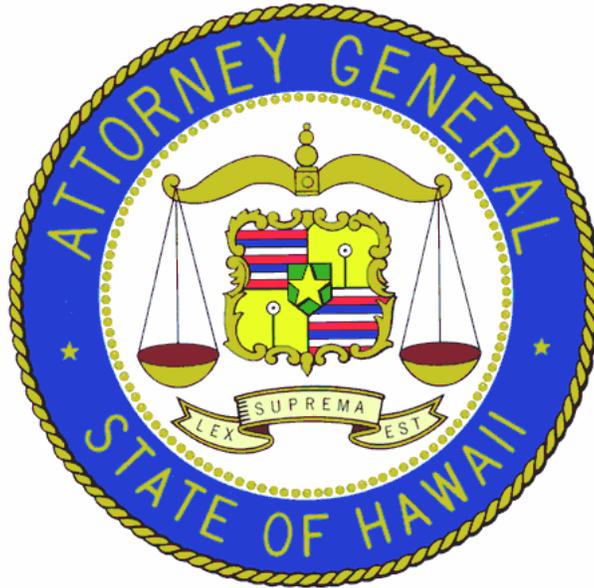


**State of Hawaii**  
**Department of the Attorney General**



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**2007 GOALS AND OBJECTIVES**

Submitted to  
The Twenty-Fourth State Legislature  
Regular Session of 2007

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**SECTION 1: INTRODUCTION**

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

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

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

The 722 positions are distributed as follows:

	Managers	Attorneys	Other professionals	Support staff
OAG	1	2	1	4
Legal services	21	170	104	107
Public services	31	1 + 4 (hearings officers)	73	181
Investigations	4	0	54	4
Administrative services	4	0	10	14

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

## **SECTION 2: DEPARTMENT-WIDE GOALS AND OBJECTIVES**

### MISSION

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

### CORE VALUES

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

### GOALS

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

### OBJECTIVES AND POLICIES

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

## Department of the Attorney General 2007 Goals and Objectives

- Policy Development for Criminal Justice Programs: Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs.

### ACTION PLAN

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

#### Year One

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

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

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

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

#### Years Two to Five

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

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

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

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

#### Year Five

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

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

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

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

### Update

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

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

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

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

### MEASUREMENT PROCESS

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

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

- The department performed a vital role in terminating the federal court's thirteen-year supervision of the Hawaii State Hospital. The court supervision of the hospital began in 1991 as the result of a civil lawsuit involving conditions at the hospital, and ended on November 30, 2006.
- The department was instrumental in the dismissal of a lawsuit filed against current and former OHA trustees, alleging breach of their fiduciary duty and misapplication of the ceded land receipts OHA received from the State. On August 10, 2006, U.S. District dismissed the suit five native Hawaiians filed against the current OHA trustees, and

- former OHA trustees for (1) breach of the fiduciary duty and (2) misapplication of the ceded land receipts OHA receives from the State. The plaintiffs specifically challenged the trustees' use of the ceded land receipts since 2001, to support the enactment of a federal recognition of native Hawaiians as indigenous people (aka Akaka Bill), and to fund grants to certain entities. Plaintiffs assert that these expenditures violate the trust because the Akaka bill allows all Native Hawaiians (as opposed to "native Hawaiians") to form the native governing entity it creates, and all Native Hawaiians are allowed to participate in the programs funded by the three grants. The court's dismissal was prompted by the suggestion in the department's amicus brief that several decisions issued in the last four years by the United States Supreme Court required a reassessment of the 9th Circuit's 1984 holding that a federal civil rights action could be used to enforce the public trust provisions of the Admission Act. The court concluded that the Admission Act did not confer rights or benefits on specific individuals, and expressly directed that its provisions be enforced by the United States, and dismissed the plaintiffs' federal civil rights claims. The court then declined to extend the court's supplemental jurisdiction to determine the plaintiffs' state law-based claims that the trustees had misapplied trust funds, and dismissed those claims without prejudice.
- Likely prevailed in a lawsuit, pending since 2002, that explicitly challenged as unconstitutional the Hawaiian Homes Program and OHA, and by implication each law and program that provides benefits to Native/native Hawaiians because they are Native/native Hawaiians. Attorney General Mark Bennett appeared personally for the State in this case, and we convinced federal judge Susan Mollway to dismiss the lawsuit. The 9<sup>th</sup> Circuit Court of Appeals, while upholding much of the dismissal, allowed some of the lawsuit to proceed. We asked the Supreme Court of the United States to reverse that decision and to, in essence, order the lawsuit dismissed. The Supreme Court did so, and remanded the case to the 9<sup>th</sup> Circuit Court of Appeals, where it is hoped the lawsuit will shortly be finally dismissed.
  - The department has fully supported the Kamehameha Schools in the legal fight against the School's admissions system of preferring students of native descent. First, we submitted an amicus brief in support of the Schools in the federal district court lawsuit. Second, after the initial court of appeals decision against the Schools, we submitted a significant amicus brief urging the 9<sup>th</sup> Circuit to take the case en banc. The court granted en banc review, and recently ruled 8-7, in favor of the Schools. The department will file a brief opposing Supreme Court review of this decision, but will continue to support the Schools, should the Supreme Court choose to hear the case.
  - Conducted extensive negotiations with the United States Department of Justice (DOJ) to avoid entering into a consent decree and putting the Hawaii Youth Correctional Facility (HYCF) essentially under the supervision of the federal court. Instead, the department entered into a written agreement with DOJ with no consent decree or ongoing federal court supervision. The agreement is working well, and HYCF is making significant progress.
  - Assisted in the successful federal prosecution of four Honolulu Airport employees for conspiracy to commit mail fraud and mail fraud. A deputy attorney general served as one of two lead prosecutors. The trial began on September 20, 2006 and ended on October 27, 2006. After deliberating for about one day, the jury returned guilty verdicts against all defendants on all counts. Sentencing is scheduled for March 12, 2007.
  - The department successfully defended a lawsuit filed against the State by the Office of Hawaiian Affairs, seeking hundreds of millions of dollars in damages from the State. OHA claimed that former Attorney General Bronster, former Governor Cayetano, and the State itself had breached fiduciary and other duties to OHA in connection with the passage in 1997 of federal Public Law 105-66 ("The Forgiveness Act"). The department

## Department of the Attorney General 2007 Goals and Objectives

vigorously defended the lawsuit, and the Supreme Court ruled entirely in favor of the State in a 64-page opinion filed in April 2006.

- In an effort to help stem soaring drug prices and recover inflated prices paid by the State and Medicare consumers, the department filed a lawsuit against 44 pharmaceutical companies. The lawsuit filed in the First Circuit Court alleges that for over a decade the drug makers published inflated prices for prescription drugs – causing Hawaii’s Medicaid program and Medicare consumers to overpay millions of dollars in drug costs. Hawaii will seek tens of millions of dollars in the lawsuit. The lawsuit alleges that reimbursements by state and federal government health insurance programs to providers are based on prices reported by the drug companies. However, the drug companies allow the providers to buy drugs at a cost substantially less than what the states or consumers are paying based on those reported prices. The difference between the published price, known as the average wholesale price (AWP), and the amount that providers pay is called a spread. The complaint alleges that the drug companies actively “market the spread” to sell their drugs which also has the effect of discouraging market competition from manufacturers that do not inflate their AWP. The complaint alleges that the scheme causes the providers to submit inflated claims for payment. The scheme results in the state Medicaid programs and Medicare consumers, who must pay a 20% co-payment, being overcharged while the drug companies increase their market share and reap huge profits. In addition to the AWP scheme, the lawsuit also alleges that the drug manufacturers have concealed the true prices by marketing schemes using secret discounts and rebates to providers and requiring confidentiality agreements. The lawsuit charges the drug companies with multiple violations of Hawaii’s Unfair or Deceptive Practice Act, False Claims Act, Unfair Competition, Non-disclosure and Unjust Enrichment. The complaint seeks to have actual damages trebled, and attorney fees and costs awarded to the State and Medicare participants who paid co-payments for drugs.
- Successfully obtained reversal of lower court’s final judgment of damages in the amount of \$3.67 million plus \$600,000 attorneys’ fees against the State Department of Human Services in a case involving claims of licensed blind vendors. The Hawaii Supreme Court reversed the judgment on the ground that plaintiffs’ counsel had filed suit in the wrong forum, and that the circuit court lacked subject matter jurisdiction.
- The "Hawaii College of Pharmacy" challenged in federal court the constitutionality of state statutes that regulate unaccredited institutions. The department filed a brief in federal court defending the constitutionality of the statutes, and the federal court upheld the statute’s constitutionality on the grounds urged by the State.
- Coordinated statewide efforts to implement the collection of DNA buccal swab samples from convicted felons for the Hawaii DNA databank, as required by a 2005 law whose adoption was supported by the department. The department, Department of Public Safety, County Police Departments, and the Hawaii Paroling Authority are all actively collecting samples from convicted murders, felony sex offenders, and all incarcerated felons.
- The Cold Case unit was established in the fall of 2004 through a federal grant to increase the investigation and prosecution of unsolved murders throughout the state, and to develop a statewide, cooperative approach to cold case homicide investigations. This unit has been staffed with highly qualified investigators, and has started the active review of unsolved murder cases received from county police departments. In partnership with the Naval Criminal Investigative Service, the unit carried out the inaugural Cold Case Homicide Investigations Methodology and Protocol Training Seminar.

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- On December 14, 2006, the Cold Case unit's work led to the indictment of Melvin Kumukau and Aaron Meyer for the murder of a store owner in Moiliili 29 years ago
  - On December 7, 2005, the Cold Case unit obtained a murder indictment against Jenaro Torres, a former Pearl Harbor police officer, for the 1992 murder of a base cashier, Ruben Gallegos. This case is pending jury trial.
- The department has entered more than 2,300 sex offenders onto the state sex offender registry and more than 1500 sex offenders on the department's public access website. The cumulative number of hits on the web site exceeds more than 7 million.
- Successfully obtained the Hawaii Supreme Court's dismissal of a circuit court determination that the CSEA breached its fiduciary duty to obligees whose child support payments were held in "uncashed check" or "bad address" accounts. The Hawaii Supreme Court decision specifically held that the "financial management of CSEA has significantly improved." The Court also vacated large portions of the judgment against the CSEA, including the part that found a breach of a fiduciary duty based in "bad check" and "bad address" categories. The Court also reversed an attorneys' fee judgment that had been entered.
- Aloha Airlines filed a bankruptcy petition in December 2004. Aloha owed roughly \$2,300,000 to the state. During a reorganization, no collection action may be taken against pre-petition debts, but the nonpayment of a post-petition or administrative debt is a signal that something is seriously wrong and that immediate action should be taken. Typically that action is to request the court to terminate the reorganization and convert the bankruptcy proceeding to a liquidation. Before taking this action, the department looked at what the State's security position would be in liquidation bankruptcy. That position was very strong. We then started discussions with Aloha. We learned that they had solved most of the problems that existed at the time of the filing of the petition for reorganization (principally labor and equipment cost issues), but they still had a few left, namely (a) there was only one real buyer for the reorganized airline, (b) the debtor-in-possession lender had imposed a difficult deadline, and (c) the Pension Benefit Guaranty Corporation opposed the discharge of certain unfunded pension obligations. We recognized that Aloha's financial problems at that point were short-term problems and that the benefits of Aloha's continued operations were considerable. On that basis we negotiated a settlement agreement. We negotiated a short-term repayment schedule for the post-petition debt and a longer one for the pre-petition obligation. The result was that Aloha agreed to pay, and has already partially paid, roughly 100 cents on the dollar, Aloha is still operating, and the leases and the State's security position are still intact. The department also significantly assisted Aloha with the Pension Benefit Guarantee Corporation.
- Drafted an amicus brief in support of the Respondent State of California. At issue is whether California's determinate criminal sentencing laws are unconstitutional under Blakely v. Washington, 542 U.S. 296 (2004). Hawaii's amicus brief urges the Court to adhere to the principal that State can provide some structure to help ensure that their judges exercise reasonable discretion in imposing sentences. Eight states -- Arkansas, Colorado, Illinois, Montana, Nevada, Oregon, Texas, and Utah -- joined Hawaii's amicus brief.
- Successfully defended the State on appeal to the Hawaii Supreme Court against a claim that the State and County of Kauai had a duty to warn of dangerous natural conditions at Queen's Bath.

## Department of the Attorney General 2007 Goals and Objectives

- Obtained a ruling from the Hawaii Supreme Court in favor of the Department of Land and Natural Resources regarding mooring fees.
- Obtained summary judgment in Circuit Court in a case in which the plaintiff sued several State agencies, a deputy attorney general, as well as several medical providers for allegedly violating various civil rights arising out of the plaintiff's involuntary hospitalization in psychiatric facilities numerous times in several states, including Hawaii. The court granted the State's motion for summary judgment based on the statute of limitations and sovereign immunity.
- Obtained summary judgment and dismissal of all the State defendants in a U.S. District Court in case involving alleged violation of the plaintiff's constitutional rights to familial association and to practice her chosen profession when Child Protective Services (CPS) determined that the plaintiff posed a threat of harm to her daughter and the placement of her name on the CPS Abuse Registry prevented her from practicing her profession.
- Successfully prevented a student from attending classes at a high school when her father, acting on her behalf, refused to allow her to be tested for tuberculosis.
- Prevailed in an administrative decision regarding an adult foster home certification. The Department of Health hearings officer agreed with the department that in order to comply with the certification requirements for operating adult foster homes, the operator must allow an annual inspection of all of the rooms of her home, not just those rooms inhabited by clients. The inspection requirement is designed to protect the health and safety of developmentally disabled and mentally retarded residents.
- Prevailed in an appeal of the administrative decision that rescinded the Department of Health's (DOH) revocation of the certification of an adult foster home. The DOH hearings officer had found serious violations at this adult foster home but, nonetheless, reinstated the home's certification "with conditions." The Circuit Court concluded that in light of the clear facts, the hearings officer's exercising any discretion in keeping the home open and imposing conditions was unwarranted.
- Diligent enforcement of the tobacco laws by the Tobacco Enforcement Unit resulted in the state receiving more than \$85 million annually in cigarette taxes and \$286 million in Master Settlement Agreement payments from fiscal year 1999.
- Through 2006, the Tobacco Enforcement Unit successfully filed eighteen actions against all tobacco product manufacturers that have not complied with the requirements of Chapter 675.
- Through 2006, the Tobacco Enforcement Unit conducted over 850 inspections of tobacco retailers on all the islands, resulting in 155 felony arrests, 114 cases prosecuted, \$166,000 in criminal fines, and seizure of over 2,227,100 illegal cigarettes.
- In fiscal year 2006, the department collected \$14,788,405 owed to various departments of the State, including \$2,500,813 in Hawaii Health Systems Corporation's delinquent accounts; \$1,282,882 in child support obligations for the Child Support Enforcement Agency; \$22,685 in delinquent agriculture loans; \$136,967 in delinquent DBEDT loans; \$3,100,394 for the Department of Transportation for delinquent lease rents, salary overpayments, and property damage claims; \$7,059,500 for the Department of Human Services; \$54,100 for party workers' compensation reimbursements; AND \$496,308 for delinquent taxes.
- In fiscal year 2005-2006, the Tax Division closed 449 tax related matters, 258 charitable solicitation matters, 333 trust or nonprofit related matters and collected \$8.5 million.

