the administrative rules.

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

Action Plan: FIRST YEAR

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

SECOND YEAR

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

FIFTH YEAR

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

PROCESS:

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

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

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

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

Objective 2: Ensure effective communication with clients.

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

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

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

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

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

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

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

During the past year this has been the area of greatest emphasis in the division. The division conducted a retreat on August 14 the focus of which was to explore ways to standardize case management by clearly delineating responsibilities among the deputies, paralegals and support staff to each step of the litigation process and integrating each step with links to shell documents, memo banks, forms, etc. Each type of litigation will be customized. Work has started on the civil litigation track and a preliminary draft of the arbitration track is done.

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

We have made a point of making ourselves available to clients for meetings in advance of taking action or making decisions. We have met with the directors or deputies of DAGS, B&F, DBEDT, DCCA, DOE, HSPLS, DHS, DLIR, DHRD, PSD, TAX, DOT, and RCUH. From January to June we met with DHRD and OCB during regularly scheduled weekly meetings. More recently we are trying to meet with DOE weekly. We assisted departments in pre-termination advice on at least a dozen occasions in which there was no grievance or appeal. We advised on another dozen or so that have been grieved but the likelihood of prevailing has been substantially enhanced because of the advice received.

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 DHRD in case presentation before the Disability and Compensation Division of the Department of Labor. 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 over taken by events. DHRD has begun putting all arbitration decisions on a web site and eventually may add prohibited practice complaints and contract interpretations.

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

**FAMILY LAW DIVISION (FLD)
2003 GOALS AND OBJECTIVES
PROGRESS REPORT**

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

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

Action Plan 1: We have continued to have occasional out-of office training provided by our clients and by the Child Justice Center. We met to brainstorm and set up some substantive training on issues such as trial practice. The replacement of two deputies this fiscal year required basic Family Law training that is ongoing. We added a bi-weekly question and answer session where we discuss issues that come up at court.

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

Action Plan 3: The memo bank has been put on the office network (P-drive) so that all deputies statewide in the Division have access. Everyone is encouraged to add to this database.

Action Plan 4: We continue to meet with the court on an as needed basis. The "Big Five" has not been meeting in the past fiscal year, but the supervisor has begun attending a monthly meeting with the Administrative Judge. This meeting includes the supervisors from the Prosecutor's and the Public Defenders' offices.

Action Plan 5: We continue our "trial deputy" system. We have added a trial case conference every other Tuesday to assign trials that were set during that period.

Action Plan 6: We continue to have twice a month staff meetings with the deputies rotating the responsibility of minute taking.

Action Plan 7: Post-court briefing takes place on a regular basis, both informally and at staff meetings and at our question and answer sessions held every other Tuesday, alternating with the trial case conferences.

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.

Objective 2: Foster effective communication and understanding with clients.

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

Action Plan 2: We continue to meet separately with the Departments of Education, Health, and Human Services on a monthly basis. Occasionally, we meet with the three at the same time to discuss interagency issues.

Action Plan 3: Good communication is relatively easy through phone and e-mail contacts. Because our deputies are in court often, they also are able to communicate with the clients 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: This is an ongoing process.

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.

2004 Goals and Objectives

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

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

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

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

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

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

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

Action Plan 6: Continue twice a month staff meetings.

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

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

Objective 2: Foster effective communication and understanding with clients.

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

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

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

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

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

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

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

Action Plan 1: Be sensitive to issues that arise in Family Court that may require changes in legislation.

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

**HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES
2004 LEGISLATURE
11-18-2003**

I. GOAL: CJIS-HAWAII.

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

II. OBJECTIVES:

The production implementation of the statewide criminal history record repository, renamed CJIS-Hawaii, took place in November 2002. With the staunch support and patience of the criminal justice users, we were able to achieve our primary goal in the last biennium of implementing CJIS-Hawaii and now look to the following objectives:

A. Post-Implementation.

1. Fully implement new operational report requirements for CJIS-Hawaii.
2. Monitor and address data quality under the new data structures for CJIS-Hawaii.
3. Fully implement change control management.

B. Paperless Processing.

1. Expand paperless processing by implementing the successful Hawaii County integrated Arrest/Booking front-end processing at the Kauai County Police Department and the Honolulu Sheriff's Office.
2. Pilot the concept of paperless integrated livescan and mugphoto technology at the Maui County Police Department and Honolulu Police Department.

