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December 30, 2020

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the House of
Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Annual Report on the Goals and Objectives of the Department of the Attorney General, as required by Act 100, Session Laws of Hawaii 1999, as Amended by Act 154, Session Laws of Hawaii 2005. In accordance with section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at 586-1500.

Sincerely,

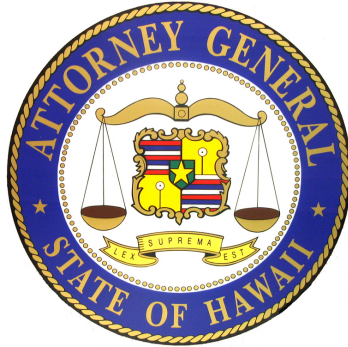


Clare E. Connors
Attorney General

c: David Y. Ige, Governor
Josh Green, Lieutenant Governor
Legislative Reference Bureau (Attn.: Karen Mau)
Leslie H. Kondo, State Auditor
Craig K. Hirai, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, PhD., President, University of Hawaii

Enclosure

State of Hawai'i
Department of the Attorney General



GOALS AND OBJECTIVES OF THE
DEPARTMENT OF THE ATTORNEY GENERAL

Pursuant to Act 100, Session Laws of Hawaii 1999
As amended by
Act 154, Session Laws of Hawaii 2005

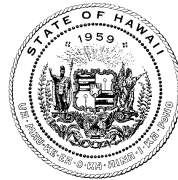
Fiscal Year 2021-2022

*Submitted to
The Thirty-First State Legislature
Regular Session of 2021*

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GOALS AND OBJECTIVES OF THE DEPARTMENT OF THE ATTORNEY GENERAL

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

Fiscal Year 2021 – 2022

Submitted to the Thirty-First State Legislature
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SECTION 1: INTRODUCTION

The Attorney General is the chief legal officer of the State of Hawaii. By law, the Attorney General and her deputies represent the State and its agencies and officers for all three branches of government. This representation includes litigation in both state and federal court, in both civil and criminal matters and in both defensive and affirmative capacities. In addition, the Department of the Attorney General (the department) does transactional work and assists the State's many agencies with the performance of their duties. The department works with Legislators on legislative priorities as well as reviews submitted bills and testifies on legislation; drafts and reviews regulations; advises boards and commissions; and prepares legal documents in many forms. The department provides a constant stream of informal and often daily advice to its client agencies as well as to Legislators. It also handles all child support enforcement actions, which in fiscal year 2019-2020 resulted in the collection of \$135 million in child support, and also administers federal grants to state and county criminal justice agencies and non-profit victim service providers, which this year totaled over \$44 million. Experience and institutional awareness, alongside productive collaboration with our state, local and federal counterparts, are key components of the department's success.

As of January 1, 2021, the department will have 194 deputy attorneys general and five hearings officers. These professionals range from new hires to career deputies, including six deputies with over 30 years of service and one with over 40 years of

service to our department. Experienced deputies are critical to the successful transition between administrations. The work of the deputies is integral to every project of importance in which any state agency is involved. In providing both legal and institutional knowledge, the deputies serve a vital, irreplaceable function in state government, one that only experienced, licensed professionals can perform.

This past year, the department faced the unusual challenges created by the COVID-19 pandemic, which impacted how we conducted business as well as increased our workloads and resulted in some long-term changes to our operations. With the majority of our workforce teleworking during the last half of March and April, we had to maneuver remote working requirements to continue advising our clients without pause. That involved many staff taking their computers home and being given access to the State's VPN (Virtual Private Network) to ensure security and privacy of our confidential communications. It also included learning how to conduct meetings virtually among ourselves, our clients, and others for consultation, brainstorming, training, and any other activities for which close contact would have been unsafe. Those remote activities continued for parts of our workforce, even after the general stay-at-home orders ended.

For many of our divisions, our responsibilities increased to address tasks directly related to the pandemic, including researching issues and collecting information needed to assist with the Governor's emergency proclamations; enforcing compliance with the emergency proclamations; assisting with the development of the Safe Travels program, including being solely responsible for administering all COVID-19 travel exemptions; working with Civil Defense, the Department of Health, and others to procure needed equipment and additional services; obtaining court orders of quarantine for those with COVID-19 infections who would not cooperate with safe practices; assisting the Department of Labor to address the State's unprecedented unemployment situation; learning the requirements for the use of CARES Act funds; and defending the State against lawsuits challenging the constitutionality of the State's emergency response to COVID-19. The expected economic impacts related to COVID-19 have forced us to take a hard look at our operations and cut all non-essential services. To save lease-rent on office space, we are taking advantage of the ability of some of our deputies to work remotely, and have started an office-sharing process for those who do not need to be in the office every day.

SECTION 2: DEPARTMENT GOALS AND OBJECTIVES

The mission of the Department of the Attorney General is to provide excellent legal services to the State of Hawaii by offering advice and counsel to its client agencies, assisting in the implementation of policy decisions, aiding the core activities of its client agencies, and representing the State and its agencies and officers in litigation. Carrying out this mission includes (1) initiating lawsuits to protect the interests of consumers and the public, and appearing for the State in civil and criminal cases when the State is a party, (2) investigating violations of state laws, enforcing the laws, and prosecuting

those who violate the law, (3) preparing legal opinions for the Governor, Legislature, and the heads of state departments, (4) advising state officials, including more than 170 boards and commissions, on legal matters so they can faithfully execute their duties and responsibilities, (5) defending and representing state officials and employees when they are sued for actions that have occurred as part of their official duties; and (6) collaborating with other states as well as federal and local counterparts on matters of importance to our State.

The Attorney General administers several programs and projects that provide direct benefits to the public, including the Child Support Enforcement Agency, the Crime Prevention and Justice Assistance Division, the Hawaii Criminal Justice Data Center, the Hawaii Internet and Technology Crimes Unit, the Hawaii Internet Crimes Against Children Task Force, the Mission Child Center Hawaii, Notaries Public, the Office of Child Support Hearings, the Sex Offender Registry Program, the Tax and Charities Division, and the Tobacco Enforcement Unit.

STATEMENT OF DEPARTMENTAL GOALS:

Our specific goals are to enhance operations, functionality, and professionalism within the department, and our overall strategy to achieve those goals is to maintain an environment that attracts and nurtures talented attorneys with a commitment to public service, so that our department can continue to represent the State successfully at the local and national level on matters of state importance. Achieving our goals will allow us to most effectively serve the State and the public.

Our immediate goals are to continue to adapt efficiently and effectively to evolving technological requirements necessitated by the COVID-19 pandemic, while at the same time conserving our operating budget and resources.

Our objectives and plans to achieve our goals are listed below.

Our performance measures rarely change because they are so closely tied to our successful representation of our clients. If we do our job well, we save money and resources for the State. During the COVID-19 pandemic and the resulting economic stresses, our performance will be measured by our ability to adapt to working with fewer resources.

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

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

Action Plan 1: Continue to make critical hires as needed.

The target date for this action plan is ongoing, albeit delayed due to the significant burdens on the State economy due to the COVID-19 pandemic.

When hiring is again possible, the measure of success for this action plan will be to hire personnel who will best fulfill the needs of the various divisions so that the department can continue to operate at sufficient capacity and skill level to provide appropriate services to its clients.

Action Plan 2: Set aside funds to hire special deputies with specialized expertise to assist in complex litigation matters.

We would like to enhance interaction between the department and its special deputies, by requiring the special deputies and department deputies to work more closely together.

This will serve three purposes: (1) it will elevate the quality of the deputies' work; (2) it will hold down the special deputies' costs; and (3) it will allow our deputies to develop competence in these areas.

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

Action Plan 3: Continue to improve cooperation with members of the Legislature.

Both during and outside of the legislative session the department is willing to assist legislators as needed to ensure that any legal or constitutional challenges or infirmities are resolved with respect to legislative proposals. This helps ensure that bills can be amended earlier in the session and accurately reflect the intent of the sponsoring legislator. The department also assists in drafting legislation upon request by legislators.

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

Action Plan 4: Continue to improve control and handling of litigation.

Our Litigation Management Committee tracks existing litigation and provides critical review and analysis of work product to secure optimal results, especially with respect to major litigation.

Because the Attorney General needs to be regularly informed of the status of important litigation (both large financial stakes and important policy issues), litigation supervisors meet with the Attorney General on at least a quarterly basis to discuss litigation matters in-depth. These meetings are in addition to monthly supervisors' meetings and the frequent meetings scheduled to address the department's active litigation.

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

Action Plan 5: Continue to improve client relations and protocols for responding to queries and requests. Continue to improve client service, quality of advice, and representation.

The department must respond to queries quickly (e.g., a prompt turn-around for acknowledging and then substantively responding to emails) to ensure that clients feel their concerns are being addressed.

The target date for this action plan is ongoing and may be more challenging with the attrition arising from the economic-induced hiring freeze. To best manage this goal, we are seeking to work more efficiently and effectively by increasing reliance on institutional knowledge among our divisions.

The measure of success for this action plan is that clients are satisfied with the department's services. Another measure is whether the department succeeds in reducing litigation by solving problems before they occur.

Action Plan 6: Continue to improve the technological capabilities of the department.

Our 400+ aging computers were replaced by January 2020. Many attorneys opted for a laptop instead of a desktop, and that greatly enhanced our ability to continue our work remotely during the COVID-19 stay-at-home and safer-at-home orders.

Migrate computers to Hawaii.local Active Directory (AD) for seamless integration with Office of Enterprise Technology Services (ETS) shared resources. Target completion is January 15, 2021. We have two more computers to migrate.