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- As of July 26, 2006, the department completed the registration, renewal, and bonding of 122 fundraisers (34 solicitors and 88 professional fundraising counsels).
- In fiscal year 2005-2006, in civil and administrative actions involving the Departments of Health or Human Services, the department collected \$1,108,527 for the State.
- The department handled the administrative “prosecution” of cases involving major damage to natural resources, such as a reef on Kauai that was destroyed by mud runoff, and alleged illegal logging in state forests.
- In claims related to employment law, the department successfully defended the State at trial against claims for millions of dollars in damages. Numerous other claims against the State were successfully disposed of by summary judgment, resulting in significant savings to the State in litigation expenses and resources.
- In fiscal year 2005-2006, the department filed 823 petitions for child welfare (more than 99% of these petitions were sustained), 109 truancy petitions (most of which were sustained with the subject children coming under the protective supervision of the Family Court and the Department of Education), 52 adult protective services/guardianship petitions, 252 adoption petitions, and 447 petitions for involuntary hospitalization. In most of the involuntary hospitalization cases, the patient became well enough to be discharged, or well enough for voluntary admission before the scheduled hearing. Of the petitions that went to hearing, nearly all were sustained.
- Between 2003 and 2006, the department prevailed in 117 child custody appeals, most of which were brought by parents whose parental rights were terminated.
- In fiscal years 2003-2004, 2004-2005, and 2005-2006, the department defended, on behalf of the Child Support Enforcement Agency, approximately 50 CSEA-related administrative appeals filed throughout the State.
- The department handled appeals in state and federal appellate courts, including:
  - Appeals involving the assertion of the public trust doctrine against the State.
  - Appeals involving the application of the federal ERISA law to the State's Patient Bill of Rights and other Hawaii health care statutes.
  - Appeals involving the absolute and qualified immunity of state employees named as defendants in civil rights cases.
  - Cases involving the sovereign immunity of the State.
  - Cases involving the discretionary function exception to the State Tort Liability Act and cases involving the proper apportionment of liability to the State in joint tortfeasor cases.
  - Cases involving claims of civil rights and other constitutional violations against the State, including claims of employment discrimination and improper conditions of confinement.
  - Class action cases against the Employees' Retirement System for unpaid benefits and for attorneys' fees and costs.
  - Appeals from DUI administrative license revocations.

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- In fiscal year 2005-2006, the department assisted in the issuance of bonds in the amount of \$571,190,000 as follows:
  - General Obligations Bonds \$350,000,000
  - Housing and Community Development Corporation of Hawaii, Single Family Mortgage Purchase Revenue Bonds \$6, 165,000
  - Queen's Health Systems Special Purpose Revenue Bonds (SPRB) \$190,025,000
  - Mid-Pacific Institute SPRB \$15,000,000
  - Chaminade University SPRB \$10,000,000
  
- From July 1, 2006 through December 31, 2006, assisted in the issuance of bonds in the amount of \$354,880,000 as follows:
  - Harbor System Revenue Bonds \$96,570,000
  - University of Hawaii System Revenue Bonds \$133,810,000
  - Department of Hawaiian Homes Lands Certificates of Participation \$100,000,000
  - Department of Hawaiian Homes Lands Certificates of Participation \$24,500,000
  
- By November 2006, the Criminal Justice Division successfully prosecuted a total of 241 welfare program cases. The 241 cases represented theft of funds from various welfare programs in the amount of \$7,210,727.90.
  
- The Medicaid Fraud Control Unit (formerly the Medicaid Investigations Division) continues to investigate and prosecute cases related to abuse, neglect, and exploitation of elderly or dependent adults. In 2006, the Unit indicated 9 defendants for crimes including financial exploitation of defendant adults, theft, endangering the welfare of an incompetent person, medical assistance frauds, and sexual assault in the second degree.
  
- Since July 2003, when the Drug Nuisance Abatement Unit was created in the Department of the Attorney General, the office has opened 1170 cases (statistics current up to 9/09/06) based on complaints from the community regarding drug houses and illegal drug activity. Cases can be closed for a variety of reasons, including resolution based on informal (non-litigation) means. The unit has filed 12 lawsuits.
  
- The Hawaii Internet and Technology Crimes Unit (HITeC) was established in 2003 as a merger of two federal grants -- the Hawaii High Technology Crimes Unit (HHTCU) and Hawaii Internet Crimes Against Children Task Force (HICACTF) -- to coordinate efforts and resources in developing and implementing innovative approaches to increase the investigation and prosecution of computer crimes and Internet crimes against children in Hawaii. Recent achievements include the following:
  - Formed a multi-agency task force consisting of state, county, and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training, and education, and forensic resources in combating these crimes.
  - Created a fully equipped and operational computer forensics lab, which assists in the recovery, processing, and examining of digital evidence in criminal cases on all islands of the State of Hawaii. The task force has completed approximately 70 forensic examinations and provided technical support on about 50 occasions.

## Department of the Attorney General 2007 Goals and Objectives

- Identified and imported training to increase task force participants' investigative and forensic capabilities. There have been about 30 trainings for task force members to develop and advance investigative and prosecutorial abilities.
- Has prosecuted a significant number of Electronic Enticement of a Child cases. To date, the department is the only agency that conducts, investigates, and prosecutes operations in this area full-time.
- Continued efforts to educate the public regarding Internet Safety and Technology Crimes (including Identity Theft). A web site for Internet safety is available at [www.hicac.com](http://www.hicac.com), and a web site for Technology Crimes is under construction. Approximately 150 presentations have been made on all islands.
- The Environmental Crimes Unit was established in 2004 to investigate and prosecute environmental crimes that pose substantial risks to public health and the environment. These include violations of laws relating to air and water quality, solid and hazardous waste, underground storage tanks, pesticides, and restricted or regulated chemicals. The unit also investigates and prosecutes violations of environmental regulatory integrity, such as fraud, false reporting, and concealment. Recent achievements include the following:
  - Conducted investigations in all counties.
  - In fiscal year 2006, responded to more than 192 telephone calls requesting information and referrals.
  - Secured the felony convictions of two Oahu men for knowingly causing or allowing a water pollutant to enter state waters. The defendants dumped a tar-like pollutant into a storm drain. The pollutant ran down the drain and into a drainage canal that led to the ocean.
  - Secured the felony conviction for violating the solid waste laws. The defendant dumped more than 10 cubic yards of construction demolition materials on property.
  - Secured a misdemeanor conviction for dumping paint water into storm drain near the Ala Wai Canal.
  - Secured a petty misdemeanor conviction for dumping more than 1 cubic yard of construction demolition waste on a public sidewalk.
  - Secured a felony conviction for crime of solid waste pollution where the defendants accumulated solid waste in their base yard for 2 months due to the suspension of permission to dump the waste at the Waimanalo Gulch. Secured a felony conviction for solid waste pollution where the defendants dumped more than 1- cubic yard of concrete demolition materials.
  - Issued penal summons in cases involving the illegal dumping of large amounts of solid waste.
- In fiscal year 2005-2006, the Investigations Division handled thousands of requests for investigative services.
- Sixty-five individuals throughout the state have been trained as trainers in stalking investigations. In addition, six workshops have been held throughout the state to educate service providers and others who work with victims of stalking victims.

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- As set forth in an 11/28/06 approval from the Governor regarding the department's Spending Plan of Department of Human Services Reimbursement for FY 2007, we obtained approval for spending approximately \$1.03 million of federal reimbursements for legal services rendered by the department, for such items as; 1) Kaloko dam investigation/special deputy costs over the emergency appropriation amount; 2) litigation fund costs; 3) replacing telecommunications hardware/switches; 4) replacing Halon fire retardant system; 5) computer servers and software; 6) training and subscriptions; and 7) certain one-time personnel costs. In addition to this amount, direct reimbursement of "U" funded salary and fringe costs and a direct transfer of money to the state treasury -- in the approximate total additional amount of \$900,000.
- During 2005 and 2006, the Crime Prevention and Justice Assistance Division received \$11,468,514 in federal grants to address crime and crime victim issues. Additionally, \$495,642 was received as discretionary grants, i.e., applications that competed against other jurisdictions. Federal funds allocated to the neighbor islands for crime and crime victims totaled \$5,442,508. Initiatives supported by these funds included drug interdiction efforts, projects to prevent the exploitation of children, community oriented prosecution, property crime prosecution, and programs to help victims of domestic violence, sexual assault, and other crimes.
- The department performed a vital role in the establishment of Family Visitation Centers in every county, for visitation and exchange services between children and their non-custodial parent or family members. These centers are funded through a federal Violence Against Women Act grant awarded to the department.
- Continuing the Kupuna ID program that was launched in September 2003. The Kupuna ID is an identification card available at no charge to senior citizens age 65 and older who may become sick, disoriented, or lost. The card helps emergency personnel to identify these seniors and to contact those responsible for them.
- The department conducted outreach events in locations across Oahu to enable persons to obtain ID cards without having to travel to the State ID Office. In 2006, 9 outreach events were held, servicing over 4,000 citizens in their local communities, including senior citizens residences and special needs students in our schools.
- eCRIM – On November 9, 2005, the Hawaii Criminal Justice Data Center (HCJDC) implemented internet public access to conviction criminal history information on the State Website, called "eCrim" with the ability to pay for certified printouts on-line. This service is available 24 hours a day, 7 days a week, and with convenient web access.
- Sex Offender Registration – Currently, there are 2,350 sex offenders registered statewide. Since the sex offender online website went back online on May 9, 2005, there have been over 7 million hits. Efforts have been stepped up to enforce compliance with the law and to prosecute non-compliant sex offenders. To date, 20 sex offenders have been indicted, of which 13 have been found guilty and 8 are awaiting trial.
- Statewide Automated Fingerprint ID System (AFIS) upgrade to include PalmPrints – The implementation of MetaMorpho on the State's AFIS gives the State a more robust crime fighting tool, including the capability to capture, store and search electronic palm prints from crime scenes.
- Firearm Registration – Established a statewide standardized registration form for firearm registration, as the foundation towards statewide firearms tracking in CJIS-Hawaii.

## **SECTION 3: DIVISION DESCRIPTIONS**

### **LEGAL SERVICES DIVISIONS**

#### **Administration Division**

The Administration Division is principally responsible for commercial and financial-related legal issues. The division provides legal advice and litigation support to various departments and offices, including the Office of the Governor; the Office of the Lieutenant Governor; the Department of Accounting and General Services (including the State Foundation on Culture and the Arts, the Stadium Authority, and the State Procurement Office); the Department of Budget and Finance (including advice regarding bond matters and advice to the Employees' Retirement System, the Employer-Union Health Benefits Trust Fund, and the Office of the Public Defender); the Judiciary (including the Commission on Judicial Conduct, the Office of Disciplinary Counsel, the Judiciary Personnel Appeals Board, the Judicial Selection Commission; general consultation with and advice to the staff attorney's office, and representation of judges in writs and civil lawsuits); the Hawaii State Land Use Commission; the Hawaii State Commission on the Status of Women; the Campaign Spending Commission; and the Office of Elections.

#### **Appellate Division**

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

#### **Civil Recoveries Division**

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

#### **Civil Rights Litigation Division**

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

#### **Commerce and Economic Development Division**

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

the antitrust laws, administers the laws providing for the commissioning of notaries public, and provides legal services to the Board of Trustees of the State's Deferred Compensation Plan and to other state agencies involved in administering tax deferral programs.

### **Criminal Justice Division**

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

### **Education Division**

The Education Division principally provides legal advice and support to the Department of Education and the Board of Education. Other clients include the Charter School Administrative Office and the Charter Schools; the Hawaii Teacher Standards Board; the Research Corporation of the University of Hawaii; and the Hawaii State Public Library System.

### **Employment Law Division**

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

### **Family Law Division**

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

### **Health and Human Services Division**

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

### **Labor Division**

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

### **Land/Transportation Division**

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

### **Legislative Division**

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

### **Public Safety, Hawaiian Home Lands, and Housing Division**

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

### **Tax Division**

The Tax Division provides legal representation and advice to the Department of Taxation and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and opinions and advice. The division contains an informal bankruptcy unit devoted to handling all bankruptcy cases for the Department of Taxation, and occasionally assists other agencies in bankruptcy matters. The division represents the Attorney General in the oversight and enforcement of laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The division is also responsible for the department's registration and bonding function for professional solicitors and professional

fundraising counsels under HRS chapter 467B, and enforcement of the State's charitable solicitation laws. The division is the custodian of certifications by charities that issue charitable gift annuities under HRS § 431:204(b).

### **Tort Litigation Division**

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

## **PUBLIC SERVICES DIVISIONS**

### **Child Support Enforcement Agency**

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

### **Crime Prevention and Justice Assistance Division**

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

### **Hawaii Criminal Justice Data Center**

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

### **Office of Child Support Hearings**

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

## **INVESTIGATIONS DIVISION**

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

**ADMINISTRATIVE SERVICES OFFICE**

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

## **SECTION 4: LEGAL SERVICES DIVISIONS**

### **Administration Division**

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

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

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

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

GOAL 2:        Improve work performance of support staff.

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

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

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

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

GOAL 3:        Improve utilization of legal assistant support.

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

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

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

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

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

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

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

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

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GOAL 5: Improve division expertise in sunshine law matters.

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

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

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

Process: Expose all division deputies on sunshine law issues.

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

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

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

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

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

## **Appellate Division**

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

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

### Overall Goal

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

### Objectives

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

### Action Plan

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

**Civil Recoveries Division**

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

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

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

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

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

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

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

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

GOAL 3:        To provide efficient and effective representation to the Hawaii Health Systems Corporation in the collection of its aged delinquent accounts (greater than one year old). The goal for 2007 is to increase the amount collected by 20%.

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

Action Plan: To have division staff continue to work with Hawaii Health Systems Corporation staff in coordinating the referral and collection process. To obtain new computers to interface with the Hawaii Health Systems Corporation database for direct imputing of payments.

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

GOAL 4:        To provide efficient and effective representation to the Child Support Enforcement Agency in the collection of payments in difficult child support and FIDM cases. The goal for 2007 is to increase the amount collected by 5%.

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

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

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

## Department of the Attorney General 2007 Goals and Objectives

for 2006 was to increase the amount collected by 5%. Collections for 2006 totaled \$1,282,882. The goal for 2007 is to increase the amount collected by 5%.

GOAL 5: To provide efficient and effective representation to the Department of Human Services in the collection of its Medicaid third party liens, home property liens, and estate recovery liens. The goal for 2007 is to increase the amount collected by 10%.

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

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

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

GOAL 6: To provide efficient and effective representation to state agencies that have major construction or contract claims and to prosecute appropriate false claims. The goal in 2007 is to collect or save the State \$3,000,000.