C. Start-up planning and design phases for:

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

HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES
2004 LEGISLATURE
11-18-2003

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

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

II. OBJECTIVES:

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

- A. Upgrade of the State's AFIS to MetaMorpho.
 - 1. Migration to the MetaMorpho platform is a requirement for other initiatives, such as "lights out" processing with CJIS-Hawaii.
 - 2. Commence planning of customization, installation, and implementation phases for MetaMorpho.
- B. "Lights Out" Processing.
 - 1. Commence detailed design phase for "lights out" processing with CJIS-Hawaii.
 - 2. Design the interface that will allow CJIS-Hawaii and AFIS to directly exchange information for real-time "lights out" identification of offenders.
- C. Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.
 - 1. Continue to explore all revenue sources, including federal grants, local law enforcement resources, and legislation for funding of more integrated livescan and mugphoto equipment. Statewide deployment of this technology is now necessary to achieve "lights out" processing under MetaMorpho.
 - 2. Purchase and pilot integrated livescan and mugphoto equipment in all other counties.
 - 3. Convert more counties to integrated livescan and mugphoto equipment as funding permits.
- D. Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.
 - 1. Implement full Interstate Identification Index (III) participation and reporting to the FBI's national files.

2. Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS).
3. Continue to deploy and implement the technical mechanism to transfer information to IAFIS, including the return of the FBI response directly to the submitting agency.

**HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES
2004 LEGISLATURE
11-18-2003**

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. Stabilize the Post-Implementation CJIS-Hawaii operational environment.
 - 2. 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 Hawaii Information Consortium (HIC) to prepare for the restoration of the public sex offender website, as civil due process hearings are held on each qualifying offender.
- C. Provide ready access to public conviction information by planning for dissemination of this information via the Internet.
 - 1. Contact the Access Hawaii Committee and HIC.
 - 2. Contact other states and evaluate various options for implementation.
 - 3. Determine fee changes that may be required.
 - 4. Determine and draft statutory changes that may be required in the future.
 - 5. Design and develop a prototype for the website.

**HAWAII CRIMINAL JUSTICE DATA CENTER (HCJDC)
GOALS AND OBJECTIVES
2004 LEGISLATURE
11-18-2003**

I. GOAL:

To continue outreach initiatives for the State ID program and improve the effectiveness of the State ID program by procuring a system/upgrade.

II. OBJECTIVES:

- A. Fully implement the renewal by mail option for senior citizens and other qualifying applicants.
- B. Provide services to communities with limited access to the program.
 - 1. Continue the successful quarterly visits to Molokai and Lanai.
 - 2. Rent/lease a more permanent office space at Windward Mall and commence regular service from this site.
 - 3. Explore and arrange for an on-site event at a Leeward community location.
- C. Complete the procurement process for a replacement or upgraded automated system that would issue State ID cards and improve the tamperproof provisions of the card.
 - 1. Complete the Request For Proposals review process and award of the contract.
 - 2. Work with the successful vendor on an implementation schedule for all statewide sites.
 - 3. Provide sufficient and effective training for all staff members at all offices.

**HEALTH & HUMAN SERVICES DIVISION (HHSD)
GOALS AND OBJECTIVES**

Progress Report, November 2003

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

- We continue to work with specialized outside counsel in several large cases, an opportunity that provides excellent learning experiences for our deputies.
- Our new department-wide case management and document management systems provide more efficient tracking of cases and better access to litigation-related materials in our data base.
- Since the spring of 2003 we have hired three experienced litigators into vacant deputy positions.

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

- The new ProLaw assignment tracking system has assisted us in keeping abreast of document review and written assignments, leading to more consistent turnaround times on those assignments.
- We have provided focused training for our clients and some outside agencies in areas such as service recipients' rights; procurement; contract development; fair hearing preparation; rules for mediation in administrative hearings; child care licensing; public records disclosure; involuntary medication; and compliance with recent federal court orders affecting our clients.
- Deputies have attended training or seminars sponsored by outside groups regarding the Clean Air Act; criminal enforcement of environmental laws; bioterrorism preparedness; facilitation skills; the connections between privacy laws covering protected health information, educational records, and substance abuse treatment information; the federal rules on the privacy of protected health information; and several seminars on environmental issues. We have also attended training provided for our clients' line workers to help us understand the details of our clients' programs.
- Teams of deputies who share subject matter continue to meet regularly and discuss common issues.