While we had intended to update our document management system, problems with the vendor delayed that project. With the need to conserve funding for operations, we will have to continue working with our current system and provide updates as possible.

Our plan to upgrade the ProLaw case management application to the latest version is pending funding for server infrastructure refresh.

We continue to activate our plan to provide training and assistance to attorneys and staff who need help adapting their technology skills to the needs of remote working.

Action Plan 7: Continue to improve departmental cohesion.

We will continue holding monthly supervisors' meetings, which are an effective means of providing and sharing updated information in a consistent manner to the department, and which have been useful to maintain an esprit de corps within the department.

We will continue to provide training opportunities to management and leadership so that supervisors and up-and-coming managers can play a role in continuing to build a cohesive department, using approved management techniques.

We will continue holding division group meetings to better organize the department and to encourage individual divisions to share valuable information with each other in a setting that provides more time for discussion than the monthly supervisors' meetings.

We will continue to encourage participation in our departmental committees, which deputies volunteer for in addition to their regular duties and include the Training Committee, Contracts Committee, Ethics and Conflicts Committee, Appellate/Opinion Review Committee, Management Committee, and the Innovation Committee.

The target date for this action plan is ongoing, and the action itself has changed from in-person meetings to remote meetings. The

plan served us well as we addressed the many issues related to COVID-19, because we were able to assemble teams comprised of several divisions to collaborate on multi-faceted tasks.

The measure of success for this action plan may be gauged in a variety of ways, including that the department not provide conflicting advice on the same topic, that more issues are caught early because different divisions are engaged with each other, and that when reviews and/or evaluations are done, more people respond in such a way that shows they feel integral to the department, rather than just part of their individual division.

Action Plan 8: Provide Continuing Legal Education (CLE) training.

The Training Committee provides and coordinates training for all department employees, including attorneys and staff.

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

The department has successfully worked with the National Association of Attorneys General (NAAG), National Attorneys General Training and Research Institute (NAGTRI), Conference of Western Attorneys General (CWAG), and other groups to provide diverse training for department employees.

The target date for this action plan is ongoing and has required adaptations via interactive conference technology so that all training can occur remotely. Our training committee has become proficient in the use of Microsoft Teams and Zoom platforms to allow the whole department to participate in trainings.

The measure of success for this action plan is that more valuable training occurs. This has been ongoing over the past several years and includes brown bag trainings organized by the Training Committee that occur at least once a month as well as various seminars that provide CLE credit on topics such as ethics, new legislation, new case law, and Supreme Court cases. We have encouraged our attorneys to avail themselves of national trainings via NAGTRI on topics such as trial advocacy, jury selection, and leadership. This year the training options included many legal issues related to COVID-19.

Action Plan 9: Provide Regular Employee Evaluations.

A formal evaluation process gives strong performers positive feedback and provides weaker performers an honest assessment and opportunity to improve. This process benefits the department as a whole, as it serves as a management tool for supervisors to gauge the professional development of their employees and determine who can act as mentors and team leaders.

The measure of success is that employee evaluations provide meaningful feedback that leads to improved performance.

Action Plan 10: Continue to maintain and improve employee morale.

Increasing morale during the COVID-19 pandemic required an innovative and safe approach in lieu of conventional in-person gatherings. As we maneuvered through teleworking, our plan required each division to maintain regular contact with its employees to keep everyone engaged and productive. While most collaboration initially occurred via email, Microsoft Teams meetings became common. Also, our Training Committee made an effort to infuse a few minutes of humor into the start of most training presentations. In general, because celebrations of achievements and other milestones were unsafe, some divisions were innovative with virtual baby showers, birthday sing-alongs, retirement send-offs, and other creative means of expressing virtual comradery.

Because furloughs appear necessary to adjust to the damaged economy, our plan is to be transparent about our fiscal situation to engender trust that we're doing our best to adapt to the budget situation. We need to balance any troubling news with recognition of our department's many accomplishments and we will continue to do so with periodic emails to all members of the department.

The target date for this action plan is ongoing.

The measure of success for this action plan may be gauged in part through objective measures such as whether more morale boosting events are held; formal and informal feedback from department employees; retention; and other indicators.

Action Plan 11: Continue to provide quality and timely fiscal services to meet the needs of the department's personnel and to maintain accurate records thereby continuing to attain clean audit records.

We will continue to utilize available and new resources and computer technology to enhance the ability of the Fiscal Office staff to provide quality and timely services.

The measure of success will be increased satisfaction of the department's personnel and attaining clean independent audit records.

Action Plan 12: Encourage Health and Wellness of all employees.

We will continue to increase awareness of employee wellness by providing reminders via email and posted signs about safe practices related to COVID-19. We will continue to make cleaning supplies and hand-sanitizer readily available in all divisions, and to coordinate virtual informational Health Fairs and educational training sessions on physical and emotional well-being with EUTF for all department-wide employees.

The target date for this action is ongoing, but we will offer virtual sessions at least two times per year, and consider returning to in-person events when it is safe to do so.

The success of this action plan may be gauged in part through the participation of employees at these scheduled sessions and review of absenteeism.

SECTION 3: LEGAL SERVICES DIVISIONS

The department is divided into the following legal services divisions or autonomous units within larger divisions, each with its own goals and objectives in addition to those of the department.

Administration Division

The Administration Division differs from other legal divisions in the number and diversity of client agencies it represents and advises, and the wide variety of substantive areas of law that the advice encompasses. The division's roles include representing and providing quality advice and counsel to policy-making executive branch agencies (i.e., Governor, Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assisting in implementing policy decisions (e.g., through Executive Orders, legislation, and rules); and assisting in the implementation of the core activities of the above entities, their attached agencies, and other agencies (i.e., Employees' Retirement System, Hawaii Employer-Union Health

Benefits Trust Fund, Public Utilities Commission, Office of Enterprise Technology Services; State Procurement Office, Aloha Stadium Authority, E911 Board, Building Code Council, State Foundation on Culture and the Arts, Office of Elections, Campaign Spending Commission, Office of Information Practices, and Ethics Commission). The division also provides representation, advice, and counsel to the Judiciary and the Legislature and their agencies.

GOAL 1: **Continue to improve the division’s ability to provide quality legal services in a timely manner.**

Objective: Broaden deputies’ areas of knowledge to minimize subject area silos, facilitate flexibility in making assignments, and avoid disruption in the provision of legal services.

Action Plan: Expose deputies to a variety of substantive issues and encourage deputies to take on different assignments jointly and to work together on less familiar projects. This will be especially critical given the consequences of the COVID-19 pandemic.

The measure of success for this goal is whether an increase in exposure to various legal issues will result in deputies being able to spot more issues in different areas and provide meaningful feedback to each other.

The target date for this goal is ongoing.

GOAL 2: **Realign duties within the division to existing areas of expertise and increase the ability to provide consistent advice and to increase efficiency.**

Objective: Continue to better prioritize the division’s function and work.

Action Plan: Notwithstanding Goal 1, re-examine within and without the division to determine whether and where specific types of work could best be primarily assigned. The basis for discussions is where the relevant expertise lies in each deputy and division, without analysis being prevented by “this is how we’ve always done it” reasoning.

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

The target date for this goal is ongoing.

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

Action Plan: Continue to train clients in tasks such as preparing agendas and minutes, maintaining records, creating records and indices of records for administrative appeals, and compiling records on appeal.

The measures of success for this goal include savings in the deputy time currently spent reviewing and re-writing agendas and minutes, making sure the records that are available to the public do not contain confidential information or attorney-client privileged information, and ensuring the agency records for administrative appeals are in good order. Success also would include savings in staff time currently spent putting together records on appeal for client agencies.

The target date for this goal is ongoing.

GOAL 4: **Continue the Administration Division's service as a resource for other divisions seeking guidance on substantive legal issues, including in the areas of procurement and contracts, sunshine law, UIPA, and fiscal/appropriation issues.**

Objective: Integrate the work being done in the division with the department as a whole to benefit the department.

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

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

The target date for this goal is ongoing.

GOAL 5: **Obtain assistance with litigation and administrative appeals.**

Objective 1: Continue to improve the prioritization of the division's work.

Objective 2: Effectively use the amount of time the division's deputies spend on litigation so they can focus more on the division's core advice and

counsel function. Expect the division's deputies to participate in litigation, providing the substantive knowledge of the litigated issues to an experienced litigation deputy.

Action Plan 1: Short-term – work closely with other legal divisions to coordinate services/assistance to experienced litigation deputies and support staff.

Action Plan 2: Continue to train current clerical staff to provide services to attorneys. We have vacant positions and during the hiring freeze, we will have to prioritize our work carefully to meet deadlines.

Action Plan 3: Create more standardized procedures for paralegals.

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

The target date for this goal is ongoing.

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

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

Objective 2: Continue to manage the division's physical space.

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

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

The target date for this goal is ongoing.

Appellate Division

The primary mission of the Appellate Division is to maximize the quality of appellate representation to all of the department's clients and to provide constructive and quality legal advice to deputies throughout the department on all legal matters. The division's attorneys also directly handle many of the appeals in the department, including briefs filed and oral arguments presented on behalf of the State and its agencies and officials in the state and federal courts. In 2020, several of the division's attorneys took a leading role in defending the Governor's exercise of his emergency powers during the COVID-19 pandemic in various state and federal court lawsuits. The Appellate Division also drafts amicus briefs in appeals involving issues of importance to the State and makes recommendations to the Attorney General on whether the State should join multi-state amicus briefs filed in the United States Supreme Court in cases of state and national interest and importance.