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

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

Process: Extensive training to personnel in the Department of Transportation and the Department of Accounting and General Services in contract management and revision of contract documents was carried out in 2003 and 2004. In 2005 \$1,009,381 was collected and \$2,000,000 was saved. The goal in 2006 was to collect and/or save the State \$3,000,000. This goal was met as more than \$3,000,000 in construction claims was saved. The goal for 2007 is to collect or save the State \$3,000,000.

GOAL 7: To provide efficient and effective representation to the Department of Human Resources Development and the Department of Education in the recovery of third party liens on workers compensation liens. The goal for 2007 is to increase the amount collected by 50%.

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

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

Process: Collections in 2004 totaled \$138,576. The goal for 2005 was to collect \$220,000. This goal was achieved in 2005 as collections in 2005 totaled \$238,718. The goal for 2006 was to increase that amount by 10%. Collections in 2006 totaled \$54,100. The goal for 2007 is to increase that amount by 50%.

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- GOAL 8: To provide efficient and effective representation to the Department of Transportation in the collection of its delinquent lease rents, salary overpayments, and property damage claims at the airports, highways and harbors. The goal for 2007 is to match the amount collected in 2006.
- Objective: To increase the amount collected for the Department of Transportation in the collection of its delinquent lease rents, salary overpayments, and property damage claims at the airports, highways and harbors.
- Action Plan: To have division staff continue to work with Department of Transportation staff in coordinating the referral and collection process.
- Process: In 2004, collections totaled \$1,696,152. The goal for 2005 was to maintain that collection amount. That goal was exceeded in 2005 as collections totaled \$2,805,939. The goal for 2006 was to match that amount. That goal was exceeded as collections totaled \$3,100,394. The goal for 2007 is to match that amount.
- GOAL 9: To provide efficient and effective representation to general funded departments in their collection of liquidated claims, such as salary overpayments, loans, and reimbursements for damage to state property. The goal for 2007 is to increase collections by 25%.
- Objective: To increase the amount collected for the Department of Public Safety, the Department of Education, and the Department of Accounting and General Services in salary overpayments, loans, and reimbursements for property damage claims.
- Action Plan: To have division staff use ProLaw to track its collections, to provide a legal assistant to organize the files and prepare demand letters and complaints, and to continue to work with Department of Public Safety, Department of Education, and Department of Accounting and General Services staff in coordinating the referral and collection process.
- Process: Collections in 2004 totaled \$46,997. The goal for 2005 was to collect \$200,000. Collections in 2005 totaled \$149,998. The goal for 2006 was to collect \$220,000. Collections for 2006 totaled \$134,756. The goal for 2007 is to increase that amount by 25%.
- GOAL 10: To provide efficient and effective representation to the Department of Taxation in its collection of difficult collection cases. The goal for 2007 is to increase collections by 20%.
- Objective: To increase the amount collected for the Department of Taxation from its difficult collection cases that have been levied.
- Action Plan: To provide a legal assistant to organize the files, search for assets, and work with the Department of Taxation staff in coordinating the referral and collection process. To provide an investigator to update debtor information. To provide a deputy to issue demand letters and pursue collection remedies. To encourage the Department of Taxation to refer more cases for collection by the Civil Recoveries Division.
- Process: This team began as a pilot project in March 2004. In 2005 collections totaled \$671,288. The goal for 2006 was to increase that amount by 20%. Collections for 2006 totaled \$496,308. The goal for 2007 is to increase that amount by 20%.

Department of the Attorney General 2007 Goals and Objectives

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

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

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

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

### **Civil Rights Litigation Division**

**GOAL 1:**        Provide quality legal representation to clients

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

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

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

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

**Objective 3:**    Facilitate positive relationships with division clients.

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

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

**Action Plan:**    Participate in client training upon request of the client. This includes the provision of informal advice over the phone or in person, and participation in formal training. The division also provides staff to assist with special client projects, as requested. This past year, both the Civil Rights Litigation Division and Tort Litigation Division deputies again participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will likely be doing so again in the future.

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

**Action Plan:**    In addition to the weekly division meetings, the division continues to routinely use informal, mini litigation review committees as a means of discussing case-specific issues, such as issues relating to liability, case strategy, and case value. Depending on the issue being presented, the participation of deputies from other divisions who may have relevant expertise is often sought. This practice

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

## Department of the Attorney General 2007 Goals and Objectives

improves the level of service the division is able to provide to its clients because the deputies have the benefit of group discussion and group knowledge on important case issues.

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

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

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

Objective 1: Continue to identify sources of relevant information.

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

Objective 2: Facilitate the acquisition of relevant materials.

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

GOAL 3: Promote a positive work environment

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

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

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

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

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

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

### GOAL 4: Maximize use of Departmental/Other Technology

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

Action Plan: Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside resources. TLD and CRLD are currently coordinating their efforts to better electronically input and organize expert depositions other than on Summation since the Summation program has not been updated and may be able to support substantially more data in the future. Deputies and legal assistants are encouraged to attend training on Westlaw, in an effort to strengthen their legal research skills and provide increased assistance to their assigned deputies. The division continues to maintain an electronic "memo bank and "expert bank" which allows access to motions and pleading forms and the names and curriculum vitae of experts in a variety of fields.

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

## Commerce and Economic Development Division

The division has two separate missions.

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

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

### PART 1. LEGAL SERVICES TO CLIENT AGENCIES

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

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

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

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

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

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

**Action Timetable:** Throughout the year.

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

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

**Objective 2:** Review timesheets regularly to assess workload distribution.

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

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

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

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

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

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

Action Timetable: Both objectives are ongoing projects.

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

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

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

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

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

GOAL 5: Improve technology skills for staff and attorneys.

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

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

PART 2: OPERATING THE NOTARY PROGRAM

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

- Objective 1.                Adopt administrative rules implementing the current law governing the regulation of notaries.
- Objective 2.                Develop a hearings process to adjudicate cases involving notary misconduct.
- Objective 3.                Acquire the equipment and implement the computerization of the recordkeeping function of the notary program to replace the current manual filing system and to permit microfiching or other electronic storage of records.
- Objective 4.                Develop a system for computerization of processing notary applications.

Action Timetable:    All objectives are ongoing.

PROCESS FOR MEASURING PERFORMANCE

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

## **Criminal Justice Division**

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

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

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

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

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

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

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

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

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

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

DIVISION GOALS

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

DIVISION OBJECTIVES

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

DIVISION ACTION PLAN

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

**Asset Forfeiture Unit**

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

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

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

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

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

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

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

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

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

Objective 1:        Coordinate efforts between deputy and program staff.

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

Objective 2:        Continue to monitor storage space needs.

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

### **Environmental Crimes Unit**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ACTION PLAN**

In 2006, we successfully prosecuted 10 cases and obtained guilty/no contest pleas from 2 companies and 9 individuals, including 2 company presidents. Before the end of the 2006, we expect to indict 2 more cases, which involve 1 company and 3 individuals, including 1 company president. The unit's action plan includes the realization of the above stated goals and objectives.

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

## **Internet and Technology Crimes Unit**

### **Hawaii High Technology Crimes Unit (HHTCU) (May 1, 2006 – April 30, 2007)**

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

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

#### PROJECT DESIGN/STRATEGY AND TIMELINE

With respect to Objective (1), we will continue to obtain specialized equipment to properly investigate and prosecute computer related crimes, provide presentations and training to law enforcement officers that address investigative techniques related to computer related crimes, and provide law enforcement agencies with the technical assistance and training needed to properly investigate computer related crimes. We continue to work with Brad Russ, the Internet Crimes Against Children (ICAC) Director of Training and Technical Assistance, to bring ICAC trainings to Hawaii and assist us in developing a roadmap so that Hawaii will continue to increase its ICAC presence and be better able to sustain itself locally should federal funding cease. Expected completion of increasing investigative capabilities of local law enforcement will be the end of the grant period.

With respect to Objective 2, we will continue to provide the task force with trained investigators, qualified computer forensic examiners, and the specialized equipment to properly investigate and prosecute computer related offenses. Expected completion of increasing our productivity by 20% will be the end of the grant period.

With respect to Objective (3), we will continue to provide a structured forum between State, county and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training and education, and forensic resources. To date, we have 22 law enforcement agencies from federal, State, and county law enforcement agencies participating on our task force. Many of these agencies were targeted from the beginning as a critical component of this coalition and have been supportive of HHTCU's efforts. These law enforcement agencies consist primarily of investigators, computer forensic examiners, and prosecutors. Formal task force meetings are being conducted semi-annually. Expected completion of this objective will be the end of the grant period.

With respect to Objective (4), we will continue to provide outreach education, awareness, and prevention programs to children, parents, educators, and community groups, and maintain as well as continue to update our informational website at [www.hicac.com](http://www.hicac.com) and implement a high technology website at [www.hitechcrimes.com](http://www.hitechcrimes.com). We have already started discussions with the Department of Education, State of Hawaii, in bringing more Internet Safety into the schools. Expected completion of this objective will be the end of the grant period.

PERFORMANCE INDICATORS

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

**Hawaii Internet Crimes Against Children Task Force (HICACTF) (April 1, 2005 – April 30, 2007)**

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

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

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

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

Objective (c)    Increase the number of ICAC offenses being investigated and prosecuted by the State 20% during this period.

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

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

Objective (f)    Maintain and increase our ICAC public awareness and prevention programs by 10% during this period.

PROJECT DESIGN/STRATEGY

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

With respect to Objective (b), we propose to conduct and assist in undercover Internet operations in traveler and child pornography cases, and respond to ICAC offenses both locally and nationally (e.g., NCMEC CyberTip referrals). Performance indicators include the number of proactive and

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reactive ICAC investigations whether they be within the State, referred to other jurisdictions, and/or assisted by HICACTF personnel.

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

With respect to Objective (d), we propose to continue to provide a structured forum between state, county and federal law enforcement agencies to coordinate investigations and prosecutions, maximize sources of technological and investigative expertise, training and education, and forensic resources. To date, we have 22 law enforcement agencies from federal, state, and county law enforcement agencies participating on our task force. Performance indicators include the number of agencies participating on our multi- agency task force.

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

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

### TIMETABLE

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

- (a) Continue to increase the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses. Method: Obtain specialized equipment to properly investigate and prosecute ICAC offenses, provide presentations and training to law enforcement officers that address investigative techniques related to ICAC offenses, and provide law enforcement agencies with the technical assistance and training needed to properly investigate ICAC offenses. We are working with Brad Russ, the ICAC Director of Training and Technical Assistance, to bring ICAC trainings to Hawaii in 2005 (i.e., ICAC Investigative Techniques, CEO Briefing, ICAC Case Management, and a legal presentation) and assist us in developing a roadmap so that Hawaii will continue to increase its ICAC presence and be better able to sustain itself locally should federal funding cease. Expected completion of ICAC Investigative Techniques course and CEO Briefing is March 2005. Expected completion of ICAC Case Management course is October 2005. Expected completion of legal presentation will be by end of grant period.
- (b) Conduct and assist in proactive and reactive ICAC investigations. Method: Conduct and assist in undercover Internet operations in traveler and child pornography cases, and

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respond to ICAC offenses both locally and nationally (e.g., NCMEC Cybertip referrals). Expected completion will be duration of project.

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

## **Medicaid Fraud Control Unit**

### GOALS AND OBJECTIVES

#### GOAL 1: To investigate and prosecute provider health care fraud

- Objective 1: Maintain and increase cooperation and collaboration with the Medicaid program's state administrator (MedQuest)
- Objective 2: Polish and perfect investigation and litigation of qui tam complaints alleging provider health care fraud
- Objective 3: Further develop existing working relationships with other states' Medicaid fraud control units dealing with interstate and multi-state provider health care fraud
- Objective 4: Continue to advance and utilize existing working relationships with federal law enforcement agencies including, without limitation, the Office of Inspector General, Federal Bureau of Investigations and United States Attorney's Office dealing with all aspects of provider health care fraud and the financial exploitation of the elderly and dependent adults

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

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

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

- Objective 1: Secure recovery of Medicaid funds from local billing organization presently involved in schemes that resulted in overpayment of substantial sums of funds. Secure possible punitive sanctions and criminal sanctions against employees and, or officer's of the organization.
- Objective 2: Assist federal investigators and prosecutors in the ongoing cases of provider health care fraud.
- Objective 3: Utilize the recently enacted Hawaii False Claims Act. Prosecute cases against health care providers under the Hawaii False Claims Act.
- Objective 4: Improve communication and coordination with MedQuest and the state fiscal intermediary. Improve and implement information technology between the division and state fiscal intermediary.

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

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

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

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

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

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

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

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

### ACTION PLAN

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

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

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

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

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

## Missing Child Center – Hawaii

### GOALS AND OBJECTIVES

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

Objectives:

- Develop partnerships with one major radio station, one TV station, and one newspaper in the State.
- Serve as a guest to discuss the missing and abducted issues on two radio shows and one locally produced television show.
- Expand the reach of the Center's volunteer network.
- Participate in at least four community events per year.
- Visit at least four schools per year to educate the students on child abduction, MCCH, and preventive measures.

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

Objectives:

- Assist law enforcement to develop a standardize plan consistent with other counties throughout the State for missing children.
- Develop active communication and working relationships with the Department of Human Services, Department of Education, and other agencies to identify at-risk children.
- Provide education and training for law enforcement and social service agencies on missing children issues.
- Produce a short video with an accompanied brochure on runaway prevention and local and national resources.

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

Objectives:

- Manage Hawaii's Maile Amber Alert program.
- Assist families of missing children and provide linkages with support services.
- Assist law enforcement agencies on the recovery of missing children
- Train law enforcement and mental health professionals on the importance of counseling for the recovered children and their families, especially for family abduction cases
- Provide training to law enforcement agencies in improving ways of recovering missing children

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

Objectives:

- Ensure adequate funding to meet the objectives of the MCCH.
- Work with the Friends of MCCH in fundraising efforts.
- Apply for at least two applicable grants per year.

**Drug Nuisance Abatement Unit (Fiscal Year 2006-2007)**

The Drug Nuisance Abatement Unit will continue to assist other law enforcement agencies and our communities in closing down drug houses and disrupting the distribution and manufacture of drugs in our State. For the fiscal year 2006-2007, the unit's major goals include:

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

In order to accomplish its mission of closing down drug houses, the Drug Nuisance Abatement Unit needs to have a stable source of funding to attract and employ experienced law enforcement professionals. These professionals must possess strong investigative skills, an up-to-date understanding of criminal law, and a willingness to think beyond standard criminal investigation techniques. Because much of the work of the Drug Nuisance Abatement Unit is on the cutting edge of the law and its cases are establishing a first impression for Hawaii's courts, its personnel must be experienced and be innovative in developing its cases. To keep experienced law enforcement professionals in the Unit, the Unit's funding should come from a stable source, such as the general fund. Act 178, SLH 2005, as amended by Act 160, SLH 2006, provided for such funding in appropriating the sum of \$150,000 out of the general fund for the Unit for fiscal year 2006-2007.

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

As the Unit's actions and accomplishments indicate, the Legislature's Drug Nuisance Abatement Unit pilot project has proven its worth over the last three years by accomplishing the fundamental mission of closing down drug houses. If the Legislature wants to make this function permanent and maximize the Unit's performance by increasing the number of drug house closings, the Legislature should consider increasing the Unit's funding so that additional personnel can be hired.