**INVESTIGATIONS DIVISION (INVES)
GOALS AND OBJECTIVES**

GENERAL GOALS AND OBJECTIVES

- To provide specialized, technical and skilled investigative services in criminal, civil, and administrative matters for legal services divisions and as directed by the Attorney General
- To keep the Attorney General informed of criminal intelligence information affecting the State.
- To coordinate and ensure that investigative requests are reviewed, assigned, and completed in a timely manner.
- To ensure the accurate and timely completion of investigative reports.
- To ensure that the Investigations Division keeps abreast with the rapidly changing technology being used by criminals to hide and launder illegal monies.
- To ensure that the Investigations Division has the necessary equipment, expertise, and supplies to handle computer crimes, identification fraud, and money laundering through electronic transfers.
- To facilitate housing for additional personnel in the newly-created positions.
- To ensure the certification and up-to-date methods of detection practiced by our in-house polygraph examiner.
- To aggressively enforce existing and new Tobacco Tax violations.
- To continue the aggressive investigation and apprehension of sexual predators of children through the Internet.
- To continue the development of procedures and coalition cooperation in dealing with Homeland Security matters and natural and manmade disasters.
- To upgrade clerical positions and hire additional support staff.
- Increase special agent personnel appropriately to fill the increasing demand for services by the department and other related agencies.

ACTION PLAN

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

PERFORMANCE

Since January 2003, the Investigations Division has handled approximately 4,240 requests for services.

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

LABOR DIVISION (LBR)
Goals and Objectives

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

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

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

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

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

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

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

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

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

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

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

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

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

**LAND/TRANSPORTATION DIVISION (L/T)
GOALS AND OBJECTIVES
FISCAL YEAR 2003**

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

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

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

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

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

We believe that the stated goal and the five objectives are appropriate. However, we need to add a sixth goal to read as follows:

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

ACCOMPLISHMENTS IN FY 2002-2003:

With respect to the reduction of backlogged assignments, the land and transportation deputies completed or closed a total of 82 requests for counseling, 88 requests for documents review, and 19 requests for contracts review. We also closed out 6 eminent domain actions. We define the term "backlog" to include matters that are not finished more than 30 days after their deadlines.

In FY 2003, the division reviewed a total of 246 contracts, 1,087 documents, and 33 sets of new or amended administrative rules in addition to rendering 245 legal advice letters. The division initiated 13 new court cases and handled 43 new cases filed against state agencies or officials. Also, the division closed out 6 eminent domain cases.

The land deputies, along with about 25 members of the staff of the Department of Land and Natural Resources (DLNR) attended training on the Sunshine Law during FY 2003. Additionally, a deputy in the division provided training in Hawaiian water law. This was attended by land deputies and members of the staff of DLNR and the Commission on Water Resources Management.

In 1999 along with the goal and objectives we submitted in our annual report, we presented an action plan to show how we expected to implement each objective in one, two, and five years. We have satisfactorily completed our one and two-year action plans for all of the objectives except the fifth objective (Eliminate Backlog). However, in FY 2003 we did clear out a good portion of the backlog as noted above. Our plan for eliminating backlog called for the completion of 10 eminent domain cases, but we closed out only 6.

We do not believe it is necessary at this time to change our action plans for 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), or objective 4 (sustained good relations with clients).

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

"New Action Plan for Objective No. 5:

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

FIRST YEAR (2003)

- a. Complete 10 eminent domain cases in backlog.
- b. Complete or otherwise close our 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."

While we only closed 6 eminent domain cases in our backlog, we did close hundreds of other requests for service.

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

Action Plan for Objective No. 6:

FIRST YEAR (2004)

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

SECOND YEAR (2005)

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

FIFTH YEAR (2006)

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

Process for Measurements:

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

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

We plan to continue to use these measures. Additionally, new computer programs recently installed show good potential for efficiently producing more sophisticated statistics on workload and accomplishments. We will be evaluating their use.