GOAL 1: **To develop and maintain the highest quality appellate writing and advocacy skills of deputies.**

Objective: Provide guidance to deputies handling appeals to assist them in developing and maintaining high-quality appellate writing and advocacy skills.

Action Plan 1: Encourage all deputies with appellate matters to contact the Appellate Division: (1) to discuss ideas and arguments supporting the State's positions or rebutting troubling opposing arguments; and (2) to review and comment on draft appellate briefs as appropriate.

The measure of success for this action plan is the improved quality of appellate briefs and advocacy in the department.

Action Plan 2: Provide periodic training sessions to the department regarding appellate writing, appellate rules, and persuading an appellate court.

The measure of success for this action plan is the improved quality of appellate briefs and advocacy in the department.

Action Plan 3: Participate in moot courts and other practice sessions for deputies who are preparing to argue cases before the Hawaii appellate courts and the Ninth Circuit Court of Appeals.

The measure of success for this action plan is the improved quality of appellate oral advocacy in the department.

The target date for this goal is ongoing.

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

Objective 1: Use the division's expertise to benefit the department.

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

Action Plan 1: Have division deputies work cooperatively on a diverse array of appeals and other legal matters involving a wide variety of substantive legal issues.

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

Action Plan 2: Have appellate deputies attend the Appellate Opinion Review Committee meetings.

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

Action Plan 3: Have the division's deputies review and comment on other deputies' briefs or memoranda as appropriate.

The measure of success for this action plan is improved quality of the division's work product.

Action Plan 4: Assist department paralegals with administrative, procedural, and general appellate matters. Share the knowledge of individual appellate paralegals (who have expertise in electronic filing and other administrative matters) with others in the department.

The measure of success for this action plan is increased knowledge of administrative, procedural, and appellate knowledge within the department.

The target date for this goal is ongoing.

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

Objective: Use the division’s expertise to benefit the department.

Action Plan 1: Encourage deputies with appeals to contact the Appellate Division when they have questions regarding appellate procedure or, more generally, to discuss with the division ideas and arguments supporting the State’s positions or rebutting troubling opposing arguments.

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

Action Plan 2: Provide training on appellate practice, rules, and procedures that are open to all attorneys within the department.

The measure of success for this action plan is increased department-wide knowledge of appellate rules and procedures.

The target date for this goal is ongoing.

GOAL 4: **Author or coauthor multi-state amicus briefs and provide the highest quality advice to the Attorney General regarding amicus joinder requests.**

Objective: Ensure that Hawaii: (1) authors or coauthors multi-state amicus briefs addressing issues of importance to the State; and (2) makes amicus joinder decisions based on the soundest advice.

Action Plan 1: Look for opportunities to author or coauthor multi-state amicus briefs addressing issues of importance to the State.

The measure of success for this action plan is the division’s periodic authorship or co-authorship of multi-state amicus briefs.

Action Plan 2: Have the Solicitor General review and edit all amicus joinder recommendations before they are given to the Attorney General.

The measure of success for this action plan is consistency in the quality of the division’s recommendations and the Attorney General’s satisfaction with those recommendations.

The target date for this goal is ongoing.

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

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

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

The measure of success for this action plan is the creation of a brief bank that can be appropriately accessed.

The target date for this goal is ongoing.

GOAL 6: **The Appellate Division will develop and improve efficiency of case management through the use of existing case management technology in the office (ProLaw, and other software in the department) to assist with case assignment and management within the division.**

Objective: Create an easily accessible and manageable division case list to promote maximum efficiency and facilitate the even distribution of assignments to individual attorneys.

Action Plan: Work within the division to ensure we establish our own matter numbers and/or get approval from the originating divisions to take over their matter numbers.

The measure of success for this action plan will be the ability to generate accurate and comprehensive case management lists.

The target date for this goal is ongoing.

GOAL 7: **During the pendency of the COVID-19 pandemic, the Appellate division will provide legal assistance to the Office of the Attorney General and divisions handling COVID-19-related litigation matters.**

Objective: Assist divisions with analyzing complex legal issues relating to COVID-19, and help to defend against litigation challenges to the Governor's emergency proclamations.

Action Plan 1: Restructure division workload to enable division attorneys to allocate sufficient time to assist with and handle COVID-19-related legal matters.

At present, there are two Appellate Division attorneys assigned to the department's emergency proclamation litigation defense team.

The measure of success for this action plan will be the continued participation of division attorneys in COVID-19-related legal matters.

Action Plan 2: Encourage and enable division attorneys to develop expertise in COVID-19-related legal issues.

The individual division attorneys are presently developing expertise as to, among other things, the scope of the Governor's emergency powers, CARES Act issues, and other COVID-19-related substantive legal issues.

The measure of success for this action plan will be the division's attorneys' continued development of expertise with regard to COVID-19 legal issues.

The target date for this goal is ongoing.

Civil Recoveries Division

The Civil Recoveries Division provides flexible, efficient, systematic, and timely service in the pursuit and, if necessary, litigation of outstanding debts, delinquent accounts, and other financial obligations by working closely with client agencies, having sound knowledge of the subject legal doctrines and operational issues facing the clients, and capitalizing on available technology. One means of accomplishing this is to use teamwork, which provides collaboration and an effective source of back-up.

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

Objective: To create a climate of constant improvement.

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

This action plan is ongoing.

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

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

This action plan is ongoing.

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

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

Objective 1: To move towards a paperless environment.

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

The target date for this goal is ongoing.

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

Objective 1: To work faster and smarter.

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

This action plan is ongoing.

Action Plan 2: Implement all existing technology in operations.

This action plan is ongoing.

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

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

Objective: To move towards a paperless environment.

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

This action plan is ongoing. The division continues to reduce its paper files and increase its use of electronic storage.

GOAL 5: **The division will adjust its operations to increase protections for the staff, the department, and the public, and minimize the spread of the COVID-19 virus.**

Objective 1: To arrange internal office operations to maximize protection of the staff and others in the department.

Action Plan 1: Arrange the office/workspace of staff to ensure social distancing and proper barriers and safely minimize the spread of any virus in the workplace.

This action plan is underway.

Action Plan 2: Conduct daily temperature checks of all staff with the understanding that employees with a temperature of 100.4 or more will be sent home for the day.

This action plan is underway.

Action Plan 3: Encourage all staff to stay safe, stay away if they are not feeling well, and stay engaged in personal hygiene and social distancing.

This action plan is underway.

The measure of success for this goal is the minimization of the possibility of staff contracting COVID-19 and general improvement in the health of the staff.

Objective 2: Adjust operation of the Notary Office to provide training and testing while protecting the public from the spread of COVID-19.

Action Plan 1: Migrate the Notary Office training program from in-person classes to remote participation in webinars or online training.

This action plan is underway and ongoing, with a projected initial phase implementation date no later than March 1, 2021.

Action Plan 2: Identify and develop locations, procedures, and protocols to provide testing opportunities for those members of the public who want to become notaries while implementing the safety measures.

This plan is underway with a projected implementation date no later than February 1, 2021, for Oahu and identification of target dates for neighbor island testing by March 1, 2021.

The measure of success for this goal is the resumption of testing for Hawaii's notaries and the elimination of the backlog of applications for new notaries.

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 primarily involve allegations of civil rights or constitutional violations. The division litigates cases in state and federal courts, including appellate courts. The division's litigation includes, but is not limited to, answering legal complaints filed in court, investigating claims, conducting discovery, drafting and filing motions, memorandums, and briefs as appropriate, and representing state interests at administrative hearings, court hearings, arbitrations, mediations, trials, and appeals. The division also assists with training to state agencies on issues such as acceptance of service and other litigation matters.

GOAL 1: **Maintain institutional knowledge.**

Objective: Better organize the division's information for use and retrieval.

Action Plan 1: Memo bank – input memos, briefs, and other written documents relating to legal issues that often recur, such as discretionary function, qualified immunity, Eleventh Amendment immunity, and qualified privilege. The memo bank is currently in iManage, accessible to the department through “DeskSite.” With the understanding that iManage might be eliminated, we are exploring ways to transfer the memo bank to other sites or programs.

The target date is ongoing.

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

Action Plan 2: Expert bank – prior depositions, curriculum vitae, and other materials that will assist the division in selecting needed experts or discrediting experts whose opinions may be inconsistent.

The target date is ongoing.

The measure of success for this action plan is that the appropriate information is available to the department in our document management system to assist deputies in finding experts for the State or defending against opposing counsel’s experts.

Action Plan 3: Ensure all case-related documents and materials are scanned into the office case management system.

The target date is ongoing, but a uniform system is currently in place to have all electronic and hard copy documents scanned into ProLaw.

The measure of success for this action plan is the ability of deputies and staff to locate documents online and reducing the need to retrieve boxes to obtain information from closed cases.

Action Plan 4: Create uniform and consistent entries in case and document management systems.

The target date is ongoing within the Civil Rights Litigation Division and the Tort Litigation Division, which follow uniform naming conventions in ProLaw and iManage. Expanding this uniformity throughout the department depends on coordination with the administration and the needs of other divisions in the department.

The measure of success for this action plan is it will be easier to conduct conflict searches and to locate other information in the case management and the document management system.

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

The target date is ongoing as internal procedures and court rules continually change or are updated.

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

GOAL 2: **Increase efficiency.**

Action Plan 1: Create litigation liaisons for all departments so that litigation issues are centralized.