Presently, the investigator based on Oahu is responsible for investigating all cases on Oahu and in Kauai and Maui Counties. If an additional full-time investigator based on Oahu is hired, one of the two full-time investigators will be specifically assigned to investigate cases in Maui County while the other is assigned to investigate cases on Kauai. This would allow the Unit to be more proactive in investigating these cases.

An additional half-time investigator assigned to the island of Hawaii would immediately increase the efficiency of investigations. Presently, the Hawaii based investigator must investigate complaints throughout the island. The addition of an Investigator VI position would also increase the efficiency of the Unit, as the Investigator VI would be assigned to oversee and supervise the Unit's investigators as well as investigate drug nuisance complaints.

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

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

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

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

In 2006, an ongoing informal agreement with the Maui Police Department in Lahaina District culminated in the filing of two lawsuits targeting six individuals believed to be selling or assisting in the sale of marijuana in Lahaina. Periodically, the Maui Police Department will conduct undercover operations in Lahaina and Kaanapali in order to catch suspected drug dealers engaging in drug sales. The informal agreement calls for the Drug Nuisance Abatement Unit to initiate a civil action to seek the permanent removal of the suspected drug dealers from the area where they are dealing drugs.

In 2006, the Drug Nuisance Abatement Unit also worked with the Office of the Prosecuting Attorney in Maui County to abate suspected drug dealing at a residence in Makawao. This collaboration led to an abatement of the suspected drug dealing from the residence.

Additionally in 2006, the Drug Nuisance Abatement Unit worked with the Community Prosecution Unit of the Honolulu Office of the Prosecuting Attorney and the Honolulu Police Department in order to abate suspected drug activity in a Kaimuki residence.

GOAL 3: Decrease the Backlog of Complaints

Due to the Unit's success in closing down drug houses and educating the public, the Unit has received a large number of complaints. Specifically, since July 2003, over 1,192 complaints about drug houses and illegal drug activity have been made to the Unit. In that time, 645 of the cases have been closed, leaving the Unit with an existing backlog of 547 complaints.

In the legislative report submitted to the 2006 Legislature, the Drug Nuisance Abatement Unit reported that over 832 complaints about drug houses and illegal drug activity have been made to the Unit since July 2003. Up through 2005, 274 of the cases had been closed, leaving the Unit with an existing backlog of 558 complaints. In addition, new complaints are made to the Unit's hotline each week.

The Drug Nuisance Abatement Unit will continue to look into one possible short-term solution. The backlog can be decreased if the full-time investigator is able to focus more time on investigations. This will require that the investigator be relieved of the clerical type duties such as reviewing complaints that have been received, entering case data into the drug nuisance database, and corresponding with landlords, government officials, and other government agencies. In 2006, utilizing a volunteer assigned to the Investigations Division, the Drug Nuisance Abatement Unit has currently updated its database. However, the volunteer will not be available for further assistance because that volunteer is scheduled to enter the FBI academy in the near future. In order to keep the database up to date, the Unit will continue to look into

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obtaining more volunteers who may assist the investigator by performing some of the clerical type duties. However, this continues to only be a temporary solution.

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

### GOAL 4. Increase the number of drug nuisance abatements

Decreasing the backlog in the Unit directly relates to increasing the number of drug nuisances abated. Therefore, the Drug Nuisance Abatement Unit's implementation of the solutions described above will hopefully also result in increased closings of drug houses and nuisances.

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

The Drug Nuisance Abatement Unit is currently developing a protocol to utilize a law enforcement tool in order to disrupt the illegal distribution of drugs in our communities. In a substantial percentage of the complaints received by the Drug Nuisance Abatement Unit, other law enforcement agencies have been unable to obtain sufficient evidence in order to obtain a search warrant to search a suspected drug house. In a related operation, law enforcement agents will informally contact suspects in a suspected drug house. The purpose of this operation is to put suspected drug dealers on notice that their activities are being monitored in order to force them to slow down the level of their drug dealing. The hope is that use of this operation as an enforcement tool will allow the unit to become more proactive in dealing with complaints of illegal drug activity.

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

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

To continue to raise public awareness of the drug nuisance abatement process, members of the unit will continue to make presentations to community and professional groups. For example, in August 2006, the Unit also participated in the National Night Out program, which is designed to heighten crime and drug prevention awareness, for the second year in a row. In September 2006, the Drug Nuisance Abatement Unit participated in a town meeting in Kailua-Kona, which focused on community problems including illegal drug activity. In October 2006, the Unit also appeared at a Kilauea, Kauai neighborhood board to discuss ideas on abating drug activity in their community.

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

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

PERFORMANCE INDICATORS

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

**Tobacco Enforcement Unit**

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 MAJOR PROGRAM AND OBJECTIVES.

MAJOR PROGRAM: TOBACCO ENFORCEMENT

OBJECTIVE:

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

The OBJECTIVE of the Tobacco Enforcement Unit (Unit) is influenced by the complexities of tobacco enforcement and regulation. To that end, the responsibilities of the unit span both the civil and criminal arenas. By statute the Unit is charged with enforcing and implementing the terms of the Tobacco Master Settlement Agreement and/or Consent Decree (MSA), the provisions of Haw. Rev. Stat. Chapter 675 (Tobacco Liability Act), Chapter 486P, and other related statutes. The unit is also statutorily responsible for the enforcement of those provisions of Chapter 245, Haw. Rev. Stat. (HRS) that pertain to Tobacco Stamp Taxation and the prohibition against contraband cigarettes.

PROGRAM SIZE:

The target groups include over 150 cigarette manufacturers worldwide. For the purpose of MSA, Chapter 675, and Chapter 486P enforcement it is necessary to gather data on those manufacturers whose cigarettes are sold in Hawaii. In addition, the Attorney General is responsible for inspecting, investigating, and auditing the 40 authorized cigarette stampers and over 1000 stores statewide for compliance with Chapter 245, HRS, and related statutes. In fiscal year 2006-2007 the Department of the Attorney General will begin to enforce the provisions and requirements of Act 131, Session Laws of Hawaii 2005, that requires any entity involved in the retail sale of cigarettes or other tobacco products to obtain a retail tobacco permit issued by the Department of Taxation.

The State will receive approximately \$119 million (\$82 million in cigarette taxes and \$37 million in MSA payments) in fiscal year 2006-2007, all of which is tied to proactive enforcement of Chapter 245 and Chapter 675. Proactive enforcement requires investigators to conduct inspections at the wholesale and retail level to ensure that only compliant cigarettes are being stamped and sold in the State.

Aggressive enforcement has yielded significant results by way of increased cigarette tax revenues. The following table shows the cigarette tax revenues reported for calendar years 2000 through 2005.

Calendar Year	2000	2001	2002	2003	2004	2005
Cigarette Tax Revenue	\$40,777,139	\$61,282,238	\$64,892,155	\$75,760,904	\$81,615,863	\$83,630,650

To date, the State has received over \$286 million in MSA payments. MSA compliance is now very much a part of the inspection process at the wholesale and retail level. This MSA compliance check is designed to facilitate "diligent enforcement" of Chapter 675 and the terms of the MSA. If we are unable to diligently enforce the provisions of the MSA and Chapter 675, the

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State is at risk of losing all of its MSA payments. Estimated MSA payments for fiscal year 2006-2007 are approximately \$37 million.

Effective September 30, 2006, the cigarette tax rate increased to \$.08/per stick, or \$1.60 per pack. At a consumption rate of approximately 1.2 billion cigarettes per year this yields a potential cigarette tax yield in excess of \$90 million in fiscal year 2006-2007.

MEASURES OF EFFECTIVENESS: Expected results include but are not limited to the following:

- NPM IDENTIFICATION REPORTING AND FULFILLMENT OF ESCROW OBLIGATIONS.
- TIMELY AND COMPREHENSIVE TOBACCO MANUFACTURER REPORTING AND ANALYSIS OF DATA.
- TIMELY AND COMPREHENSIVE TOBACCO WHOLESALER REPORTING AND ANALYSIS OF DATA.
- COMPLIANCE WITH TAX STAMPING AT ALL LEVELS OF SALE.
- COMPLIANCE WITH CIGARETTE CONTRABAND STATUTES AT ALL LEVELS OF SALE AND DISTRIBUTION.
- INCREASED CIGARETTE TAX REVENUES.
- EFFECTIVE CIVIL AND CRIMINAL PROSECUTION FOR VIOLATIONS OF TOBACCO STATUTES.
- DILIGENT ENFORCEMENT OF MSA, CHAPTER 675, AND RELATED STATUTES.
- EFFECTIVE DEFENSE OF CHALLENGES THAT STATE NOT DILIGENTLY ENFORCING MSA, CHAPTER 675, AND RELATED STATUTES.
- CONTINUED RECEIPT OF MSA PAYMENTS.
- EFFECTIVE AND TIMELY REACTION TO ISSUES AFFECTING THE STATE'S RECEIPT OF CIGARETTE TAX REVENUES AND MSA PAYMENTS.
- ON-GOING COMPLIANCE WITH TOBACCO STATUTES AT THE RETAIL AND WHOLESALE LEVEL THROUGH DILIGENT ENFORCEMENT.

ACTION PLANS TO ACHIEVE GOALS & 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 NPMs<sup>2</sup> 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.

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<sup>2</sup> Non-Participating Manufacturer: a tobacco manufacturer who did not participate in the MSA.

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- 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).
- 7) ACTION PLAN Conduct investigations into 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.

- 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— Further develop and update a directory as required by Chapter 486P (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.

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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.

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

- 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 and Retail Tobacco Permit requirements (i.e., disseminate information by way of press release, tax information release, and letters to major distributors and wholesalers notifying those businesses of the Tax Stamp law and its requirements.)

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

- 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—Identify Internet sites selling cigarettes into the State of Hawaii who provide cigarettes that are not taxed to Hawaii residents and prosecute as appropriate.
- 7) ACTION PLAN—Identify sources of cigarettes that do not appear on the Directory as required by Chapter 486P and prosecute as appropriate.
- 8) ACTION PLAN--Assist in educating the business community of the laws requirements.
- 9) 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 and tobacco licensing requirements.
- 10) 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.
- 11) ACTION PLAN--Work closely with the Criminal Justice Division of the Department in enforcing the HRS Chapter 245.
- 12) ACTION PLAN--Work with Investigators and expert witnesses in developing cases.
- 13) ACTION PLAN--As necessary review search warrants and requests for administrative subpoenas.
- 14) ACTION PLAN--Appear and represent the State of Hawaii in all hearings and any other proceedings related to enforcement of the Tobacco Stamp Laws.
- 15) ACTION PLAN--Determine the relevance and suitability of witnesses and prepare such witnesses or testimony as required in the interest of the State.
- 16) ACTION PLAN--Prepare and submit the necessary pleadings and motions on behalf of the State.

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- 17) ACTION PLAN--Conduct grand jury inquiries and preliminary hearings as warranted.
- 18) 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 2007 and 2008.

- 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 Chapter 245, 486P, and related statutes will allow the Unit to continue to define, identify, and address any problems that the State may have with contraband cigarettes in order to increase State tax revenues by providing a more effective means to assess, collect, and enforce the provisions of the relevant statutes.

## Education Division

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

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

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

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

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

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

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

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

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

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

**Objective 4:** Ensure timely responses to clients.

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

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

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

**Action Plan:** Short-term and Long-term: Continue to provide training and retraining of clients regarding laws that affect their work in order to build technical competence.

**Process:** Schedule trainings with clients to address common areas of concern.

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- Objective 6: Work more closely with the client on specific matters and utilize client expertise to have them assist on individual cases.
- Action Plan: Short-term: Develop a process that includes intensive client involvement in every step of a case. Long-term: Continue implementation of the process and refine as appropriate.
- Process: Work with the various role groups of the clients to develop the process and provide training on the expectations and need.
- GOAL 2: Improve utilization of legal assistants.
- Objective 1: Continue to work on developing legal assistant capacity to assist deputies and maximize efficiency.
- Action Plan: Short-term: Expand the types of assignments given to legal assistants. Long-term: Provide continuous training to legal assistants through various deputies with appropriate expertise in specific areas.
- Process: Provide guidance on new matters until legal assistants are competent in the area to complete assignments on their own.
- GOAL 3: Improve capacity to address legislative matters.
- Objective 1: Continue to provide consistent review of legislation and consistent response to legislative matters.
- Action Plan: Short-term and Long-term: Provide refresher training regarding legislative matters and all staff prior to the opening of the legislative session.
- Process: Meet with the deputies and staff to prepare them for the legislative session. Assign bills of similar subject matter to one deputy.
- Objective 2: Effectively and efficiently track bills assigned to our division.
- Action Plan: Short-term: Continue to refine the system for tracking bills during the legislative session.
- Process: Set up an electronic tracking system that is accessible by the division.
- GOAL 4: Improve division expertise in sunshine law matters.
- Objective 1: Provide consistent advice on sunshine law issues.
- Objective 2: Improve expertise on sunshine law issues.
- Action Plan: Short-term and Long-term: Have discussions at our weekly meetings relating to sunshine law issues.
- Process: Develop a bank of information and responses to sunshine law issues that have been addressed by our division.

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- GOAL 5:                    Improve division expertise in procurement law.
- Objective 1:                Provide consistent advice and review of contracts and on matters relating to procurement.
- Objective 2:                Improve expertise on procurement law and contract issues.
- Action Plan:                Short-term and Long-term: Have discussions at our weekly meetings relating to various procurement and contract issues that arise.
- Process:                    Develop a bank of information and responses to procurement and contract issues that have been addressed by our division.

### **Employment Law Division**

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

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

Objective 2:    Ensure effective communication with clients.

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

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

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

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

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

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

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

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

GOAL 2:        Initiate preventive law measures.

Objective 1:    Reduce employment law claims.

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

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

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

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

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

We have identified two areas where we believe we can provide preventative training. One is to train workers compensation adjusters in the Department of Human Resources Development in case presentation before the Disability and Compensation Division of the Department of Labor and Industrial Relations. 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

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number of departments to assist in training/advising employees assigned to do personnel investigations.

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

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

This is the first year of operations under the Uniform Arbitration Act and it has turned out to be as cumbersome and onerous in some aspects as we had feared.

## **Family Law Division**

### 2006 Goals and Objectives

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

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

Action Plan 1: We have continued to have occasional out-of office training provided by our clients, by the Court, and by the Child Justice Center, and in-office training by experts in our area. The loss and replacement of three deputies, and one legal assistant, as well as the addition of a second legal assistant this fiscal year required basic Family Law training that is ongoing. Our bi-weekly question and answer session is used for discussing problems that come up at court. This time is sometimes used for in-office training.

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

Action Plan 3: The memo bank on the office network (P-drive) means that all deputies and staff statewide in the Division have access. All are encouraged to add to this database.