LEGISLATIVE DIVISION (LEG)
Goals and Objectives

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

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

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

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

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

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

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

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

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

Action Plan: **Years One and Two:** Continue to obtain, copy, and distribute bills and legislative committee reports in hard copy form to divisions possessing pertinent subject matter expertise needed to effectively review specific bills; continue to maintain the Legislative Bill Tracking System on the

ProLaw Information Management System to provide information on the referrals of bills and to provide necessary reports; and continue to maintain manually prepared problem bill lists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Promote Uniform Legislation reports to the Legislature on the activities of the National Conference and the Commission to Promote Uniform Legislation.

MEDICAID INVESTIGATIONS DIVISION (MID)

Goal #1: To more efficiently investigate and prosecute provider health care fraud

- Objective 1: Further increase the level of cooperation and collaboration with the State administrator of the Medicaid Program, (MedQuest)
- Objective 2: Hone investigative and litigation skills in qui tam complaints alleging provider health care fraud.
- Objective 3: Continue to expand working relationships and networking with other state Medicaid fraud control units in combating interstate and multi-state provider health care fraud.
- Objective 4: Facilitate better working relationship and networking with federal law enforcement agencies including but not limited to the Office of Inspector General, Federal Bureau of Investigations and United States Attorney's Office in all aspects of provider health care fraud and financial exploitation of the elderly and dependent adults.

Goal #2: Further investigate and prosecute the abuse and neglect of patients, particularly the elderly, by health care programs and individual providers.

- Objective 1: Expand review of Adult Protective Service, Department of Human Service complaints and intake matters.
- 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: To 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: To justly and efficiently resolve and settle disputes without excessive expenditure of the Division's personnel and financial resources.
- Goal #4: 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: To 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., as well as restitution, fines, and reimbursement for cost of investigations.

ACTION PLAN OF THE MEDICAID INVESTIGATIONS DIVISION

The short-term plans include acting on the objectives listed above and specifically, the continued work to improve the relationships between our Federal, State and local county organizations that deal in this area. The Division will foster stronger working relationships with

local county police departments and state departmental agencies involved in this area by conducting and, or sponsoring training and seminars. The Division will also foster stronger working relationships with independent organizations like the United Government Services and the State's new Medicaid fiscal intermediary.

The Division will also expand upon its review of all Adult Protective Services complaints and intake matters. The Division will further improve upon recently implemented case management system in order to promote more interoffice and intra-office efficiency. As a division, we will attempt to be more 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 a deputy attorney general, investigator and auditor in each case.

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

The long-term plans also include the objectives listed above. The Division will attempt to organize a multi-disciplinary task force responsible for enforcing regulations, rules and statutes in an effort to prevent severe patient-neglect abuse type cases. The Division will also assist and become more involved (provided it is within our jurisdiction) in the all areas of the financial exploitation of the elderly dependent adults.

The Division 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.

**OFFICE OF CHILD SUPPORT HEARINGS (OCSH)
2004 GOALS AND OBJECTIVES**

I. MISSION STATEMENT

The mission of the Office of Child Support Hearings (OCSH) is 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

GOAL 1: Ensure and improve the quality of administrative adjudication of child support cases.

Objective 1: Improve the legal knowledge of the hearings officers and legal assistant.

Action Plan 1: Continue to update and utilize the OCSH Decision Bank, Appellate Court Decision Digest and legal research conducted by the legal assistant. These resources enable the hearings officers to easily research prior appellate and OCSH treatment of particular legal issues to use as guidance in their rulings.

Action Plan 2: Continue to meet twice monthly to review OCSH cases and discuss recent developments in caselaw, statutes, and legislative initiatives.

Action Plan 3: Continue to attend low or no cost training via tele-conferencing, interagency seminars, and cross training within the department and the division. In 2003, hearings officers and legal assistant attended no cost training on Mediating Contested Cases, the Uniform Family Support Act of 2001 and Appeals of Administrative Decisions.

Action Plan 4: Initiate plans to secure funding for advanced training at the National Judicial College for attorneys, and other appropriate training for the supervisor and the staff.

Objective 2: Improve the quality of written work.

Action Plan 1: Transfer OCSH order and decision forms and basic correspondence forms to the "iManage" system and standardize document titles to facilitate employees' access and use.

Action Plan 2: Continue to evaluate and offer feedback of written work product by the supervisor and legal staff on an informal basis.

GOAL 2: Improve the practices and procedures of the OCSH.