The target date for this action plan is ongoing. Some departments already have designated litigation liaisons. We will continue coordination with other departments as appropriate.

The measure of success for this action plan is quicker responses by a department on questions, discovery, and other information requests. Those departments that have designated litigation liaisons have been helpful in streamlining efforts to defend the State in litigation.

Action Plan 2: Develop a process to better share information with divisions whose clients are defendants in lawsuits. Create uniformity in procedures among divisions that perform similar assignments, such as responding to discovery requests and documenting and identifying materials turned over to other parties.

The target date for this action plan is ongoing. The Civil Rights Litigation Division and Tort Litigation Division supervisors conducted training this year on uniform procedures for discovery responses, and the training is expected to be repeated on a periodic basis.

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

GOAL 3: **Help new deputies develop necessary skills as quickly as possible.**

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

The target date is ongoing. The documents contained in the packet are continually being updated as necessary.

The measure of success for this goal is that new deputies will have an immediate form bank for important and frequently used documents. This will reduce the need for deputies to have to search or ask for the forms.

Action Plan 2: Create standard training for every new employee on case management and document management systems as well as other office systems and provide information on critical office policies and procedures soon after a new deputy starts.

The target date for this action plan is pending further discussions with the Office of Enterprise Technology Services and the Information Technology unit within the department. Although periodic training does occur, there is no standardized program in place directed toward new employees at the time of starting their employment.

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

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

The target date is ongoing.

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

GOAL 4: **Help clients better understand the litigation process.**

Action Plan 1: Provide training to departments to explain the litigation process from beginning to end so the departments understand what is expected of them and what their roles may be through each stage of the litigation.

The target date is ongoing. In conjunction with the Tort Litigation Division, we are in the process of setting up training dates for the departments.

The measure of success for this goal is that the departments affected by litigation will be in a better position to assist our department and increase the likelihood of favorable outcomes.

Action Plan 2: Have each department designate at least two individuals to accept service of process and provide training on all aspects relating to acceptance of service and what to do once service is effected.

The target date is ongoing. In conjunction with the Tort Litigation Division, we are in the process of setting up training dates for the persons designated by the departments to accept service of process.

The measure of success for this goal is that the departments and individuals affected by litigation will understand the importance of getting the department involved as soon as possible so that it has the maximum amount of time to respond to the complaint or tort claim and determine what form the response should take. It will also reduce the instances where default can be taken against the State or its employees.

GOAL 5: **Plan for Reduction in Personnel and Resources Due to the Pandemic.**

Action Plan 1: Cross-training of staff. Because of the uncertainty of the State's fiscal situation caused by the pandemic, many employees are considering retiring or otherwise leaving the State's employ. Filling these vacancies will be a challenge, and the division will likely have to find ways to do more with less.

The target date is ongoing. The legal secretary has begun training the legal clerks on duties that had been exclusively within the

purview of the legal secretary. Legal Assistants are also learning some clerical tasks usually reserved for legal clerks.

The measure of success for this goal is to have all clerical tasks timely completed despite any reduction in force.

Action Plan 2. Cross-training of deputies. In addition to cross-training staff, having deputies also learn to do more themselves will help alleviate the strain on clerical staff to timely complete tasks when faced with a reduced working force. Where possible, deputies can do more tasks ordinarily done by clerical staff or legal assistants so that the staff will not be overburdened.

The target date is ongoing. Various training for deputies is being contemplated, including training for electronic filing and the use of Adobe Acrobat.

The measure of success for this goal is that the legal clerks and legal assistants will continue to be able to complete assignments timely despite having to take on more work.

Commerce and Economic Development Division

The mission of the Commerce and Economic Development Division is to provide high-quality and timely legal services to the Department of Agriculture, the Department of Business, Economic Development, and Tourism, and the Department of Commerce and Consumer Affairs. The division also enforces the antitrust laws, participates in multi-state consumer protection matters and cases, and advises the Legislature, the Governor, and other affected agencies as well as boards and commissions on legal issues arising from the subject matter of the division and its clients.

GOAL 1: **Succession planning, leadership opportunities, and professional growth.**

Action Plan 1: Provide opportunities for deputies to be an acting supervisor and expand the list as new deputies develop the skillset.

The target date for this action plan is ongoing.

Action Plan 2: Delegate responsibilities for quarterly team meetings to members of those teams.

The target date for this action plan is ongoing.

GOAL 2: **Cross-training of deputies (for better services, workload balance, and professional growth).**

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

The target date for this action plan is ongoing.

Action Plan 2: Rebalance workload assignments to include both an equal division of work as well as a variety of assignments allowing deputies to gain experience in different fields of law.

The target date for this action plan is ongoing.

Action Plan 3: Hold monthly division meetings.

The target date for this action plan is ongoing.

GOAL 3: **Expand capabilities in consumer protection matters where appropriate and as resources permit.**

Action Plan 1: Send deputies to free virtual consumer protection conferences and training.

The target date for this action plan is ongoing.

Action Plan 2: Identify cases and matters in which involvement by the division is appropriate and include multiple deputies to allow for peer-to-peer training.

The target date for this action plan is ongoing.

GOAL 4: **Adapt to changes necessitated by COVID-19 Pandemic**

Action Plan 1: Increase and rebalance individual deputy workloads to accommodate reductions in staffing, be flexible in re-assigning as experience dictates, be firm but understanding in dealing with those impacted.

The target date for this action plan is ongoing.

Action Plan 2: Allow increased telework opportunities to accommodate new needs resulting from the pandemic and preferences created through the new experiences while simultaneously adapting to new supervision and interaction requirements.

The target date for this action plan is ongoing.

Action Plan 3: Continue to enforce social distancing requirements and provide appropriate gear, supplies, and barriers to ensure a safe workplace.

The target date for this action plan is ongoing.

Complex Litigation, Fraud, and Compliance Unit

The executive office uses its Complex Litigation, Fraud and Compliance Unit (CLFCU) to assist in providing core services to the State and its departments. While CLFCU is not a stand-alone division, it is tasked with providing litigation, audit, and administrative support in larger criminal and civil matters, investigating frauds committed against the State, or by state or county employees, and providing guidance to both the Attorney General and other state agencies on a range of ethical, compliance, and other matters.

CLFCU consists of a senior deputy attorney general, two deputy attorneys general, a chief integrity advisor, three forensic analysts and two litigation support personnel. Most of CLFCU's members came to the Attorney General with broad experience in the handling of complex criminal and civil matters at both the state and federal levels. By attaching CLFCU to the executive office, the Attorney General uses the unit flexibly to augment other division resources and advance multiple action plan items. CLFCU also acts as the Attorney General's liaison to many federal agencies, and supports some of the more significant, high profile criminal matters affecting the people of our State.

GOAL: **Provide core services to the department's divisions and other state entities.**

Action Plan 1: Support Role. CLFCU addresses integrity matters that could lead to criminal, civil or administrative action. The unit collaborates with the Attorney General's Criminal Justice Division and Investigations Division on long-term criminal investigations, developing investigative plans, preparing search warrants, and assisting in the gathering of evidence and conducting financial analyses. Much of the work is done by the analysts, all of whom are retired federal criminal investigators with substantial experience investigating complex financial crimes, including tax, money laundering, contract fraud, health care fraud, bribery, and integrity offenses.

By way of example, CLFCU's team became part of a joint federal/state taskforce focused on addressing various COVID-19 frauds. The unit has assisted the Department of Labor and Industrial Relations (DLIR) in responding to federal subpoenas, and the review of data obtained nationally concerning the submission of unemployment insurance and Pandemic Unemployment Assistance claims. The group has identified vulnerabilities in the processing of claims, and recommended measures to improve efficiencies, including making drivers' license data available to the DLIR for verification purposes. The analysis has generated investigative leads that are being pursued for potential prosecutions at the federal or state level.

Action Plan 2: Maintain integrity. CLFCU also includes the state's chief integrity advisor, who has substantial public and private sector experience in advising on compliance with myriad government regulations. The chief integrity advisor co-chairs the Attorney General's ethics and conflicts committee, which deals with issues of representation of state employees who have been sued, and whether potential outside counsel have conflicts of interest in their representation of the State. The chief integrity advisor also works with the Attorney General's training committee to provide training to department employees, and other state agencies, on best practices in complying with laws, regulations, and ethical standards. The chief integrity advisor leads the Attorney General's CARES Act working group in providing advice to the entire state related to the use of CARES funding, including review of expenditures, so as to assure that funds are used according to federal rules and guidance and not subject to return to the federal government following the pandemic.

Action Plan 3: Combat fraud. CLFCU has collaborated with the State's Ethics Office in combating fraud, waste and abuse. The two entities have established a reporting hotline that allows telephonic, online, and email reporting, and the email is monitored by CLFCU. All complaints are reviewed jointly by CLFCU and the Ethics Office, to determine whether they implicate ethical misconduct on the part of state employees or have criminal potential. If the complaints have criminal potential, they are normally referred to CLFCU's analysts for investigation. Several of the complaints have involved allegations of procurement violations, including pandemic-related procurements, and have been used to initiate criminal and ethical investigations, as well as to provide agencies with recommendations for more efficient operations.