Action Plan 4: The supervisor meets on a monthly basis with the Oahu Administrative Judge. This meeting includes the supervisors from the Prosecutor's and the Public Defenders' office, and the discussions involve problems on the juvenile calendar. The supervisor, or a designated deputy, as part of a second focus group continues to meet monthly with the Oahu Administrative Judge to discuss problems on the "special" calendar which deals with Temporary restraining orders, Involuntary hospitalization, paternity, adult guardianships, and domestic violence. Deputies on the other islands also have occasional planning meetings with their respective courts on an as-needed basis.

Action Plan 5: We continue our "trial deputy" system. The bi-weekly trial case conference that is used for assigning trials that have been set is very productive. The trial deputies consist of two senior people and a more junior person on a six or seven month rotation. This group tends to have most of the appeals that arise from our child welfare cases.

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 de-briefing takes place on a regular basis, both informally and at staff meetings and at our bi-weekly question and answer sessions.

Action Plan 8: We continue to maintain statistics to support requests for assistance and to keep this office and our clients informed of the workloads for deputies and staff.

Objective 2: Foster effective communication and understanding with clients.

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

Action Plan 2: We continue to meet with the Departments of Education, Health, and Human Services on a monthly basis. There have been an increased number of meetings with the Department of Human Services as they work through their federally monitored Program Improvement Plan.

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

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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 problems encountered at Family Court.

Action Plan 1: We continue to assess whether problems at Family Court or new federal mandates raise the need to make legislative changes.

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

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

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

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

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

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

Action Plan 4: Years 1-4: As the plans for a new Family Court facility in Kapolei come closer to reality, work with the Administration of the Department of the Attorney General to determine whether the Division should relocate to that area, and when and where in that area this large Division could be housed.

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

Action Plan 5: Years 1-5: Continue to meet regularly with the court to deal with problems and improve practice.

Action Plan 6: Years 1-5: 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. On an ongoing basis, evaluate the efficiency of this plan.

Action Plan 7: Years 1-5: Continue twice a month staff meetings to keep up to date on practice and policy changes within our office, and within that of our client.

Action Plan 8: Years 1-5: Continue regular post-court briefings to discuss current problems and anticipate future problems.

Action Plan 9: Years 1-5: As conditions change, deputies are added or leave, or the caseloads change, we need to be able to adapt to these changes and to make the best use of the

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resources available to do the work. Reevaluate the statistics we keep to ensure that we are clear on what outcomes we are looking for.

Objective 2: Foster effective communication and understanding with clients.

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

Action Plan 2: Years 1-5: Continue to meet with clients on a monthly basis.

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

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

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

Action Plan 2: Years 1-5: Maintain rapport with the advice and counsel deputies so that problems that need to be litigated will be clearly understood by the deputy doing the litigation.

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

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

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

## Health and Human Services Division

### GOAL 1: Increase our ability and efficiency in litigation

Objectives and policies to achieve this goal:

- Continue to assign experienced litigators to work on cases with less seasoned deputies (lead/secondary teams)
- Develop legal assistants' and legal clerks' litigation skills through cross-training and team assignments
- Take advantage of formal litigation training when available and as funds permit
- Encourage more use of LRC and cross-division consultation
- Feature discussions of case-specific litigation strategy at division meetings
- Transfer hard-copy case files to electronic format for efficient storage and retrieval
- Increase our facility in using the department's database to preserve and locate useful litigation samples and substantive materials

Progress in this area to date includes the consistent use of lead/secondary teams on existing and new court actions. We have hired an experienced litigator who serves as lead on a number of cases and is assisted by one or two deputies from the affected subject-matter areas. We have also hired a legal assistant with broad experience in discovery. No funds have been available this year for formal litigation training. Instead we have relied on teamwork within the division and cross-division work on cases to increase deputies' knowledge of litigation practice. We have begun processing closed files to discard what we no longer need and to identify documents that should be retained in electronic form. HHSD is now able to file litigation documents electronically in the federal district court.

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

Objectives and policies to achieve this goal:

- Continue to develop our knowledge of client programs through periodic meetings between deputies and program heads and by attending clients' training sessions
- Continue to provide training to program staff on legal issues
- Continue to use the department's computerized tracking system to monitor turnaround time on document review and on other projects
- Stay current on developments in the law through formal training and conferences (as funds permit) and periodic substantive discussions in relevant areas
- Continue with regular division training sessions
- Create a system of primary and backup deputies for substantive areas so that at least two deputies are familiar with the law governing each of our clients' programs
- Become more pro-active in providing legal assistance to our clients, identifying and resolving legal problems as early as possible
- Develop division resource manuals on recurring substantive issues such as confidentiality laws, claims for attorneys' fees, sovereign immunity law, and others
- Assist DOH in completing its obligations under the community plan in United States v. State of Hawaii (the HSH/DOJ case) and having the case dismissed
- Assist DOH in expanding the use of videoconferencing for involuntary treatment order hearings on the neighbor islands

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Progress in this area to date: All deputies meet regularly with their clients. We are keeping more detailed information in our assignment tracking system and are able to determine an assignment's status relatively quickly. We would like to be able to refine the system so that we can pull up more categories of information automatically and need to do less by hand. Deputies have attended seminars or conferences on mental health law, public benefits law, and environmental matters. Collaboration between deputies in similar substantive areas has provided consistent opportunities for learning and growth, and deputies working in the same areas (public benefits law, behavioral health law, public health law, and environmental law) meet regularly with the division supervisor to discuss projects on which they are working, developments in the law, and the like. As for giving more pro-active legal assistance, we worked closely with the MedQUEST division of the Department of Human Services in developing the RFP for the new Quest expanded-access waiver program. We have also worked closely with the Ho'opono (Services to the Blind) program of the Department of Human Services in resolving disputes with blind vendors early, and this year no grievances were filed against that program. We have spent substantial time with the Department of Health's Adult Mental Health Division assisting with its community plan; the United States Department of Justice case against the State will be dismissed in November. Videoconferencing for HSH patients' hearings is now available in all Neighbor Island courtrooms.

### Process to measure performance

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

### Examples of success in the last year

- HHSD settled or tried 79 civil cases and 33 administrative cases.
- HHSD deputies' work on civil and administrative enforcement actions brought into State coffers a total of \$1,463,977.
- HHSD resolved in the State's favor five appeals in the State appellate courts and the Ninth Circuit Court of Appeals.
- HHSD completed review of 596 separate contracts for DOH and DHS.
- We settled the ACLU action against HYCF and state employees that alleged discrimination against wards at the youth correctional facility on the basis of gender identity. We are working with the ACLU on developing appropriate policies regarding lesbian, gay, bisexual, and transgendered youth who are held at the facility.
- The department reached a settlement in February 2006 with the United States Department of Justice regarding conditions at the youth correctional facility. HHSD is working with HYCF and OYS staff to develop and implement the agreed-upon corrective measures.
- We have provided substantial assistance to the Department of Health's Adult Mental Health Division in implementing its community plan for adult mental health services, and the United States Department of Justice case against the State will be dismissed in November 2006.
- We obtained court orders for involuntary treatment of approximately 60 residents of the Hawaii State Hospital who required medication for their own safety or that of others but refused to take it.

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- We have been able to obtain more extensive information on the criminal histories of Hawaii State Hospital patients, which has assisted hospital staff in treatment and discharge planning.
- We completed the settlement of a large water pollution case on Kauai concerning major runoff from construction activity for which the owner/developer had not obtained the proper permits. In fiscal year 2005-2006 the State received \$585,000 in partial payment of the total settlement amount due the State of \$1,170,000. The remaining \$585,000 will be paid in fiscal year 2006-07.
- We helped the MedQUEST division of the Department of Human Services develop the RFP for the new QUEST expanded-access waiver program. The contracts for the new program will be based substantially on this RFP.
- We settled the second "Makin" lawsuit. Disability-rights advocates had sued the state for keeping people on waitlists too long for developmental-disability services under the State's Medicaid waiver. The parties agreed that the State would notify each person on its list who had deferred pursuit of Medicaid waiver services and offer these services again. The state also agreed to provide case manager training and to seek funding to implement the agreement.

## **Labor Division**

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

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

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

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

### Action Plan:

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

### Process:

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

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

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

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

### Action Plan:

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

### Process:

- o Review advice and recommendations made to clients.

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

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

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

Action Plan:

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

Process:

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

GOAL 4: Utilize the technology in the department (prolaw, imanage, lotus notes, departmental intranet, internet) to the fullest potential.

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

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

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

Action Plan:

- o 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.
- o This is an ongoing and continuous process.

Process:

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

## Land/Transportation Division

This report is the contribution of the Land/Transportation Division (Division) to the Annual Report of the Department of the Attorney General in response to the requirement set forth in section 7 of Act 100, 1999 Hawaii Session Laws 368, 369-70. This is the eighth such report.

### GOAL AND OBJECTIVES:

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

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

### SIX

OBJECTIVES:

1. Improve the quality of written work
2. Improve litigation skills
3. Attain and sustain optimum efficiency in the provision of legal services
4. Sustain good relations with clients
5. Eliminate backlog of assignments
6. Increase and improve training for deputies and support staff.

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

In 1999 along with the goal and objectives the division submitted in its first annual report, we presented an action plan to show how we expected to implement each objective in one, two, and five years. We have satisfactorily completed our one and two year action plans for all of the objectives except the fifth objective (Eliminate Backlog). Nevertheless, in FY 2005 we did clear out a good portion of the backlog. For example, our plan for eliminating backlog called for the completion of 10 eminent domain cases, and we closed out 12 in FY 2005.

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

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

"New Action Plan for Objective No. 5:

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

#### FIRST YEAR (2003)

- a. Complete 10 eminent domain cases in backlog.
- b. Completed or closed out 77 opinion requests during FY 2003 from a backlog of 141 opinion requests pending on June 2002.

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SECOND YEAR (2003-2004)

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

FIFTH YEAR (2008)

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

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

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

“Action Plan for Objective No. 6:

FIRST YEAR (2004)

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

SECOND YEAR (2005)

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

FIFTH YEAR (2006)

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

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

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

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

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

PROCESS FOR MEASUREMENTS:

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

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

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

**Legislative Division**

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

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

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

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

Year Five: Seek sufficient funding and data processing staff support to implement procedures to provide for the distribution, review, and editing of legislative proposals in electronic form 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.

## Department of the Attorney General 2007 Goals and Objectives

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

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

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

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

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

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

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

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

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

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

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

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

Department of the Attorney General 2007 Goals and Objectives

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

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

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

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

**Public Safety, Hawaiian Home Lands, and Housing Division**

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

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

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

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

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

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

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

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

Objective: Establish and maintain a more even response rate.

- A. Maintain a sufficiently staffed division.

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

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

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

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

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

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

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

C. Eliminate backlog.

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

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

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

GOAL 3: Proactive assistance to the client.

Objective: anticipate and prepare rather than chase and defend.

A. Anticipate and assist client with legal issues of general import as they may be identified in ongoing matters.

B. Anticipate and assist client with legislation for the coming session. Engage in communications with the client in August regarding areas of suggested legislation.

C. Provide training to client.

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

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

Accomplishments to date: Establishment of a quarterly meeting schedule with clients to discuss legal matters. Have also discussed recommended areas of legislation to certain clients.

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

Objective:        Establish respected reputation.

- A.        Encourage professional development within the legal community and the community of which the client is a part.
- B.        Promote approach that is reasoned and grounded in doing the “right thing” rather than winning at “all cost.”

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

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

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

## Tax Division

### I. TAX ADMINISTRATION

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

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

Action Plan: Supervise and monitor litigation of 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.

Action Plan: Encourage and foster frank communications with the DOTAX, professionals (attorneys, accountants, and tax professionals), the

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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 2: 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.

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- 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 3: 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 4: Integrate and maximize the new technology in the Tax Division.
- Objective 1: Maximize the new technology in the Tax Division including electronic filing in the U.S. Bankruptcy Court, the Department's, intranet and the Department's document management system.

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

Action Plan: Seek funding for the establishment of a charities unit and supervise and monitor litigation of Deputy Attorneys General (DAGs) including periodic case audits to discuss strategy, development, and resolution.

Process: Assess following 2005 Legislative session.

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

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

Process: Monitor development of forms and databases.

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

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

Process: Review annually how the 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.

### **Tort Litigation Division**

**GOAL 1:**        Provide quality legal representation to all clients.

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

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

Objective 2:    Facilitate positive relationships with division clients.

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

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

Action Plan:    Participate in client training upon request of the client. This includes the provision of informal advice over the phone or in person, and participation in formal training. TLD also provides staff to assist with special client projects, as requested. This past year, deputies again participated in the training of deputy sheriff recruits at the request of the Department of Public Safety, and will likely be doing so again this coming year. Staff from TLD provides assistance to the Department of Land and Natural Resources (DLNR) with regard to taskforces to address continuing rockfall and water safety issues.

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

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

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

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

**GOAL 2:**        Risk Management.

Objective 1:    Assist with State risk management efforts.

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**Action Plan:** Encourage division deputies to provide pro-active advice and training to client agencies on ways to reduce their potential for tort liability. Continue compliance with Section 37-77.5, Hawaii Revised Statutes, which requires the Attorney General to advise client agencies regarding case resolutions and how to avoid future similar claims, by recommending corrective action that will eliminate or mitigate the factors contributing to the State's exposure. The division supervisor and deputies will also continue to maintain a cooperative and collaborative working relationship with the State Risk Management Office at DAGS. This past year, the TLD supervisor participated in several meetings with the State's insurance broker to discuss issues related to excess coverage.

**Objective 2:** Actively participate in risk assessment working groups.

**Action Plan:** The TLD supervisor continues to be the designated risk manager for the Department of the Attorney General, and in that capacity participates in meetings with the State Risk Manager and risk managers for the other State departments when requested.

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

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

### GOAL 3: Promote a positive work environment.

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

**Action Plan:** Continue to include clerical staff in meetings as appropriate, to improve communication and increase participation of all Tort Law 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 TLD's handling of a case. It is anticipated that this practice will facilitate positive morale and increase staff members' pride in their work. This past year, staff members again attended depositions, court hearings and arbitration proceedings.

### GOAL 4: Maximize use of departmental/other technology.

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

**Action Plan:** Encourage sharing of information and expertise among division staff, and take advantage of any training opportunities available in-house or from outside.

## **SECTION 5: PUBLIC SERVICES DIVISIONS**

### **Child Support Enforcement Agency**

#### **Mission**

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

#### **Key Areas of Focus**

##### **Goal #1: To Improve Performance Measures**

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

##### **Target Outcomes:**

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

##### **Objective #1:**

To ensure that the agency's paternity establishment percentage meets or exceeds the required rate of 80% or higher by the end of the federal fiscal year, thereby attaining a 100% allotment of federal incentive payments for this activity.

##### **Action Plan:**

- ❖ To closely monitor the progress of the 1115 grant project that promotes and facilitates the collaborative efforts between the agency and the TANF Agency to reach unwed parents prior to the establishment of a child support order.
- ❖ To finalize and execute the Memorandum of Agreement (MOA) between the agency and the Hawaii State Department of Health, Office of Vital Statistics, to ensure the successful sharing of paternity data.
- ❖ To periodically monitor the interim paternity establishment percentage and take corrective actions, if necessary.