- Objective 1:** Maintain statistics regarding the expeditious adjudication of a high volume of cases.
- Action Plan 1:* Continue to adjudicate a high number of cases. 5,649 cases were adjudicated in FY 2003.
- Action Plan 2:* Continue to issue final decisions and orders in 90% of all uncontested cases received in FY 2003 within 7 days of receipt of the cases.
- Action Plan 3:* Continue to issue final decisions and orders in 88% of all contested cases within 30 days of the hearings.
- Action Plan 4:* Continue to process all cases within federally mandated timeframes.
- Objective 2:** Provide a convenient and safe forum for hearing participants.
- Action Plan 1:* Continue to monitor the noticing and scheduling of hearings by the Child Support Enforcement Agency's computer and convert the manual calendars to iManage Word documents available to all division members.
- Action Plan 2:* Continue to review and grant requests to appear at hearings via telephone or requests for special accommodations for security, safety or convenience reasons.
- Objective 3:** Update and centrally maintain OCSH forms, policies and decision digests for easy reference.
- Action Plan 1:* Continue to maintain and update the OCSH Decision Bank.
- Action Plan 2:* Continue to summarize and add appellate court decisions arising from OCSH orders to the Appellate Court Decision Digest.
- Action Plan 3:* Summarize and cross reference recent statutory amendments to the Hawaii Revised Statutes.
- Objective 4:** Initiate new evaluation tools or hearings processes.
- Action Plan 1:* Evaluate the initiation of the legal assistant as the prehearing communication specialist.
- Action Plan 2:* Expand the evaluation process of hearings officers to include pro se parties and the public.
- Action Plan 3:* Explore the addition of mediation of contested cases pursuant to Act 76, Session Laws of Hawaii 2003.

- Action Plan 4:*** Plan for division retreat to develop and prioritize future improvements and goals.
- GOAL 3:** Educate the parties and the public of the OCSH administrative process.
- Objective 1:** Increase meaningful participation in the administrative process.
- Action Plan 1:*** Continue to publicize the OCSH website and discuss issues regarding child support at educational seminars, conferences and meetings.
- Action Plan 2:*** Continue to have OCSH forms, tapes of proceedings and pro se packets for appeals readily available upon request.
- Action Plan 3:*** Develop and distribute a pamphlet describing the OCSH administrative process to all CSEA agencies and family courts statewide.

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

1. We achieved most of the goals set last year.

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

As outlined in our plan, we have been holding regular meetings between unit supervisors and the agency heads. The Hawaiian Home Lands Unit also held a retreat with the Department of Hawaiian Home Lands. The Housing and Community Development Agency, however, has had leadership issues that are not yet resolved.

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

As outlined in our plan, we have discussed the legal services with the clients in order to obtain input from the clients about the perceived challenges in obtaining legal services. This process must continue. Pursuant to new department-wide data collection practices, we have also revised the method by which we keep information to evaluate legal service performance, including the addition of computer-generated deadlines.

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

Because of resource restrictions, we have not been able to provide significant amounts of training to deputies and staff. Pursuant to the prioritization set in last year's plan, however, we have emphasized training for new employees and information technology, and gathered information to create a baseline to which future years will be compared.

PSHHD GOALS AND OBJECTIVES

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

Objective 1: Schedule another "retreat" for the division that includes the clients to establish stronger bonds between the deputies and clients and a common understanding on expectations.

Objective 2: Maintain regular meetings between unit supervisors and agency heads.

ACTION PLAN: Timetable

1. Schedule the retreat before the end of the first quarter of the fiscal year.
2. Regular meetings shall continue.

PERFORMANCE MEASUREMENT:

1. Annual client evaluations and the annual retreat will provide two methods of evaluating the success of the efforts to build a stronger communications network with the client.

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

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

ACTION PLAN: Timetable

1. Review legal services with the clients in the first quarter of the next fiscal year, and review the method by which we keep information to evaluate legal service performance by the end of the current fiscal year unless the department makes further changes in data collection.

PERFORMANCE MEASUREMENT:

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

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

Objective 1: Ensure that the training needs of all employees are met, with a special emphasis on new employees and information technology skills.

Objective 2: Continue to provide training to clients based upon the client's stated needs and requests.