Action Plan 4: Support litigation. CLFCU has actively participated in civil litigation matters. Along with other department divisions and outside counsel, CLFCU's members are active in the defense of (1) the *Dannenberg* case, a class-action suit against the Employees Retirement System for the alleged diminution in value of state retiree health benefits, (2) the *Kalima* case, a class-action suit against the Department of Hawaiian Home Lands for the delayed provision of services and homestead leases to thousands of plaintiffs; (3) the *OHA* litigation, where OHA has sued the State for public trust violations related to Mauna Kea and (4) the *Hu Honua* litigation arising from the PUC's determination. A CLFCU deputy is also part of a multi-divisional team representing the State in challenges to the validity and enforceability of the Governor's emergency proclamations. To date, the team has successfully defended the State in multiple federal and state cases, and obtained rulings upholding the Governor's restrictions as being reasonably related to the goals of protecting the people of our State from viral spread.

Action Plan 5: Support recovery of funds. CLFCU's civil work also includes supporting affirmative claims designed to lead to monetary recoveries for the State. CLFCU is handling several potential False Claims Act (FCA) investigations concerning allegations that health care providers have submitted false claims to the State's Medicaid program. The unit is also providing support to an ongoing FCA action against a provider, where the damages are estimated to be in the millions. Such FCA cases have the potential of allowing the State to recover up to three times the amount of damages, plus penalties.

Action Plan 6: Assist in the fight against unfair and deceptive trade practices. The unit has been supporting other cases involving the marketing and sale of opioids, Plavix (a heart disease medication), and JUUL e-cigarettes. Members of CLFCU are working with other divisions and outside counsel in prosecuting these cases, which allege that the manufacturers committed unfair and deceptive acts and practices, subjecting them to damages and substantive penalties.

Criminal Justice Division

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

Criminal Justice Division includes the Internet Crimes Against Children Unit, the Medicaid Fraud Control Unit, and the Tobacco Enforcement Unit.

GOAL 1: **Collaborate with Investigations Division during investigation.**

Objective: Collaborate with the Investigations Division during investigations to improve the quality of cases received for prosecution.

Action Plan: Assign a deputy to complex investigations at the outset. The assigned deputy and investigator(s) will develop an investigative plan, including coordinating parallel proceedings, obtaining evidence via search warrant versus subpoena, witness interview schedules, and possible charges.

GOAL 2: **Investigate and prosecute internet sex trafficking of juveniles.**

Objective: Reduce the demand for juveniles for sex over the internet.

Action Plan: Continue undercover operations targeting suspects seeking juveniles for sex on the internet. Train law enforcement officers and prosecutors to conduct operations and prosecute the cases.

GOAL 3: **Maintain compliance with the 12 performance standards set by the United States Department of Health and Human Services, Office of Inspector General in operating the Medicaid Fraud Control Unit (MFCU).**

Objective: Maintain compliance with the 12 performance standards set by the United States Department of Health and Human Services, Office of Inspector General (DHHS-OIG).

Action Plan: Work with DHHS-OIG to maintain compliance with the 12 performance standards. Update the office policy and procedure manual annually to ensure changes track any updates to the 12 performance standards. Ensure staff is following the 12 performance standards with training whenever updates are made.

The measure of success for this goal is for DHHS-OIG to approve a renewal of funding for the next fiscal year.

GOAL 4: **Ensure that State laws are followed with regard to the taxation, importation, and sale of tobacco products, and that the State receives a full measure of all present and future tobacco settlement payments and taxes to which it is entitled.**

Objective: Investigate and enforce suspected violations of the Master Settlement Agreement (MSA) and the Tobacco Liability Act.

Action Plan: Seek out Non-Participating Manufacturers (those who do not participate in the MSA) who may re-establish a presence in Hawaii. Vigorously police the local tobacco industry for compliance with the MSA, the Tobacco Liability Act, and related statutes.

Objective: To establish a proactive regulatory environment designed to provide a means to assess, collect, and enforce the tax requirements of the Cigarette Tax and Tobacco Tax Law. Investigate and, as necessary, prosecute violations of the State Tax Stamp Law and other related statutes.

Action plan: Vigorously enforce the State Tax Stamp Law and ensure compliance with tax stamping requirements at all levels of sale. Additionally, ensure compliance with cigarette contraband statutes at all levels of sale.

Objective: Further develop Electronic Smoking Device Retailer Registration Unit protocols and procedures in furtherance of nexus with chapter 245, Hawaii Revised Statutes (HRS).

Action plan: Establish a proactive regulatory environment to deal with the retail sale of electronic smoking devices and related products.

GOAL 5: **Support the COVID-19 regulatory enforcement efforts.**

Objective: Collaborate with the Investigations Division, other law enforcement agencies, and other departments to support COVID-19 regulatory enforcement efforts with fewer deputies and staff, some while teleworking due to high-risk health issues.

Action Plan: Despite budget cuts that will leave positions unfilled, and while adjusting to telework for those with medical high-risk health issues, deputies will collaborate with law enforcement and other stakeholders to: (1) prosecute violations of COVID-19 rules and orders, (2) have one deputy available on-call 24/7 every night and on weekends to accept immediate charge cases for violators of COVID-19 rules and orders, and (3) support the processing of COVID-19 exemption requests and questions after hours.

Education Division

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

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

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

The target date for this action plan is ongoing.

The measure of success for this action plan is for the supervisor to check every other month with the experienced deputies regarding less experienced deputies' performance, check with inexperienced deputies regarding what they have learned from more experienced deputies, and periodically sit in on meetings to gauge the interaction and contribution of all involved.

Action Plan 2: Have deputies who have attended training share the knowledge they have gained and train the other deputies.

The target date for this action plan is ongoing.

The measure of success for this action plan is to determine whether deputies are learning new information from each other.

Action Plan 3: Continue to meet at least monthly with division deputies and staff to discuss specific cases and analyze specific issues.

The target date for this action plan is ongoing.

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

Action Plan 4: Work on a division manual to document various processes and procedures.

No current end date is scheduled.

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

Action Plan 5: Create a brief and decision bank of United States District Court cases with a listing of issues contained in the briefs and decisions.

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

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

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

Objective: Improve customer service.

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

The target date for this action plan is ongoing.

The measure of success of this action plan is to send weekly emails to deputies, legal assistants, and secretaries with upcoming deadlines for the following two weeks and require responses to determine whether the calendar is being kept up to date or whether changes are required.

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

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

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

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

The target date for this action plan is ongoing.

The measure of success for this action plan is to have due dates for assignments calendared on the division calendar, so everyone knows the due dates, and have multiple people monitoring whether

the due date was met, resulting in a reduction in the number of client calls seeking status on matters sent to our office.

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

The target date for this action plan is ongoing.

The measure of success of this action plan is a reduction in the number of repeat calls or second emails from the client seeking a response.

GOAL 3: **File Management System**

Objective: Have a file management system that all division personnel can access, resulting in the reduction of hard copies.

Action Plan 1: Ensure all personnel are using a consistent method to manage files within our ProLaw system.

The target date for this action plan is ongoing.

The measure of success of this action plan is monitoring whether personnel at all levels can find documents for a particular matter within our ProLaw system.

Action Plan 2: Scan all documents into the ProLaw system as they come in.

The target date for this action plan is ongoing.

The measure of success of this action plan is monitoring the number of files we can close with no remaining documents needing to be scanned into the system.

GOAL 4: **Succession planning and leadership opportunities**

Objective: Provide opportunities for deputies to obtain leadership skills.

Action Plan 1: Assign different deputies to be an acting supervisor when the supervisor is on vacation.

The target date for this action plan is ongoing.

Action Plan 2: Give the division unit lead deputies more decision-making authority on handling matters within their units.

The target date for this action plan is ongoing.

The measure of success of this action plan is to conduct meetings every two weeks with the unit leads to discuss the various cases and assignments, receive updates on how cases or matters are being handled, engage in an analysis of the leads' decisions, and provide guidance or suggestions for course correction or future handling of similar matters.

GOAL 5: **Minimizing the impact of the coronavirus on service delivery**

Objective: Maintain services while working remotely.

Action Plan 1: All deputies have remote access to our department's computer programs.

This action plan has been completed.

All deputies have laptops and the ability to access their desktops and the computer programs needed to work from home. All deputies can meet virtually with their clients and have been able to do virtual hearings remotely.

Action Plan 2: All legal assistants have laptops and remote access to our department's computer programs.

This action plan has been completed.

Objective: Prioritize services if short-staffed due to positive COVID-19 test; budget cuts that leave vacant positions unfilled; or furloughs, if they go into effect

Action Plan 1: Court filings and Court appearances will take priority. Work with clients to extend due dates on assignments that are not as time-sensitive as Court deadlines.

If an assignment cannot be completed within the normal two-week time period for the division to respond, we will work with the client to extend the due dates for assignments that may not be as time-sensitive.

- Action Plan 2:** Work with clients to prioritize the requests for legal advice and review of documents and contracts that they send. Encourage the clients to provide us, when they send a request for legal advice or review of documents and contracts, a realistic, specific deadline for the matter so we can prioritize our work.
- Action Plan 3:** Deputies to keep the supervisor updated on assignments and keep the calendar updated on due dates for all assignments so the supervisor can continually assess priorities and work with all of the division's clients to prioritize all division work.
- Action Plan 4:** Ensure lead deputies and backup deputies for all clients are aware of all assignments from the clients in the event one of the deputies tests positive for COVID-19. All deputies to keep the supervisor updated on all assignments. This will result in at least three deputies being aware of all assignments from the clients.

The target date for all these action plans is ongoing.