##### **Objective #2:**

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

##### **Action Plan:**

- ❖ To examine and improve the existing locate programs and look for alternative locate sources for optimal results in obtaining good addresses for both non-custodial and custodial parents.
- ❖ To ensure the process server services are uninterrupted so the new orders will be successfully served.

- ❖ To review old converted cases and determine whether some of them should have been closed.
- ❖ To learn from the best practices of other state agencies.

**Objective #3:**

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

Action Plan:

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

**Goal #2: To Provide Quality Customer Service**

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

**Target Outcomes:**

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

**Objective #1:**

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

Action Plan:

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

**Objective #2:**

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

Action Plan:

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

**Objective #3:**

To establish a training division that will update the training materials and conduct training programs on an ongoing basis for employees.

Action Plan:

- ❖ To fill the existing vacant trainer position as soon as possible and to provide the person with adequate training in child support functions and the access to other states' best practices.
- ❖ To request additional trainer positions for the state fiscal year 2008.

## **Crime Prevention and Justice Assistance Division**

### Underage Drinking

Underage drinking was a special focus during the year.

- The annual Community Action Seminar (CAS) sponsored by the division included information on underage drinking. There were 12 community teams and 18 youth teams that participated in developing 23 action plans to take back to their communities; 7 plans were developed to address underage drinking.
- In April 2006, the annual Training Institute focused on advertising and addiction: how advertisers use psychology to sell addictive products to vulnerable target audiences; ways that advertisers influence the media, how to understand and critique ads, and how to identify public policy strategies to reduce drug and alcohol related problems. Eighty-eight (88) participants included youth workers, public and private school personnel, health professionals, as well as community college and prevention organizations.
- Crime Prevention Branch staff participates in the City & County of Honolulu- Hawaii Partnership to Prevent Underage Drinking (HPPUD). This is a partnership with other agencies to address underage drinking with a comprehensive approach of law enforcement, education, media, and legislation.
- Staff participated in the National Association of Attorney Generals (NAAG) Youth Access to Alcohol Task Force, a 21 state effort of Attorney Generals. Crime Prevention Branch staff researched and created a web page on Hawaii's underage drinking programs, initiatives, and laws to share with the other states. They also facilitated discussion between the University of Hawaii and Anheuser Busch on addressing underage drinking on college campuses.
- As part of the state's participation in the national "Reach out Now National Teach Ins", coordinated by the Lieutenant Governor's Office, staff spoke to 5<sup>th</sup> & 6<sup>th</sup> grade students to educate them about underage drinking laws & the effects of underage drinking. Peer refusal skills & how students can get involved in their communities to prevent underage drinking were included in staff presentations, more than what was required. In May 2006 staff was able to reach 300 students in 3 schools. This outreach effort was successful & will be continued next year.
- Federal crime funds were granted to the Honolulu Police Department's "Da Grad" project, to educate students and parents about alternatives to celebrating high school graduation without alcohol use.
- A report on Driving Under the Influence in the City & County of Honolulu was completed and published in January 2006. It analyzes data on DUI arrestees and provides a profile of the individuals and outcomes. This was done in partnership with the University of Hawaii-West Oahu. The analysis was shared with the community at 2 meetings.

### Juvenile Justice

- Division staff was successful in getting a 3<sup>rd</sup> year of federal funds to continue the implementation of the New Generation Juvenile Justice Information System (NG JJIS). The prior year funding is used to hire the NG JJIS Project Manager & a research analyst as well as development of the conceptual design. Through the conceptual design effort, 88 policy issues were identified by the juvenile justice agencies. These policy issues were researched, discussed among the Juvenile Justice Information Committee members, and voted upon. Some of the key policy decisions include limited information sharing with the Departments of

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Education, Health, and Human Services (child protective services); access to juvenile pictures under specific conditions; support for identifying high risk juveniles and the establishment of a standard statewide booking form for juveniles.

- An outline of the JJIS strategic plan was completed, which will guide the completion of the NG JJIS and provide for measurements of its success.
- The juvenile research analyst completed 2 reports: The Female Juvenile Offender in Hawaii and The Serious Juvenile Offender in Hawaii. Presentations to the JJIC were made to provide them with findings of the reports. In July 2006 the research analyst presented the findings of The Female Juvenile Offender as it related to Hawaii County's juveniles at their conference on the Female Offender.
- Geographical Information System (GIS) in the JJIS is a cutting edge effort and will be part of the NG JJIS. Two demonstrations of the JJIS GIS were made to the state ESRI User Group and the East-West Center Summer Population Seminar.
- A partnership with the National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile & Family Court Judges, was initiated and resulted in 2 outcomes. (1) The Family Court statistics that NCJJ needs for its national reporting will be provided annually by the JJIS; this was in agreement with the Family Court. (2) The Office of Youth Services (OYS) is required to report Disproportionate Minority Contact (DMC) data to the Office of Juvenile Justice and Delinquency Prevention annually. It was agreed that the JJIS will provide the annual DMC statistics to OYS so that they can report it to the OJJDP without doing the data collection themselves.
- Because of the data in the JJIS, staff has been part of several efforts in addressing youth issues. JJIS data is used in the Big Island's Serious & Habitual Offender Comprehensive Action Program (SHOCAP), which is to address high-risk youth as a multi-agency, collaborative effort. The OYS Truancy Committee seeks to address the truancy problem in the school, justice system, and the community. JJIS and Crime Prevention Branch staff are involved in this multi-agency effort.

### Sexual Assault

- As a result of Act 133, SLH 2005, the 2006 Legislature transferred state funding for sexual assault services from the Department of Health to the Department of the Attorney General. With the federal victim grants that the Department administers, a comprehensive approach to sex assault services will be developed. The Attorney General was able to secure an additional \$1 million for sex assault services, totaling \$2M in state monies.
- The division staff was invited as part of a state team to develop a rape prevention education strategic plan. This prevention plan will be developed in the next fiscal year by the Department of Health, and it will supplement the continuum of services needed to address sex assault.
- Staff assisted the Hawaii Paroling Authority to secure technical assistance for those overseeing sex assault offenders. Staff also assisted the Department of Public Safety in applying for a federal grant to improve such treatment services (this application was later approved for funding).
- Federal monies administered by the division were used to fund projects throughout the state: multi-disciplinary training in sex assault investigation, prosecution, and treatment; Sex Assault Nurse Examiner programs; outreach to immigrant/non-English speaking victims of

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sexual assaults; tracking & registration of sex offenders; and treatment program for sex offenders.

- Staff participates in the SOMT meetings, and will be collecting and analyzing assessment data on sex offenders in the next fiscal year.

### Interagency Council on Intermediate Sanctions (ICIS)

- The division continues to participate in the ICIS efforts to reduce criminal offenders' recidivism through an array of expertise. This includes Research Branch personnel: data analysis and assessment; providing protocol-oriented recommendations; publishing reports; conducting presentations to the ICIS Working Group and Policy Council; chairing the ICIS Research Committee; editing of the ICIS newsletter; and maintaining the ICIS website which staff created. It should be noted that the Judiciary's ICIS Research Analyst's supervision and the overall research effort is the responsibility of the branch as the Judiciary does not have the infrastructure to conduct/oversee such research.
- In the effort to improve the service and treatment response to reduce offender recidivism, ICIS adopted the Correctional Program Checklist (CPC) to measure program integrity and quality. Grants & Planning Branch staff is the facilitator of the CPC Coordinating Committee. The committee is responsible for developing the processes for coordinating/assigning review teams, scheduling assessments, completing service provider assessments, reviewing assessment reports and responses, providing technical assistance to programs, and developing policies and procedures for program assessment. CPC members include representatives from the Departments of Public Safety, Health, and Human Services; the Judiciary; and the Hawaii Paroling Authority. To date, six program evaluations were completed. The CPC is being used to assess adult substance abuse, domestic violence, and sex offender treatment programs to ensure that evidence based practices are used and that a sound agency organization exists.
- HOPE Project. A separate but part of the ICIS effort is HOPE ("Hawaii's Opportunity-Based Probation with Enforcement") Project, an initiative that seeks to reduce felony probation failure rates by holding probationers accountable to the terms and conditions of their sentences through the imposition of swift and certain "intermediate sanctions" (brief jail terms and/or referrals to in-patient treatment programs) whenever non-compliance occurs. Research Branch staff are assisting the Judiciary in collecting and analyzing the data from this effort. Preliminary results suggest that this approach is very effective in increasing compliance of meetings with the probation officers and clean urinalysis of the felony probation population. The Judiciary received \$1 million to expand the program in the next fiscal year. The National Institute of Justice and a UCLA criminologist with expertise in this area are interested in the project, and have scheduled independent site visits next year.
- The ICIS website: [www.hawaii.gov/icis](http://www.hawaii.gov/icis). Reports and newsletters can be accessed by anyone interested on the latest developments of this statewide, collaborative, and interagency effort to reduce recidivism among criminal offenders in the state.

### Technical Assistance

In order to assist and improve system and services in the State, the division initiated several requests for national & federal assistance.

- In August 2005, the Integrated Justice Information Systems (IJIS) Institute agreed to review and assess both the functional and technical requirements that had been developed for the Next Generation JJIS. The IJIS Institute is a public/private partnership formed at the request

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of BJA with a mission to “apply the expertise of industry to assist the justice and public safety community in the innovative and effective use of technologies to better share information in a way that benefits industry, the public sector, and society as a whole.”

In its report, IJIS confirmed the appropriateness of the proposed development environment and the completeness of the functional and technical requirements. Several policy and procedural areas that needed to be addressed were identified. The confirmation from IJIS was important because of the significant cost of the NG JJIS. Having a solid first phase as the foundation for subsequent design and development is critical to the success of the project.

- As previously reported above (Juvenile Justice), the NCJJ provided assistance for the state’s need for national reports; they also assisted in an analysis of the JJIS data and how it could be better used for research purposes.
- JJIS staff participated in the technical assistance from SEARCH on development of an IT security policy for the Department. There were three on-site visits from SEARCH security experts during the fiscal year. The technical assistance included an overview of a risk assessment tool, working through the self-assessment tool, and reviewing roles and activities. These activities formed the basis for development of a desktop security policy and will also be used in future policies related to IT security.
- The Department of Justice provided two federal grant compliance training workshops. The division opened the workshops to any agency in the state that received federal grants. The workshops were on ADA-disabilities (131 participants) and financial management (90 participants).
- Criminal justice agencies’ program specialists, who deal with contracts with service providers, were trained by a National Institute of Corrections consultant on how to assess programs that work with criminal offenders. The consultant reviewed & critiqued completed team program evaluations, and provided training on the new assessment protocol (Correctional Program Checklist). This will support the criminal justice system’s effort to improve services to offenders to reduce recidivism.
- Division staff assisted the Hawaii Paroling Authority to apply for and receive training and technical assistance from the national Center for Sex Offender Management (CSOM). This provided a facilitated review and development of a strategic plan for the Hawaii Sex Offender Management Team (juvenile & adult) to move forward in their efforts to improve treatment of these serious offenders.

### National Sharing

- Staff was invited to the annual National Conference on Preventing Crime Conference in October 2005 to present 2 programs on Hawaii’s McGruff Crime Prevention Campaign. One was on the McGruff Truck Program & our collaboration with 8 corporate agencies and the schools and the other, a training video “Roughing McGruff: Things Not to Do” created by the division staff. The training video is the 2<sup>nd</sup> video created by staff and shared nationally. These are 2 videos used by other jurisdictions, as none is available from the national office. The videos were duplicated by the national office & distributed to jurisdiction representatives at the conference.
- Staff was invited to conduct a workshop on the Interagency Council on Intermediate Sanctions (ICIS) effort in Hawaii by the National Criminal Justice Association at their annual conference. Because ICIS utilizes evidence-based methods and treatment, and because it is a statewide and multi-agency collaboration, Hawaii is on the cutting-edge of efforts to reduce recidivism.

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- Through the National Association of Attorney Generals, Hawaii's effort in preventing & intervening in underage drinking and laws related to underage drinking are shared with other jurisdictions through their website.

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Multi-Year Plan  
(Fiscal Years 2004-2008)

Department Program Objective (as it relates to the division)

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

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

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

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

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

- Assist the Intermediate Sanctions effort in establishing an evaluation and research infrastructure by 2004. Outcome: Completed; in 2005 a federal grant application to the DHHS was submitted by the UH but was not awarded. A Research Committee composed of agency staff with research ability & interest has been organized as a substitute.
- Assist in analyzing Intermediate Sanctions data and publish reports by 2006. Outcome: This fiscal year, 5 reports which analyzed data for the Intermediate Sanctions effort were completed and shared with the members. Reports are posted on the website. The analysis and dissemination of reports will continue through the next fiscal year.
- To seek general funds for a researcher position at the 2006 legislature. Outcome: Request for the position and funding was not approved for the 2006 legislature. Another request will be submitted for the 2007 Legislature's consideration.

Objective: Expand and improve program evaluation efforts.

- Establish a program evaluation research position with federal funds by 2004. Outcome: Completed in 2005. Federal crime monies fund an exempt position for project evaluation. The position was filled in mid-December 2005.
- Assist federally funded projects to establish measurable goals, objectives and performance measures, so that evaluations can be done by 2006. Outcome: Not completed as staff was hired in December 2006; to be done in 2007. Performance measure: number of new projects assisted in establishing measurable goals, objectives, and performance measures.

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

- Create monthly grant-specific bulletins on website by 2006. Outcome: Not completed. Information on federal grant availability and national developments are disseminated to affected agencies. Bulletins on the division website has been given a low priority due to staff turnover.

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

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- Create an interface with the Hawaii County Police Department's new Records Management System (RMS) by 2004.  
Outcome: This was not completed. The Hawaii County Police Department had some issues with their vendor, and so their timeline was changed. They intend to have the adult system addressed first, and juveniles in the next fiscal year. This will be implemented in November 2006.
- Add Family Court detention home processing information by 2004.  
Outcome: This was not completed; this task has been moved to the "Next Generation" JJIS and scheduled for 2008.
- Create an interface with Kauai Police Department's new RMS by 2004.  
Outcome: This was not completed. Like the Hawaii County Police Department, the Kauai Police Department's implementation is not on schedule. This affects their readiness to interface with the JJIS. This will be implemented in November 2006.

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

Objective: Train communities in addressing crime problems.

- Conduct annual Community Action Seminar to teach problem solving and teamwork skills. Outcome: Completed. The CAS was held on March 21-22, 2006 with a follow-up meeting to be held on October 26, 2006. Of the 23 team action plans submitted, 9 teams returned to the follow up meeting to share their results and what they learned.
- Publish newsletters as well as a web page to share the efforts of community teams throughout the state. Outcome: Completed; newsletters are posted on the division's website.

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

- Increase the number of McGruff Truck School Assemblies to K-3 public school students so that students know where to get emergency assistance. Outcome: Not accomplished; 3 school assemblies were completed, compared to 17 & 21 in previous years. This was due to staff turnover. One thousand seventy (1,070) students participated in the assemblies.
- Support neighbor island McGruff coordinators and their efforts in disseminating crime prevention messages. Outcome: In 2005, McGruff Truck Assemblies were held on Maui. In 2006, information was not available.
- Partner with a radio or television station to maximize McGruff airtime messages. Outcome: Completed. Two television stations reported that they aired the McGruff public service announcements that totaled \$83,500 in airtime.