ACTION PLAN: Timetable

1. The training will occur throughout the year.

PERFORMANCE MEASUREMENT:

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

**TAX DIVISION (TAX)
GOALS AND OBJECTIVES**

I. TAX ADMINISTRATION

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

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

Action Plan: Supervise and monitor litigation of Deputy Attorneys General including:

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

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

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

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

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

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

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

- Action Plan:** Supervise and review each legislation, regulation, and case.
- Process:** Review annually how the Tax Division has met its objectives.
- Objective 4:** Be sensitive to and aware of abusive or less than quality service to the public and take appropriate measures to avoid what happened to the IRS in recent Congressional hearings and the IRS Restructuring and Reformation Act of 1998.
- Action Plan:** Encourage and foster frank communications with the DOTAX, professionals (attorneys, accountants, and tax professionals), the business community and the public regarding how the tax system can be improved and specific instances of alleged abuse or less than quality service to the public. Assist taxpayers with legitimate complaints about how they have been treated in getting a satisfactory and reasonable solution to their complaint.
- Process:** Review annually how the Tax Division has met this objective.
- Objective 5:** Vigorously protect the privacy of taxpayer tax returns and return information made confidential by HRS §§ 235-116 and 237-34.
- Action Plan:** Represent the Department in defending subpoenas and other requests for confidential taxpayer information.
- Process:** Review annually how the Tax Division has met this objective.
- GOAL 3:** **Improve the quality and timeliness of legal services provided to or on behalf of the DOTAX.**
- Objective 1:** Ensure that legal services provided by the division are both high quality and timely.
- Action Plan:** Supervise and monitor litigation of Deputy attorneys General (DAGs) including periodic cases audits to discuss strategy, development, and resolution. Provide continuing training whenever possible or resources permit. Seek guidance from AOR or the Complex Litigation Committee whenever necessary or appropriate.
- Process:** Provide appropriate feedback and evaluation of legal work performed by DAGs. Review annually how the Tax Division has met this objective.
- Objective 2:** Improve the quality and timeliness of advice and counsel to the DOTAX on the legal aspects of proposed legislation, regulations, and cases.
- Action Plan:** Supervise and review each legislation, regulation, and case. Coordinate as appropriate with the Legislative Division.

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

Objective 3: Improve communication with DOTAX at all levels.

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

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

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

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

Action Plan: Encourage formal and informal interaction with DOTAX.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. CHARITABLE TRUSTS, PUBLIC CHARITIES AND NONPROFITS

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

Objective 1: 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: Supervise and monitor litigation of Deputy Attorneys General (DAGs) including periodic case audits to discuss strategy, development, and resolution.

- Process:** Monitor and take appropriate action related to the charitable trusts and nonprofit entities.
- Objective 2:** Strengthen the Attorney General's supervisory authority over public charities and charitable solicitation through appropriate legislation.
- Process:** Draft and introduce appropriate legislation, such as amendments to chapter 414D, HRS, and through the adoption of model legislation. Coordinate with NAAG/NASCO in multistate enforcement efforts and national legislation affecting charities.
- Objective 3:** Educate the public about charitable trusts and nonprofit entities.
- Action Plan:** Public education and outreach through presentations and interaction with the professional community and the public.
- Process:** Review annually how the Tax Division has met this objective.
- Objective 4:** Encourage and support education and training for Deputy Attorney Generals.
- Action Plan:** Promote education and training by outsourcing, for example, attending seminars, and in-house training sessions, for example, brown bags.
- Process:** Review annually how the Tax Division has met this objective.
- Objective 5:** If possible, obtain additional legal personnel resources dedicated to the oversight, supervision, and enforcement of charitable trusts and public charities.
- Action Plan:** Seek supplemental appropriation for additional deputy position with the Tax Division.
- Process:** Review following 2004 Legislative Session.

TOBACCO ENFORCEMENT UNIT GOALS AND OBJECTIVES

The Tobacco Enforcement Unit (Unit) will continue to respond in a professional and timely manner to all matters related to Tobacco Enforcement. The following is a summary of the Unit's GOALS and OBJECTIVES.

- I. Enforcement of Chapter 675, HRS and the Tobacco Master Settlement Agreement (MSA).

GOAL: To vigorously enforce the MSA, Chapter 675, HRS (Tobacco Liability Act, TLA), Chapter 486P, HRS, and related statutes.

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

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

OBJECTIVE #2: Monitor issues affecting the MSA.

- 1) **ACTION PLAN**--Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
- 2) **ACTION PLAN**—Evaluate and respond to attacks on the MSA.
- 3) **ACTION PLAN**—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, TLA, and other related statutes.