Employment Law Division

The mission of the Employment Law Division is to provide high-quality and timely legal representation to the State, its departments, attached agencies, and senior managers in personnel/labor disputes with their employees or prospective employees. We have endeavored to make ourselves available to clients for meetings in advance of taking action or making decisions. We have met or had telephone contact with the directors or deputies of the Departments of Budget and Finance, Education (DOE), Health, Human Services, Hawaiian Home Lands, Labor and Industrial Relations, Land and Natural Resources, Human Resources Development, Public Safety, Transportation, Taxation, Defense, and Research Corporation of the University of Hawaii.

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

In response to the COVID-19 pandemic, our division has been aggressively developing telework capability with four deputies doing so regularly and two occasionally for the last ten months. We have obtained laptops to assist in this for four deputies and two paralegals. We have conducted Microsoft Team, Zoom, and Webex meetings and hearings, including team division meetings.

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

Objective 1: Improve the legal knowledge of the deputies 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 deputies 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 small litigation resource committee within the division to assist lead counsel.

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

Action Plan 6: Encourage clients to confer with division staff prior to making significant or unusual management or personnel decisions.

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

GOAL 2: **Initiate preventive and proactive measures to help reduce the need for litigation.**

Objective 1: Reduce employment law claims.

Action Plan 1: Identify state clients that demand the most time and attention.

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

Action Plan 3: Coordinate training for the clients with other divisions within the department and other state agencies.

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

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

Family Law Division

The mission of the Family Law Division is to represent state agencies in all Family Court proceedings. The Family Law Division handles all state litigation under the jurisdiction of the Family Court, such as child and adult protection, guardianship, involuntary hospitalization, truancy, and adolescent law violation cases where services are provided by our client agencies to one or more of the parties. Clients include the Department of Education (DOE), the Department of Health (DOH), the Department of Human Services (DHS), the Department of Public Safety (PSD), and the Office of the Public Guardian (OPG).

GOAL 1: **Provide quality legal representation to our clients on all islands, including the DOE, the DOH, the DHS, the PSD, and the OPG.**

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

The target date for this action plan is ongoing.

The measure of success for this action plan is to review court performance through regular observation and soliciting client feedback.

Action Plan 2: Continue legal education of staff through online trainings and federally funded substantive virtual training.

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

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

Action Plan 3: Maintain a memo bank.

The target date for this action plan is ongoing.

The measure of success for this action plan is that deputies on all islands will contribute and have access to the memo bank.

Action Plan 4: Cross-train all deputies and staff. This has been ongoing for several years. The deputies on Oahu rotate between the division's two main areas: child welfare cases and all other matters collectively referred to as specialty cases. The neighbor island deputies do not rotate, but they handle all these matters.

The target date for this action plan is ongoing.

The measure of success for this action plan is to have the division's lead deputies review DHS petitions for sufficiency and consistency and to mentor the newer deputies as they move through the various areas. Legal assistants have been trained to review petitions for the various types of cases that the division handles, and they routinely rotate through all the areas.

Action Plan 5: Meet regularly with the Family Court judges in each circuit to work on practical, systemic problems.

The target date for this action plan is ongoing.

The measure of success for this action plan is that meetings will yield solutions to problems as they arise.

GOAL 2: **Operate more efficiently.**

Action Plan 1: Standardize office operations statewide to increase efficiency in the Kapolei, Hilo, Kona, Wailuku, and Lihue offices.

The target date for this action plan is Fall 2021.

The measure of success for this action plan is that office operations will be uniform, and the division's knowledge base will increase, resulting in better representation for our clients.

Action Plan 2: Because the Family Law Division maintains offices on the neighbor islands, it can assist the department's other divisions in filing routine pleadings as necessary. The division's deputies and staff have routinely helped the department with minor hearings and filings outside of the division's practice and provided space and equipment for other divisions during neighbor-island trials.

The target date for this action plan is ongoing.

The measure of success for this action plan is that it will result in reducing neighbor-island travel by other divisions to attend to minor matters.

Action Plan 3: Maintain rapport with the other divisions that provide advice and counsel to the same client agencies. Although the division litigates in Family Courts across the State on behalf of various client agencies, the general advice and counsel responsibilities for these clients are assigned to other divisions within the department, including the Education Division, the Health Division, the Human Services Division, the Public Safety, Hawaiian Homelands, and Housing Division, and the Administration Division. It is important that these divisions communicate regularly regarding the rules and policies of their mutual clients, which might affect their representation. The respective division supervisors meet monthly.

The target date for this action plan is ongoing.

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

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

Action Plan 1: Meet with clients on a regular basis. The division already meets monthly with its largest client, Child Welfare Services. The division will also meet regularly with the DOH, the DOE, the PSD, and the OPG on a regular basis.

The target date for this action plan is January 2021.

The measure of success for this action plan is that regular meetings will foster better client relations.

Action Plan 2: Continue training clients on petition referrals to the division and on Family Court procedures on a regular basis.

The target date for this action plan is ongoing.

The measure of success for this action will be the timely filing of court petitions and increased client confidence in the court process.

Action Plan 3: Communicate regularly with all clients, virtually, by phone, through email, and, because of COVID-19 safety concerns, only when absolutely necessary, in-person.

The target date for this action plan is ongoing.

The measure of success for this action plan is better preparation and readiness for trials and other hearings occurring daily.

GOAL 4: **Adapt to the Restrictions and Hardships Arising from the COVID-19 Pandemic.**

Action Plan 1: Continue to meet virtually with clients on a regular basis to advise them of the changes in procedure at the Family Court.

The target date for this action plan is on-going.

The measure of success for this action will be the timely filing of court petitions and increased client confidence in the court process.

Action Plan 2: Continue meeting regularly with the Family Court, and on an as-needed basis, regarding procedures that affect our clients and their representation at court.

The target date for this action plan is ongoing.

The measure of success for this action plan is that court operations and procedures will go smoothly for all our cases.

Action Plan 3: Prioritize work through the case and staff reassignments and the implementation of employee telework schedules, when necessary.

The target date for this action plan is ongoing.

The measure of success for this action plan is that all work will be completed regardless of the shortages in manpower due to illness, quarantine, or vacancies.

Health Division

The mission of the Health Division is to provide quality legal services to support the work of the Department of Health (DOH), including its various attached entities, boards, and commissions. The Health Division provides advice, counsel, and representation in various court and administrative proceedings, including various multi-state litigation

efforts and some appellate work, to all DOH programs. The division also advises members of the Hawaii Legislature when questions arise involving health-related issues.

COVID-19 has presented a deluge of particularly challenging issues for the DOH this year and will continue to do so in the coming year. Supporting DOH in this effort is a priority in the Health Division, as is continuing to support the other important work of DOH.

GOAL 1: **Sustain quality and timely legal services.**

Objective 1: Provide Health Division personnel with the resources necessary to support quality and timely work product in terms of legal research tools, training, and supporting expertise.

Objective 2: To the extent allowed, hire personnel with the desired experience to fill two federally-funded vacancies anticipated in the coming year.

Action Plan: Partner deputies (both within and among divisions) to provide needed support, expertise, and backup, and to assure appropriate and consistent department-wide advice and representation.

Focus on and plan team approaches to particularly large projects.

Training, including in-house training, must be continuous and relevant. The division's goal in this regard is to have each person attend some form of continuing legal education at least four times per year. This is not a difficult task given the department's ongoing commitment to in-house training and the ability to attend subject matter training frequently funded or partially funded by our client agency or other sources (i.e., the National Attorneys General Training & Research Institute (NAGTRI) and the National Governor's Association, among others). Training is also offered from time to time by other departments or agencies. Deputies and support staff are encouraged to attend these sessions as well.

Cross-training of personnel to enhance and expand areas of knowledge and capability to facilitate flexibility, support more efficient problem solving, and minimize disruptions.

Pursue the appropriate approvals and recruitment to fill vacancies anticipated due to retirement.

The measure of success will be maintaining the division's ability to be responsive and timely with quality legal advice and representation.

GOAL 2: **Approach and address legal issues in the most efficient way possible.**

Objective 1: Maintain clear lines of communication with clients in all things relevant to an assignment, including information needed from a client, expectations regarding the outcome, and timing of work product.

Objective 2: Enhance the ability of clients to prevent legal concerns from arising and to proactively respond when problems do arise so that problems are minimized before our involvement.

Action Plan: Maintain good and consistent communication with a client on a regular basis.

Keep lines of communication open with a client. Maintain regular check-in meetings between clients and deputies.

Work with clients to prioritize assignments.

Conduct training to enable clients to issue spot, take preventative action, and proactively respond when an issue arises.

Assist clients in standardizing procedures, where possible.

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

Emphasize the team approach and proactive action planning, involving more people for bigger projects. Establish a model for mobilizing the staff (both within the division and the department as well as with the client department/agency) to plan and implement an action plan for a given case or anticipated situation.

Develop and maintain a better calendaring system to improve planning for anticipated workload of the division as a whole.

Utilize updated information technology to its fullest potential. Continuous training to ensure that each member of the division is proficient in the use of available technology to increase efficiency and information sharing.

The measure of success will be client satisfaction with the timeliness and quality of legal services rendered, determined through periodic meetings with DOH leadership.

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

Objective: Maintain not only client confidence but also public confidence.

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

Continual ethics training.

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

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

The measure of success will be our success in the courts and administrative proceedings, the ability to settle issues before they result in lawsuits or administrative claims, involvement in training as trainers or leaders in the discussion, client relations and relationships with others in the community, and client satisfaction determined through periodic meetings with DOH leadership.

Timeline and

Progress to date: While all the foregoing items are already in place to some degree, the status and effectiveness of each action item and potential improvements are assessed on a continuing basis.