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

- Assess current collaborative efforts by 2004. Outcome: Completed the assessment in 2005. New collaborative efforts include Victim Strategic Plan, Hawaii Anti-Trafficking Task Force, and assessing offender treatment programs.

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

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- Discuss “positive identification” of a juvenile, policies on confidentiality and misuse of data, and guidelines for data requests by 2004. Outcome: Completed 2006; proposed legislation for the 2007 Legislature.
- Establish standard policies for participating agencies that guide the use of the JJIS, confidentiality, and penalties for mis-use. Outcome: Completed in 2005.
- Determine access to the JJIS by the Public Defender, inclusion of the Youth Level of Service Inventory (YLSI) information, and the review of the JJIS purpose statement by 2006. Outcome: Completed June 2006; JJIC voted affirmatively on 3 issues.

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

Objective: Pursue funding opportunities to continue development of the Incident Based Reporting System (IBRS) and crime research and data needs.

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

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

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

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

- Provide discretionary grant information to agencies. Outcome: Partially done. As soon as the Division receives a notice of grant application, it is sent to any agency that indicated an interest in the topic. We have not developed a system or mechanism to alert everyone, although we encourage agencies to sign up for the federal on-line grants information service.
- Assist agencies in applying for grants. Outcome: Completed. Staff assisted the Hawaii Paroling Authority in applying for a technical assistance grant from the Center for Sex Offender Management, which was approved. Staff assisted the Sex Abuse Treatment Center in an application for underserved sexual assault victims; this is pending at the end of the fiscal year.
- Apply for discretionary grants to support crime and victim assistance efforts. Outcome: Completed. A discretionary grant application for human trafficking was submitted and approved. Another grant application for family visitation centers was submitted and is pending at the close of the fiscal year.

Objective: Improve the administration of federal grants.

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- Develop a multi-year strategy for the use of the Byrne grant that is outcome based by 2004. Outcome: Completed.
- Assess Violence Against Women and Victims Of Crime grants as to the achievement of the intended goals by 2004. (Not completed). Outcome: Not completed; VAWA 3-year plan to be reviewed & assessed in 2007. VOCA strategic plan assessment by the University of Hawaii was completed in June 2006.
- Develop and implement a grants management system (GMS) by 2004. Performance measure: A GMS for the division. This has been moved to 2007 due to staff time constraints the past year.

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

- Partner with at least 1 new partner by 2004. Outcome: Completed; every year there has been a new partner. This year the DOH Tobacco Prevention program was a new partner in the media literacy workshop.
- Develop a Senior ID program for senior citizens to keep them safe. Outcome: Completed in 2004.
- Maintenance of the Kupuna ID program. Outcome: This year 1,405 Kupuna IDs were issued through 4 events. Discussions ensued with the Office of Elderly Affairs, Department of Health to transfer the program to them.
- Partner with at least 2 agencies annually. Outcome: Completed annually. The branch collaborated with 11 different agencies. Collaborative efforts included community mobilization, media literacy, Kupuna ID, etc.

Objective: Quality and timeliness of the JJIS data will be improved.

- Provide users with frequent reports on data discrepancies and timeliness of data entry by 2004. Outcome: Completed.
- Data quality audit will be initiated by 2006. Outcome: Revised to 2007. Performance measure: completion of audit.
- Frequency of timeliness reports will be increased to quarterly or monthly by 2006. Outcome: Completed; as of January 2006 quarterly reports are produced.

Objective: Better utilize the JJIS web page.

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

Objective: Improve throughput and response time of requests.

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

Objective: Move to a "next generation" of the JJIS.

## Department of the Attorney General 2007 Goals and Objectives

- Complete needs assessment, system requirements, and design alternatives by 2004. Outcome: Completed in August 2005.
- Determine the platform for the next generation and the role of the geographic information system (GIS) in the next generation system by 2004. Outcome: Completed in 2005.
- Define significant security upgrade as well as subsystems for notification and subscription services by 2004. Outcome: Not completed; resource reassigned to “New Generation” JJIS.

GOAL 4 To promote and advance improvements to the criminal justice system response to communities, victims, and offenders.

Objective: Assess the public's perceptions and concerns regarding crime and criminal justice in Hawaii.

- Begin development of survey instrument with input from agencies by 2004. Outcome: Questionnaire was completed and mailed to the community in June 2006. Analysis to be completed in the next year.

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

- Determine which efforts to place staff and other resources by 2004. Outcome: completed in 2004.
- Check progress and status of multi-agency efforts to determine continuation by 2006. Outcome: ongoing. Ended role in the domestic violence fatality review task force; considering sexual assault forensic protocol coordination effort for FY 2007.

Objective: Implement a crime victim notification system.

- Facilitate discussion and development of a victim notification process among the county victim offices and the jail/prison by 2004. Outcome: Not fully completed. Discussions were done with the county victim coordinators and the Department of Public Safety. The Honolulu Prosecutor's Office has decided to pilot this system (2005). However, in late spring 2006, the Prosecutor's Office decided not to take the lead. Alternatives will be sought in 2007.
- Implementation of the victim notification system by 2006. (Implementation to be in 2007 due to necessary change in plan.)  
Performance measure: victim notification system operating via government agency.

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

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

## Hawaii Criminal Justice Data Center

### I. GOAL: CJIS-HAWAII

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

### II. OBJECTIVES:

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

#### A. CJIS-Hawaii Enhancements

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

#### B. Paperless Processing

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

#### C. Start-up planning and design phases for:

1. Integration of the Temporary Restraining Order/Protection Order (TRO/PO) database with the National Protection Order File maintained by the FBI.
2. Use of a message broker or enterprise service bus (ESB) to facilitate the querying of the disparate wants/warrants databases to provide for a Statewide Wants/Warrants inquiry sub-system.

Department of the Attorney General 2007 Goals and Objectives

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
<b>A.</b>	<b>CJIS-Hawaii Enhancements</b>		
1.	Implement the "Lights Out" real-time identification of arrested offenders.	Phase I: 2006 Phase II: 2007	Identification of offenders with no operator intervention in 85% of cases.
2.	Implement a new more accurate searching algorithm for CJIS-Hawaii.	2007	Capture search results in a database. Perform statistical analysis of experientially derived search results to adjust search criteria weights.
3.	Implement automated interfaces with the case management systems of the Judiciary's Adult Client Services Division and City and County of Honolulu's Department of the Prosecuting Attorney.	2007	Adult Probation and Honolulu Prosecutor information updates the corresponding record in CJIS-Hawaii.
4.	Develop, test, and implement the Statewide Firearms Registration sub-system, including integration with the four county police departments' records management systems.	2007	Statewide Firearms Registration sub-system captures all registrations entered into the agency firearms systems. Statewide and agency systems utilize the same set of standard codes and procedures.
<b>B.</b>	<b>Paperless Processing</b>		
1.	Expand paperless processing by integrating the booking modules of the Maui County Police Department's (MPD) and the Honolulu Police Department's (HPD) Records Management Systems (RMS) with the integrated electronic booking system (Green Box).	2007	All arrests captured in the MPD and HPD RMS booking modules are accessible in the Green Box server.
2.	Pilot the process of transmitting the OBTS Arrest Form electronically from the Green Box system to prosecution, court, supervision, and corrections agencies within Hawaii County.	2007	All arrests in Hawaii County entered into the Green Box server are available through the message broker.
<b>C.</b>	<b>Start-up planning and design phases for:</b>		
1.	Integration of the Temporary Restraining Order/Protection Order (TRO/PO) database with the National Protection Order File maintained by the FBI.	2007	Information from the statewide TRO/PO database is sent electronically to the National Protection Order File maintained by the FBI.
2.	Use of a message broker or enterprise service bus (ESB) to facilitate the querying of the disparate wants/warrants databases to provide for a Statewide Wants/Warrants inquiry sub-system.	2008	A single query done by a user will display any outstanding wants/warrants for the requested individual.

## Department of the Attorney General 2007 Goals and Objectives

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

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

### II. OBJECTIVES:

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

- A. "Lights Out" Processing
  - 1. Design, develop, test and implement the "Lights Out" Transaction Controller (LOTC). Phase I is expected to be completed and in production in 2006, and Phase II by mid-2007.
- B. Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.
  - 1. Convert the final 2 counties (Honolulu and Maui) to integrated livescan and mugphoto equipment.
- C. Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.
  - 1. Sync data from CJIS-Hawaii to the FBI's Interstate Identification Index (III) now that we are a participating state.
  - 2. Continue the migration of additional counties to an automated interface of arrest information to the FBI's Integrated AFIS (IAFIS).
  - 3. Begin planning and coordination to be a National Fingerprint File (NFF) participant.

Department of the Attorney General 2007 Goals and Objectives

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
<b>A.</b>	<b>“Lights Out” Processing</b>		
1.	Design, develop, test, and implement the “Lights Out” Transaction Controller (LOTC).	Phase I: 2006 Phase II: 2007	Improvement in response time and accuracy for criminal and civil identification, and reduction in the manual intervention required.
<b>B.</b>	<b>Accurate and more timely electronic exchange of fingerprint and arrest data between the law enforcement agencies, the Hawaii AFIS, and CJIS-Hawaii.</b>		
1.	Convert the final 2 counties (Honolulu and Maui) to integrated livescan and mugphoto equipment.	Honolulu Pilot: 2006 Full Honolulu Roll-Out: 2007 Maui: 2007	Installation, configuration and training completed for integrated livescans and cardscans for HPD and MPD.
<b>C.</b>	<b>Electronic exchange of identification and arrest/applicant information between the Federal Bureau of Investigation (FBI) and the statewide law enforcement agencies.</b>		
1.	Sync data from CJIS-Hawaii to the FBI’s Interstate Identification Index (III) now that we are a participating state.	Ongoing	The SIDs that are in the III File as being from Hawaii are, in fact, in CJIS-Hawaii.
2.	Continue the migration of additional counties to an automated interface of arrest information to the FBI’s Integrated AFIS (IAFIS).	Honolulu Pilot: 2006 Full Honolulu Roll-Out: 2007 Maui: 2007	Statewide arrest information is sent to the FBI electronically.
3.	Begin planning and coordination to become a National Fingerprint File (NFF).	2007	Work with the FBI to assume ownership of <b>all</b> criminal history records for Hawaii offenders.

## Department of the Attorney General 2007 Goals and Objectives

### I. GOAL:

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

### II. OBJECTIVES:

- A. Improve the timeliness and accessibility of criminal history record information to authorized entities.
  - 1. Assist more non-criminal justice agencies to deploy livescan technology to capture and transmit applicant fingerprints to the State's AFIS and to the FBI's IAFIS with 24-hour turnaround responses.
- B. Fully implement the sex offender registry statute (Chapter 846E, Hawaii Revised Statutes (HRS)) and ensure that the most accurate, complete, and timely information on each sex offender on the registry is available to law enforcement agencies and the public by:
  - 1. Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.
  - 2. Working with the prosecutors and police departments to prosecute non-compliant sex offenders, including those who fail to register and those who fail to respond timely and accurately to the 90-day verification notices.
  - 3. Working with the Criminal Justice Division of the Department of the Attorney General to determine the status of each registered sex offender, and to make information on qualifying sex offenders available on the Internet or walk-in public access.
- C. Implement the necessary changes to be in compliance with the provisions of the Adam Walsh Act.
  - 1. Determine state statutory changes that will be required to implement the provisions of the Act.
  - 2. Provide training to our registry partners to ensure that we meet all requirements of the Act.
- D. Improve the accessibility of criminal conviction information to the public.
  - 1. Determine and draft statutory changes that may be required in the future.
  - 2. Draft administrative rules for fees.

Department of the Attorney General 2007 Goals and Objectives

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
<b>A.</b>	<b>Improve the timeliness and accessibility of criminal history record information to authorized entities.</b>		
1.	Assist more non-criminal justice agencies to deploy livescan technology to capture and transmit applicant fingerprints to the State's AFIS and to the FBI's AFIS with 24-hour turn around responses.	2007	Decrease in the number of applicants fingerprinted at the HCJDC for other state agencies.
<b>B.</b>	<b>Fully implement the sex offender registry statute (Chapter 846E, HRS) and ensure that the most accurate, complete, and timely information on each sex offender on the registry is available to law enforcement agencies and the public.</b>		
1.	Proactively researching sex offenders who fail to comply with Chapter 846E, HRS.	Ongoing	Increase in the number of cases referred to law enforcement and prosecutors for follow-up.
2.	Working with the prosecutors, AG Investigators and police departments to prosecute non-compliant sex offenders, including those who fail to register and those who fail to respond timely and accurately to the 90-day verification notices.	Ongoing	Increase in the number of prosecutions and a decrease in the number of delinquent and non-compliant registrants.
3.	Working with the Criminal Justice Division of the Department of the Attorney General to determine the status of each registered sex offender, and to make information on qualifying sex offenders available on the Internet or walk-in public access.	Ongoing	Accurate and timely dissemination of sex offender registration information.
<b>C.</b>	<b>Implement the necessary charges to be in compliance with the provisions of the Adam Walsh Act.</b>		
1.	Determine state statutory changes that will be required to implement the provisions of the Act.	2007	Bill is drafted and introduced at the next legislative session.
2.	Provide training to our registry partners to ensure that we meet all requirements of the Act.	2008	Hawaii is compliant with the provisions of the Act.
<b>D.</b>	<b>Improve the accessibility of criminal conviction information to the public.</b>		
1.	Determine and draft statutory changes that may be required in the future.	Ongoing	Necessary legislation is drafted and introduced.
2.	Draft administrative rules for fees.	2007	Rules are posted.

Department of the Attorney General 2007 Goals and Objectives

I. GOAL:

- A. Continue to aggressively pursue community outreach initiatives for the State ID program and to improve convenient service to the public.
- B. To implement the Congressional Real ID Act (January 2008)
  - 1. SSOLV (Social Security On-line Verification)
  - 2. SAVE (Systemic Alien Verification for Entitlements)
  - 3. EVVE (Electronic Verification of Vital Events)
  - 4. All documents must be scanned and stored.

II. OBJECTIVES:

- A. Fully implement the renewal by mail option for senior citizens and other qualifying applicants 4X per year.
- B. Provide services to communities with limited access to the program.
  - 1. Continue the successful visits to Molokai and Lanai, as necessary.
  - 2. Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings at our downtown office.
- C. Complete the disaster recovery installation on the new automated system.
- D. Submit Legislative Proposal to Transfer the State ID Program to the County Driver's License Program.

Department of the Attorney General 2007 Goals and Objectives

Objective	Action to Accomplish	Projected Year of Completion	Measure of Performance
<b>A.</b>	<b>Fully implement the renewal by mail option for senior citizens and other qualifying applicants 4X per year.</b>		
1.	Notices are mailed to qualified applicants.	2007	Increased number of renewals by mail.
<b>B.</b>	<b>Provide services to communities with limited access to the program.</b>		
1.	Continue the successful visits to Molokai and Lanai, as necessary.	Ongoing	The number of cards issued.
2.	Continue to arrange for a monthly on-site event directly into communities on Oahu or have Saturday openings at our downtown office.	Ongoing	The number of cards issued. As of 9/30/2006, 4,957 cards were issued at these outreach events.
<b>C.</b>	<b>Complete the disaster recovery installation on the new automated system.</b>		
1.	Implement the necessary hardware, software and procedures needed for disaster recovery.	2007	Full backup system installed.