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

- 1) **ACTION PLAN**--Seek out NPMs who have a presence in the State of Hawaii and send out notices to NPMs to establish escrow accounts.
- 2) **ACTION PLAN**—Police the local tobacco industry for compliance with the MSA, Haw. Rev. Stat, Chapter 675, and related statutes.
- 3) **ACTION PLAN**--Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
- 4) **ACTION PLAN**--Educate tobacco product manufacturers of reporting requirements (i.e., filing of Jenkins Act Reports with the Attorney General).
- 5) **ACTION PLAN**--Monitor compliance with Jenkins Act reporting requirements.
- 6) **ACTION PLAN**--Keep abreast of reporting requirements in other states.
- 7) **ACTION PLAN**—Develop and update a directory as required by Act 77, Session Laws of Hawaii 2003.

OBJECTIVE #4: Identify nonparticipating tobacco manufacturers selling in the State, notifying nonparticipating manufacturers of the requirements of the TLA, and establish protocol for noncompliance with TLA.

- 1) **ACTION PLAN**--Seek out NPMs who have a presence in the State of Hawaii and send out notices to NPMs to establish escrow accounts.
- 2) **ACTION PLAN**--Police the local tobacco industry for compliance with the MSA, Haw. Rev. Stat, Chapter 675, and related statutes.
- 3) **ACTION PLAN**--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.

- 1) **ACTION PLAN**--Monitor the payment amounts under the MSA.
- 2) **ACTION PLAN**--Review information received from NAAG and the Independent Auditor.
- 3) **ACTION PLAN**--As appropriate, pass the information on to Budget and Finance and the Department of Health.

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

- 1) **ACTION PLAN**--Receive information and updates.
- 2) **ACTION PLAN**--Evaluate and respond to the attacks on the MSA.
- 3) **ACTION PLAN**--Track and assess all amendments to the MSA.
- 4) **ACTION PLAN**--Track tobacco related issues occurring in other states.

- 5) **ACTION PLAN**--Develop a close working relationship with the Dept. 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.

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

OBJECTIVE #8: Respond to MSA related lawsuits.

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

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

- 1) **ACTION PLAN**--Provide reports to the legislature in a timely manner.
- 2) **ACTION PLAN**--Answer questions of why, when, and how much.
- 3) **ACTION PLAN**--Coordinate local actions with national program
- 4) **ACTION PLAN**--Provide information as to how other states are allocating their proceeds.
- 5) **ACTION PLAN**--Insure that correct information with regard to the MSA is disseminated to the public.
- 6) **ACTION PLAN**--Answer questions regarding the MSA.
- 7) **ACTION PLAN**--Act as liaison with the news media.

II. Enforcement of the Tax Stamp Law.

GOAL: 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. In order to meet its enforcement objective the unit will:

OBJECTIVE #1: Work closely with the Department of Taxation.

- 1) **ACTION PLAN**--Regarding compliance develop a close working relationship with the Department of Taxation.
- 2) **ACTION PLAN**--Advise in areas of Tax Stamp enforcement.

- 3) **ACTION PLAN**--Vigorously enforce the Tax Stamp law.
- 4) **ACTION PLAN**--Review proposed rules and regulations.
- 5) **ACTION PLAN**--Implement Chapter 245, HRS.

OBJECTIVE #2: Educate the community and businesses about the requirements of the Tax Stamp Law.

- 1) **ACTION PLAN**--Answer questions concerning the Tax Stamp Law.
- 2) **ACTION PLAN**--Insure that correct information is disseminated to the public.
- 3) **ACTION PLAN**--Act as liaison with the news media.
- 4) **ACTION PLAN**--Work with the Dept. of Taxation in educating the business community of the requirements and timing of the Stamp Tax law (i.e., disseminate information by way of press release, tax information release, and letters to major distributors and wholesalers notifying those businesses of the Tax Stamp law and its requirements.)