Human Services Division

The mission of the Human Services Division is to provide excellent legal services and support in a timely manner to our assigned client agency, the Department of Human Services. The division provides advice and counsel to all Department of Human Services programs and represents client programs in court and administrative hearings, including appeals from decisions in those forums. We also advise the Office of the Governor, the Attorney General, and the Legislature on a broad range of Human Services issues.

GOAL: **Maintain high quality and timely legal services to meet the needs of our clients.**

Objective 1: Provide deputies and staff with the support and resources they need to do high-quality work in a timely manner.

Action Plan: Deputies are encouraged to pursue subject matter and practice-relevant training, in addition to the annual Continuing Legal Education requirements. They also refer to and collaborate with division deputies and deputies in other divisions who have expertise and resources to assure appropriate and consistent department-wide advice and representation. Deputies and staff are also encouraged to communicate freely with each other and the division supervisor to make sure caseloads and workflow are managed efficiently, and no one feels underutilized or, conversely, overwhelmed. Division meetings include professional and personal development exercises to build interpersonal communication and collaboration, self-awareness, and individual health.

Due to the COVID-19 pandemic response in 2020, a further part of the action plan is to increase resources and adapt policies and practices to assist deputies and staff in working more efficiently and comfortably in a remote setting, out of the office. This mode of work was critical to the department due to the pandemic, and it is clear the department needs to adopt a long-term strategy for remote work, both as a continuing response to the pandemic and in recognition of the evolving office culture generally. It is equally clear that deputies and staff have the capability to work remotely, but the technology currently available is limited and was put together ad hoc. The division is assessing the current resources and will be making recommendations for improved access to resources and suggested policies and practices going forward.

This is a continuing action plan.

The measure of success for this action plan is the division's continued ability to be responsive to the client's needs in a timely manner and maintain a healthy work environment both in the office and for remote work.

Objective 2: Cross-train deputies to increase the depth of knowledge about the client agency for better coordination of legal services, to maintain workload balance, and to support professional growth.

Action Plan: Deputies have primary assignments of programs or issues for which they gain expertise, but they collaborate with each other on matters to share their knowledge across their assigned areas, and they cover matters for each other when necessary. Deputies are encouraged, but not required, to become involved in department-wide or community-based activities outside of their assigned area to network and expand their skill sets.

The ability to work outside of their primary assignments is critical for deputies to take on new assignments and client programs with novel legal issues that continue to emerge related to the COVID-19 pandemic. In addition, hiring restrictions in place as a result of the pandemic will result in vacant positions that will require work to be covered by the remaining deputies and staff.

This is a continuing action plan.

The measure of success for this action plan is the demonstrated ability to cover areas not within a deputy's primary assigned programs and to work at a high level of competency and skill, both within and outside their primary assigned areas, and do so with a high level of job satisfaction.

Objective 3: Use technology to improve efficiency.

Action Plan: Increase proficiency with existing technology solutions such as iManage, ProLaw, Word, Excel, Office 365, PowerPoint, Adobe Acrobat, SharePoint, and OneDrive, and become adept in new technology solutions that are introduced in the future. In addition to in-house training, deputies are encouraged to utilize other State-sponsored training and available web-based courses.

In 2020, we experienced a growing reliance on virtual meeting platforms such as Microsoft Teams and Zoom to facilitate remote work, which the division was able to capitalize on quickly due to the

expectations and skills established around this objective in the past few years.

This is a continuing action plan.

The measure of success for this action plan is the increased use of these programs and applications with greater proficiency to achieve more efficiency with fewer resources and in less time.

Objective 4: Improve the division's record management systems.

Action Plan: Continue to improve methods to make current information and documents available to all attorneys and staff across platforms (e.g., e-files in ProLaw, iManage, SharePoint, OneDrive, intranet). Continue conversion of current hard copy matter files to electronic storage and minimize the use of paper files for new matters.

This has become especially critical in 2020 as the department continues and expands the use of remote work with an eye to conserving resources by consolidating physical workspaces in the office. Deputies and staff are encouraged to purge all physical files that have material accessible in electronic format.

This is a continuing action plan.

The measure of success for this action plan is our ability to find, share, and use current information easily and quickly in electronic formats, along with diminishing use of paper files.

Labor Division

The mission of the Labor Division is to provide excellent and timely legal services and litigation support, including agency appeals, to the Department of Labor and Industrial Relations (DLIR) and boards and agencies administratively attached to that department. The attached agencies include, but are not limited to, the State Fire Council, Office of Community Services, and Workforce Development Council. Among the divisions within the DLIR are the Unemployment Insurance Division, Disability Compensation Division (workers' compensation), Hawaii Occupational Safety and Health Division (Hawaii OSHA), and Wage Standards Division (unpaid wages and minimum wage). In connection with its enforcement of the various labor laws, the Labor Division collects penalties, fines, and reimbursements. The Labor Division also provides legal advice and representation to the Employees' Retirement System's Medical Board.

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

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

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

Action Plan: Provide and make available relevant training for the division.

Review and update all division training manuals as necessary. Continue in-house division training, utilizing discussions on current cases.

Attend free training offered to government attorneys and attend in-house training provided by the department. Identify training programs outside of the department and seek funding, if available, to attend such programs. Create or update forms as necessary. Maintain the legislative history binder.

Objective 3: Expand deputies' area of knowledge to allow flexibility in making assignments and to ensure continuity in the provision of services.

Action Plan: Cross-train deputies, promote teamwork, and build confidence by assigning deputies to work together on less familiar projects.

Objective 4: Continue to manage cases to ensure services are being provided on all cases and that assignments on the case list are active.

Action Plan 1: Continue to monitor active cases and close cases that are concluded to ensure the case list reflects active cases.

Action Plan 2: Review and move old files to storage or destroy as warranted.

This is an ongoing and continuous process.

The measures of success are: (1) for deputies to attend and participate in training and the division's continued ability to respond to the clients' needs in a timely manner; (2) whether the deputies are able to provide meaningful feedback to each other because they are more familiar with the subject matter; and (3) whether case lists reflect active cases.

GOAL 2: **Assist the 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.**

Objective 1: Provide legal advice and counsel on the impact of decisions resulting from cases in which we defend or prosecute on behalf of the clients 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 clients administer the laws fairly and more efficiently.

Objective 3: Proactively provide legal advice and counsel on administrative actions the clients could implement.

Action Plan 1: Continue to apprise clients about court decisions and make appropriate recommendations.

Action Plan 2: Keep a log of issues that arise throughout the year that can be corrected by legislation or the adoption of rules.

This is an ongoing and continuous process.

The measure of success is that the clients are well-informed, and through our advice, changes and improvements are made to the programs.

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

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

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

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

The measure of success is for the clients to continue to be comfortable in seeking advice on a regular basis and for there to be a reduction in recurring issues/problems.

GOAL 4: **Utilize the technology in the department (ProLaw, iManage, Office 365, departmental intranet, internet) to its 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 the department.

Action Plan 1: 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.

Action Plan 2: Create uniform and consistent entries in the computer document management system.

This is an ongoing and continuous process.

The measure of success is greater efficiency, utilization, and ability to locate information in the document management system.

GOAL 5: **Succession Planning; Building Capacity; Maintaining Institutional Knowledge.**

Objective 1: To ensure that the division can continue providing quality services if employees leave the division.

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

Action Plan 2: Cross-train deputies and staff to ensure that more than just one deputy and one staff are knowledgeable in a subject area. Assign complex matters to teams of deputies, pairing those more experienced with those less experienced.

Action Plan 3: Memorialize institutional knowledge in a data bank and a form bank.

Action Plan 4: Update and create manuals and form banks as needed.

Objective 2: Provide leadership opportunities to deputies.

Action Plan 1: Expose deputies to supervisory functions.

Action Plan 2: Send deputies to supervisory training.

This is an ongoing and continuous process.

The measure of success for this action plan is to allow for continuity of quality services and assist deputies and staff in maintaining consistent work product.

GOAL 6: **To provide and maintain safe working conditions.**

Objective 1: To provide employees with safe working conditions.

Action Plan 1: Plastic barriers have been installed, and hand sanitizers, masks, and gloves are available, daily temperature checks are taken, workstations have been moved to maintain social distancing.

Action Plan 2: Sanitization of appropriate areas to address COVID-19 positive situations.

This is an ongoing and continuous process.

GOAL 7: **To provide flexibility to employees and create a desirable work environment leading to increased work productivity and morale.**

Objective 1: Allow flexibility in work schedules to increase work productivity and morale.

Objective 2: Increase time allocated to work by decreasing commute time.

Action Plan 1: Allow flex-time and teleworking.

This is an ongoing and continuous process.

The measure of success is the continuation of quality services to the client.

GOAL 8: **To provide full legal services if deputies and staff are required to quarantine.**

Objective 1: To ensure full legal services are provided if remote work is required.

Action Plan 1: All deputies and staff have been provided with laptops with VPN access to all information as if they were working in the office.

Action Plan 2: Scan files and resource materials to SharePoint so that files can be accessed remotely from either the VPN or from a secondary source such as a computer without VPN access.

Action Plan 3: Maintain division cohesiveness through Microsoft Teams meetings, emails, texts, telephone conferences, and other remote means.

Action Plan 4: Attend court appearances, hearings, meetings, and work-related matters through telephonic appearances and video conferencing platforms such as Microsoft Teams, Zoom, and Webex.

Action Plan 5: All division members, deputies and staff, learned to open and distribute mail and have experienced affixing postage using the old postage machine. Training can be provided as needed on the new postage machine.