## Office of Child Support Hearings

### I. MISSION STATEMENT

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

### II. GOALS, OBJECTIVES, AND ACTION PLANS

OVERALL GOAL 1: Provide quality resolution of child support disputes

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

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

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

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

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

Action Plan-Year 2: Initiate discussions with CSEA and investigate the expected caseload for FY 2006-2007. Project OCSH's capacity to process all cases received from the CSEA while maintaining an expedited disposition of cases and a low appeal rate.

Action Plan-Year 5: Implement plans to meet the expected caseload and evaluate effectiveness.

Measurement of Performance:

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

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

Action Plan-Years 1 and 2:

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

Action Plan-Years 2-4:

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

## Department of the Attorney General 2007 Goals and Objectives

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

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

### Measurement of Performance:

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

Objective 3: Ensure effectiveness of the OCSH administrative process.

### Action Plan-Years 2 and 4:

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

### Action Plan-Year 3:

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

### Measurement of Performance:

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

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

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

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

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

### Action Plan-Years 1 - 5:

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

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

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

### Action Plan-Years 1 -4:

- Integrate and maximize information on the OCSH website to provide information about the administrative process via the Internet.
- Continue pilot projects like brown bag training to the agency representatives and other participants. Create agenda and materials for training. Seek other training forums such as the Family Law Section of the HSBA, educational television programs, and public seminars.

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

### Measurement of Performance:

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

### Examples of success:

- Example of success in maintaining a capacity to process a high volume of cases: In FY 2005-2006, OCSH processed a total of 5,033 cases (2,953 hearing cases and 2,080 non-hearing cases).
- Example of success in maintaining a capacity to process a high volume of orders expeditiously: In 98% of the hearing cases (2,902 out of 2,953), OCSH issued final orders or decisions within 30 days of the hearing
- Example of success in maintaining a capacity to process a high volume of orders expeditiously: In 85% of the non-hearing cases (1,763 out of 2,080), OCSH issued final orders within 3 days of receipt of the uncontested case file
- Example of success in maintaining a low appeal rate while processing a high volume of cases expeditiously: A total of 20 appeals were filed in FY 2005-2006. OCSH successfully kept its appeal rate below 1% ( $20 \div 5,033 \times 100$ ) while issuing 98% of its hearing orders within 30 days of the hearing and 85% of its non-hearing orders within 3 days of receipt of the uncontested case file.
- Example of success in training hearings officers: During FY 2005-2006 OCSH hearings officers took part in mediation and apology training through the Judiciary's Center for Alternative Dispute Resolution, settlement training through the Family Court's voluntary settlement master program, and divorce law training through the HSBA Annual Divorce Law update.
- Example of success in brown bag training: OCSH hearings officers conducted monthly brown bag training sessions for CSEA Legal Assistants from November 2005 to the present.

## **SECTION 6: INVESTIGATIONS DIVISION**

### Goals and Objectives

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

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

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

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

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

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

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

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

- Continue to aggressively enforce state tobacco tax laws.

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

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

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

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

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

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

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

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

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

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

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

### Measurement of Performance

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

## **SECTION 7: ADMINISTRATIVE SERVICES OFFICE**

### **Information Systems and Technology Unit**

The goals established by the Information Systems and Technology Unit (IST) last year has not changed. Some progress has been made during the past year toward attainment of our stated goals. However, more could have been accomplished if the additional positions requested were approved and the current budgetary constraints were lifted. Regardless of the fiscal climate, the IST staff will continue to focus its efforts in the coming year to complete or move even closer to realizing our 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 departments' own E-mail servers.

Objective 3: Develop work flow applications.

Objective 4: Integrate certain existing business functions into the department's public websites (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 the departmental Intranet.

**GOAL 3:** Continue development/enhancement of the 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.

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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 135 personal computers, 5 to 10 laser printers, 3 to 5 servers, and 4 to 6 switches (ideally setting up a 3 year replacement cycle) to ensure that the department will never again be saddled in a situation of having only very old computer hardware and network/communication equipment that are no longer supported by vendors.

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 Child Support Enforcement Agency (CSEA). Essentially, the Unit supports all but two (2) divisions in the Department.

The Unit presently consists of five (5) IT Specialists 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 fourteen (14) years and actually became smaller when three (3) half-time positions and one (1) intern position were eliminated during this period.

With the recent implementation of the Case Management System (ProLaw), Document Management System (iManage), Department's Public Website and Departmental Intranet, the workload of the IST Unit has substantially increased. As further development on the

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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. The IST Unit will again be requesting for two (2) additional positions (1 Clerk IV and 1 User Support Technician) to be included in the department's budget request 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 will 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 budgetary shortfalls/restrictions and the Unit's heavy workload, the IST staff was not able to attend any technical training for the past four (4) years. 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, maintenance, 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 the Legislature approves the request for two (2) additional positions. E-mail is now being provided through an E-mail server at the Department of Accounting and General Services' Information and Communication Services Division (ICSD). The IST Unit will again be requesting for two (2) additional positions to be included in the department's budget request to the upcoming Legislative Session.

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Objective 3: Develop work flow applications.

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

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

The IST staff has completed the project to redesign all of the department's public websites using the new departmental template for the Executive Branch developed by ICSD. The primary objective of this project was to make the public websites of all departments in the Executive Branch more public friendly with the same look and feel. However, it should be noted that there would be a continual effort to integrate more and more business functions into the department's public websites even after this project is completed. It will be an ongoing effort as new business functions evolve.

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

Most major components of the departmental Intranet have been implemented. However, the IST staff will continue to develop all remaining planned components of the Intranet (i.e., Community Page, expand content of departmental directory, implement online telephone directory), develop & implement occasional enhancements, and provide on-going maintenance & support.

GOAL 3: Continue development/enhancement of the 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 more effort will still be required during the coming year to further develop additional screens and reports for the Case Management System (ProLaw). It is anticipated that the IST Unit will continue to receive more programming requests as the users become more aware of the potential capabilities and use for this application.

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

Due to budgetary constraints, the Unit's heavy workload, and some scheduling conflicts, the IST staff tasked with the responsibility to maintain

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and support the iManage application was again not able to attend the iManage Administration course that is needed to implement new versions/releases of the application last year. Funding to obtain this needed training must be made available during this coming year. Since iManage training cannot be acquired locally, travel and per diem expenses to the mainland must also be incurred.

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

Objective 1: Budget annually to acquire 100 to 135 personal computers, 5 to 10 laser printers, 3 to 5 servers, and 4 to 6 switches (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 computer hardware and network/communication equipment that are no longer supported by vendors.

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.

Although computer hardware is currently viewed as a Capitol expense, it should actually in fact be viewed as an Operational expense since PCs, printers, and network/communication hardware usually become outdated and are not supported by vendors within 4-5 years. Monies should be appropriated to the department's Operational budget annually to fund a 3-4 year replacement program. The advantage is to spread the replacement cost over time and to ensure that departmental personnel are never saddled with outdated computer hardware.

### 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.

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As mentioned previously, the above objective has already been achieved. However, the IST staff is now tasked with the ongoing day-to-day administration, maintenance, 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 into the department's public websites (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 the departmental Intranet. All major components of the departmental Intranet should be completed during the first year of this plan. However, the IST staff will still be tasked with occasional enhancements and its on-going maintenance & support.

GOAL 3: Continue development/enhancement of the 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 it should be decreasing with each passing year, it is projected that the IST staff will still continue to receive requests for the development of additional screens and reports. It will become part of the on-going support for this application.

Objective 2: Acquire necessary training to adequately support, maintain, and upgrade 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 will still be required to ensure that the IST staff will be able to maintain this application without the need to engage the services of outside consultants.

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

Objective 1: Budget annually to acquire 100 to 135 personal computers 5 to 10 laser printers, 3 to 5 servers, and 4 to 6 switches (ideally setting up a 3 year replacement cycle) to ensure that the department will never again be saddled in a situation of having only very old computer hardware and network/communication equipment that are no longer supported by vendors.

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 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. Besides the perpetual goals and objectives stated above, it is very difficult to develop a plan for projects this far into the future since advances in information technology occurs so rapidly.

## **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. Two priorities remain for the action plan, which are the acquisition of more office space to provide (1) a better working environment for the fiscal staff and (2) to be able to hire an Accountant III to assist the fiscal office with the increasing paperwork due to the increase in the Departmental staffing.

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

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

### ACTION PLAN

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

We must also train the staff on how to access and use the Datamart system so they will be able to retrieve the most current fiscal information for payment inquiries instead of relying on the accountants. Another goal is to have the staff use the iManage system more frequently so files can be shared within the division.

The priority item is to get more space for the fiscal staff to be able to hire the Accountant III and to provide a better work environment for the staff.

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

The hardest task, which has not been accomplished, is the training of the departmental staff in the use, care and reporting of the purchasing card.

Fifth Year: A fifth year goal is to continue to evaluate the FAMIS Model Procedures Systems to determine whether it still meets the needs of the Fiscal Office. The payroll system is one of our major concerns because it is time consuming and adjustments are paper intensive and difficult to process. The State had hoped to

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implement the Kronis payroll system but that did not work out in its pilot stage. We do not know what the State's future plans are to upgrade the Payroll system to reduce the paperwork and keypunching. The State also needs to implement an automated record keeping system for employee leave balances.

The department continues to have problems with salary overpayment situations due to a lack of communications with the fiscal office. There is no solution in sight although several procedural changes were made to alleviate this problem. The changes were only as good as the departmental staff were willing to follow and give first priority. Therefore the department still has a number of salary overpayment situations each month because of lack of priority and lack of communication.

## Library Services

We have done the following to meet our goals in 2006; we have identified and discarded materials less frequently used in both the departmental and divisional libraries to cut expenses. We have also identified redundant materials and eliminated them from the collections. The divisions have evaluated their library materials and eliminated items they no longer need. We have also made cuts in the main library's collection to cut costs. While we haven't spent much on buying new materials this year, with Dave Moore's help, we have purchased several HICLE manuals for our library, including the Conservatorship and Guardianship Manual, the Hawaii Probate Manual and the Collections Manual. This has filled a need in the Department for these kinds of materials.

Recently, we renewed our contract with Westlaw and, thanks to Dave, expanded the number of passwords so that every person in the Department, who needs access to Westlaw, has their own pass code. Our contract with Westlaw enables us to use many of its services at a flat rate. In addition, we monitor its use to cut down on unnecessary expenses.

**GOAL:** Continue to provide the best possible environment for legal research in both the department's library as well as the divisions' in terms of resources, facilities, and equipment.

**Objective 1:** Address the rising cost of research materials for both the departmental and divisional libraries in combination with limitations on spending.

**Action Plan:** First Year: Form a library committee composed of representatives from each division and discuss ways of cutting spending on library materials without sacrificing the quality of legal research. Forward suggestions to the Attorney General for review and approval.

Second Year: Implement cuts approved by the Attorney General.

**Objective 2:** Purchase new library materials to assist people in doing legal research in both the departmental and divisional libraries.

**Action Plan:** First Year: Have Library Committee come up with suggestions for new legal materials for both departmental and divisional libraries. Establish how much they will cost and forward recommendations to Attorney General for review and approval.

Second Year: With approval of the Attorney General, begin purchasing new materials and incorporating them into departmental and divisional libraries.

**Objective 3:** Buy new audiovisual equipment to replace aging equipment currently housed in the library as well as equipment for duplicating videotapes and DVDs.

**Action Plan:** First Year: Have Library Committee evaluate current audiovisual equipment in the library and recommend replacements if needed. Forward suggestions to the Attorney General for review and approval.

Second Year: Purchase audiovisual equipment subject to approval of the Attorney General.

Fifth Year: Begin to replace older printed materials with cd-roms, as well as provide expanded access through Westlaw or the Internet.

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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: 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 the AG for his evaluation and recommendations.

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

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

**Personnel Office**

GOAL 1      Continue to provide quality and timely service to meet the personnel needs of the department.

Objective 1:    To request, obtain authorization, establish, recruit, and fill adequate and qualified staffing to support the increased requirements, size, and demands of the Departmental programs.

Objective 2:    Continue to utilize computer technology to enhance our ability to provide quality and timely services.

Objective 3:    Request and obtain the necessary training for Personnel Office staff to carry out services in an efficient and qualitative manner.

GOAL 2      Provide technical assistance and guidance to managers and supervisors in developing and maintaining a quality workforce.

Objective 1:    Develop mandatory training program requirements for employees, supervisors, and managers.

Objective 2:    Explore the development of an employee training record using the HRMS system database.

ACTION PLAN

FIRST YEAR

GOAL 1      Continue to provide quality and timely service to meet the personnel needs of the department.

Objective 1:    To request, obtain authorization, establish, recruit, and fill adequate and qualified personnel staffing to support the increased requirements, size, and demands of the Departmental programs.

To restore the Personnel Clerical position lost thru budget constraints 10 years ago.

Request an additional Personnel Management Specialist to address backlogged and continued increasing requirements for organizational and position change requests.

Objective 2:    Continue to utilize computer technology to enhance our ability to provide quality and timely services.

Explore the feasibility to eliminate the time-consuming manual posting of leave records. We will conduct surveys of other Departmental Personnel Offices to see if they have developed electronic leave recordkeeping that may be adapted. By working closely with the Departmental Information Technology Section, we will strive to make advances toward this goal.

Objective 3:    Request and obtain the necessary training for Personnel Office staff to carry out services in an efficient and qualitative manner.

Assess staff needs for training and ensure adequate training provided.

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GOAL 3      Provide technical assistance and guidance to managers and supervisors in developing and maintaining a quality workforce.

Objective 1:    Develop mandatory and recommended training program requirements for employees, supervisors, and managers.

To ensure that the Departmental employees are educated and trained in requirements to comply with applicable laws and rules and regulations. Personnel to identify, develop, and recommend core training requirements.

Objective 2:    Explore the development of an employee training record using the HRMS system database.

Currently, personnel staff inputs departmental training records in a separate independent logging system. It is hoped that we can eliminate this need by utilizing the existing HRMS training module to capture this same data. Personnel staff will join a project committee of HRD and departmental personnel staff to explore the feasibility and development of an expanded HRMS training module.

SECOND YEAR

Review existing processes and develop new methods of tracking and monitoring personnel activities to enhance our ability to maintain and provide information in a timely manner and to utilize past records to develop new strategies and enhancements to our processes. Continue to develop Personnel staff training and computer skills to support changes to development and conversion to automated processing and recordkeeping technologies.

FIFTH YEAR

We will provide more training to managers and supervisors on selection interviewing, labor relations, classification principles, and other personnel matters to assist them in their supervision of day-to-day operations.

We will continue to review and assess how we can better serve the managers, supervisors, and employees by providing information and feedback in a timelier manner.