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

- 1) **ACTION PLAN**--Vigorously enforce the Tax Stamp laws.
- 2) **ACTION PLAN**--Identify violators of the Stamp Tax Law.
- 3) **ACTION PLAN**--Identify and define the extent of black market cigarette activity.
- 4) **ACTION PLAN**--Identify and define the extent of gray market cigarette activity.
- 5) **ACTION PLAN**--Identify and define the extent of counterfeit cigarette stamp tax activity.
- 6) **ACTION PLAN**--Assist in educating the business community of the laws requirements.
- 7) **ACTION PLAN**--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.
- 8) **ACTION PLAN**--Develop a close working relationship with the county prosecutor's offices and other law enforcement agencies to investigate and prosecute violations of the law.
- 9) **ACTION PLAN**--Work closely with the Criminal Justice Division of the Department in enforcing the HRS Chapter 245.
- 10) **ACTION PLAN**--Work with Investigators and expert witnesses in developing cases.
- 11) **ACTION PLAN**--As necessary review search warrants and requests for administrative subpoenas.
- 12) **ACTION PLAN**--Appear and represent the State of Hawaii in all hearings and any other proceedings related to enforcement of the Tobacco Stamp Laws.

12)
13)

- 13) **ACTION PLAN**--Determine the relevance and suitability of witnesses and prepare such witnesses or testimony as required in the interest of the State.
- 14) **ACTION PLAN**--Prepare and submit the necessary pleadings and motions on behalf of the State.
- 15) **ACTION PLAN**--Conduct grand jury inquiries and preliminary hearings as warranted.
- 16) **ACTION PLAN**--Strive to do justice in any criminal prosecution.

OBJECTIVE #4: Assist, advise, and cooperate with federal, state, local agencies, and NAAG to address the problems associated with gray and black-market tobacco sales.

- 1) **ACTION PLAN**--Receive information and updates.
- 2) **ACTION PLAN**--Track tobacco related issues occurring in other states.
- 3) **ACTION PLAN**--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 2004 and 2005.

- 1) **ACTION PLAN**--Detail the unit's activities including expenses, fines, and penalties collected, and forfeitures.
- 2) **ACTION PLAN**--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.

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

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

- 1) **ACTION PLAN**--To respond in an appropriate manner as required.

OBJECTIVE #8: Provide assistance in the area of MSA enforcement.

- 1) **ACTION PLAN**--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 the State's Gray Market Statute and Tobacco Stamp Tax Statute will allow the Unit to continue to define, identify, and address any problems that the State may have with contraband cigarettes in order to increase State tax revenues by providing a more effective means to assess, collect, and enforce the provisions of Chapter 245, Hawaii Revised Statutes.

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

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

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

Action Plan: The Tort Litigation staff has been developing proficiency in the use of ProLaw and iManage. Several support staff also continue to use Summation to assist deputies in preparing for depositions, hearings and trial. The practice of requiring quarterly case status reports from individual deputies will also be continued, as time permits.

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

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

Objective 3: Obtain voicemail for all Tort Litigation staff.

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

GOAL 2: PROVIDE QUALITY LEGAL REPRESENTATION TO ALL CLIENTS

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

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

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

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

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

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

GOAL 3: RISK MANAGEMENT

Objective 1: Assist with State risk management efforts.

Action Plan: Encourage division deputies to provide pro-active advice and training to client agencies on ways to reduce their potential for tort liability. Continue compliance with Act 111, SLH 1999, which requires the Attorney General to advise client agencies regarding case resolutions and how to avoid future similar claims, by recommending corrective action that will eliminate or mitigate the factors contributing to the State's exposure. The division supervisor and deputies will also continue to maintain a cooperative and collaborative working relationship with the State Risk Management Office at DAGS.

Objective 2: Actively participate in risk assessment working groups.

Action Plan: The division supervisor continues to be the designated risk manager for the Department of the Attorney General, and in that capacity participates in meetings with the State Risk Manager and risk managers for the other State departments. The Tort Litigation Division has also been asked to provide a representative for the risk assessment working group formed pursuant to Act 82, SLH 2003 (relating to Public Land Liability), which is responsible for addressing signage issues on State land.⁴

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

Action Plan: The Tort Litigation deputies are encouraged to participate in alternative dispute resolution in appropriate cases, as approved by the Attorney General, in an effort to resolve cases in a timely fashion. This will assist in avoiding prohibitive case

⁴ The current representative on the risk assessment working group is actually a deputy from the Civil Rights Litigation Division who has substantial tort litigation experience.

costs, as well as limit exposure for attorneys' fees. This past year, an increasing number of cases were successfully mediated.

GOAL 4: PROMOTE A POSITIVE WORK ENVIRONMENT

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

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

Objective 2: Consider a division retreat.

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