Action Plan 6: Staggered times have been effectively implemented for those needing to access the worksite. Those accessing the worksite can assist with the gathering, opening, and distribution of mail, and for any exchange of physical files and work as necessary with the client.

This is an ongoing and as-needed process.

This was successful and can be implemented during a period of quarantine.

GOAL 9: **To provide full services if budget cuts leave unfilled positions.**

Objective 1: To ensure that full legal services are provided if budget cuts leave deputy and staff positions unfilled.

Action Plan 1: Priority will be given to work with deadlines such as court appearances, hearings, and filing due dates.

Action Plan 2: Requested and received authorization from client to allow deputy who was paid by only one DLIR program to be paid from all programs, allowing for greater coverage in the different subject areas.

Action Plan 3: Coordination with client to determine the priority of legal work requested.

Action Plan 3: Deputies may be required to do more clerical work such as filing correspondence and medical reports and records in the case file.

This will be an ongoing and challenging process due to unfilled positions in addition to workload increases due to the pandemic.

The measure of success for this action plan is the continuation of quality legal services while maintaining morale.

Land/Transportation Division

The Land/Transportation Division provides legal services to both the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT). These assignments include serving all divisions of the DLNR (Aquatic Resources, Boating and Ocean Recreation, Bureau of Conveyances, Conservation and Coastal Lands, Conservation and Resources Enforcement, Engineering Division, Forestry and Wildlife, Historic Preservation Division, Land Division, State Parks, and the Commission on Water Resource Management) and the DOT (Airports, Harbors, and Highways).

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

Most tort litigation involving the DLNR or the DOT is handled by another division, but the Land/Transportation Division handles a number of cases involving the State as a landlord and as a source of permits or as a regulator. The division is responsible for all quiet title actions involving the State and virtually all state eminent domain actions, the bulk of which are done on behalf of the state highways program.

The division prepares or reviews land disposition documents for the DLNR and the DOT and prepares office leases for the Department of Accounting and General Services when state agencies rent private properties as tenants. The division reviews for legality its clients' contracts and administrative rules. The division also reviews proposed legislation related to its client agencies. The division handles administrative enforcement actions for violations of

the State Historic Preservation law and the law governing land use in conservation districts and actions for damage to natural resources of the State.

The division has been deeply involved in the State's response to the Coronavirus pandemic. The State's harbors and (especially) airports have been ground zero for efforts to prevent and control the spread of the virus. Highways are actively engaged in implementing shovel ready projects. The DLNR is the State's largest landowner and landlord. We have helped it respond to issues arising in that capacity.

GOAL 1: **Maintain quality and quantity of output subject to COVID-19 constraints.**

Objective: Develop procedures to implement teleworking where appropriate.

Action Plan 1: Coordinate document assignment and signing with clients.

Action Plan 2: Work with Internet Technology (IT) to obtain virtual networks and other hardware/software.

The target date for Action Plans 1 and 2 is completed.

GOAL 2: **Maintain institutional knowledge.**

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

Action Plan 1: Create and maintain a memo bank of the division's advice letters and memoranda with a searchable index. With the assistance of the Office of Enterprise Technology Services, we have scanned the documents and are now working on confirming the images and indexing.

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

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

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

The target date for Action Plans 2 through 4 is ongoing.

GOAL 3: **Improve deputy knowledge, skills, and experience.**

Objective 1: Increase knowledge in emerging areas.

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

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

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

The target date for this action plan is ongoing.

Objective 2: Cross-train within the division.

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

The target date for this action plan is ongoing.

GOAL 4: **Improve skills and efficiency by utilizing existing technology.**

Objective: Continue to provide the necessary support to improve skill levels and increase efficiency in producing quality work products.

Action plan Continuous training in iManage, ProLaw, Word, Excel, and Office 365, including all updates relevant to the programs.

In-house training is offered periodically by the department. Promote education and training by encouraging deputy and staff attendance.

This action plan is ongoing.

Legislative Division

The Legislative Division provides legal services on matters pertaining to legislation and proposed administrative rules. The division coordinates the preparation and review of all legislative bills proposed by executive branch agencies and coordinates the review, monitoring, and evaluation of all legislative bills during and after each session of the

Legislature. The division's Supervising Deputy Attorney General serves as the Legislative Coordinator of the department and is the primary contact for all legislative legal and policy matters. In addition, the division coordinates, monitors, and reviews the preparation of administrative rules of the department and, time permitting, may assist other divisions in their review of administrative rules. The division also performs the final review of formal opinions issued by the Attorney General and provides staff support to the Commission to Promote Uniform Legislation.

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

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

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

Action Plan: Coordinate with the Governor's legislation review staff to establish reasonable deadlines for the submission of legislative proposals to the Office of the Governor and to the Legislative Division to allow sufficient time for review of the legislative proposals and for revision and correction by the originating executive branch agencies, and ensure that deputies in the department who work on legislation have an opportunity through training sessions to understand the requirements of bill drafting and legislative proposal review.

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: Assign bills 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.

As necessary, establish revised procedures to conform to the Governor's Office's tracking systems for the Executive Branch agencies.

Implement a system of paperless testimony review that will enable all deputies who work on drafting or reviewing testimony to access it even if they are working remotely; and ensure that deputies in the department who work on legislation have an opportunity through training sessions to understand the requirements of bill drafting, the review of introduced bills and the preparation of testimony as necessary on bills, and the process that should be followed for the review and approval of drafted testimony.

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

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

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

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

Action Plan: Continue to coordinate the review of passed bills with the Policy Team of the Office of the Governor to attempt a reasonable bill review schedule; continue to set internal staggered deadlines for the review of passed bills by the assigned divisions before the deadlines set by the Office of the Governor; maintain computerized records of referrals and deadlines; continue to review and double-check the bills and the reports prepared by the divisions before the reports to the Governor are sent to the Office of the Attorney General for approval; and continue to review, edit, and transmit suggested veto documents to the Governor in electronic form.

Process: Maintain records of the performance of the divisions in meeting the internal and Governor's Office deadlines and in preparing accurate

and complete reports to the Governor on passed bills; and prepare a report to the Attorney General listing the performance information.

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

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

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

Action Plan: Continue to maintain access to computerized legal research services in order to prepare legal advice; and continue to review proposed administrative rules of the department.

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

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

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

Objective 2: Subject to available funding, participate in and monitor the activities of the National Conference of Commissioners on Uniform State Laws and attend the annual meetings.

Action Plan: Continue to prepare meeting notices, agendas, and minutes for the Commission to Promote Uniform Legislation in compliance with the Sunshine Law; assist in seeking legislative appropriations of funds for the payment of Hawaii's dues for the National Conference of Commissioners on Uniform State Laws (now also popularly known as the "Uniform Law Commission"); 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.

GOAL 6: **The Supervising Deputy Attorney General, as Legislative Coordinator, with the assistance of the division, shall coordinate the development, drafting, submission, tracking, and support of the department’s legislative proposals.**

Objective 1: Assist in the development of the department’s legislative proposals.

Action Plan: Communicate deadlines from the Office of the Governor to the department to enable timely development of strategy for legislative proposals. Assist with drafting, as necessary. Identify necessary revisions and corrections prior to submission to the Governor for consideration as part of the Administration Package. Timely submit the department’s legislative proposals to the Office of the Governor in accordance with requirements.

Objective 2: Track the status of the department’s introduced bills and coordinate support by the assigned division.

Action Plan: Identify the department’s legislative proposals when they are introduced as bills and coordinate tracking and testimony for those bills with the responsible divisions. Work with the Legislature and the Governor’s Policy Office to have the department’s bills heard by their assigned committees. Ensure that the responsible divisions carefully review changes made to the bills during committee hearings and respond to those changes with appropriate testimony as necessary to preserve the department’s intent for the bill.

Objective 3: Monitor bills that do not pass during the legislative session and work within the department to determine whether and how to revise the legislative proposal for reintroduction in a future legislative session.

Action Plan: Work with the assigned division to gather information relating to why the bill did not pass and determine a strategy to overcome that obstacle if the bill is reintroduced.

Process: Attend Legislative Coordinator’s meetings. Stay informed of requirements for legislative coordinators. Maintain records of the department’s legislative proposals to be used as reminders for the development of new proposals.

GOAL 7: **Review, finalize, and submit the department’s annual reports to the Legislature.**

Objective 1: Keep track of reports due to the Legislature by our department and coordinate with the responsible divisions to gather information and draft those reports in a timely manner.

Action Plan: Keep a record of the reports that our department is responsible for submitting annually to the Legislature. Monitor each year’s session to determine if new reports are required.

Remind divisions at the end of each legislative session to update their annual reports or create new reports to be submitted to the Legislative Division in time for careful review and editing.

Objective 2: Review drafts of reports and resolve questions or concerns with the drafting division prior to submission to the Attorney General.

Action Plan: Review of reports to the legislature includes confirmation of the statutory or other mandate for the report and verification that all requirements for the reports are included. Allocate sufficient time in November and December for this careful review.

Public Safety, Hawaiian Home Lands, and Housing Division

In support of the department’s overall mission, the Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and representation in litigation to the Department of Public Safety (PSD) and its attached agencies and commissions (which include the Hawaii Paroling Authority, the Correctional Industries Advisory Committee, the Correctional Systems Oversight Commission and the Crime Victim Compensation Commission), the Department of Hawaiian Home Lands (DHHL), the Hawaii Housing Finance and Development Corporation, and the Hawaii Public Housing Authority.

We will accomplish our goals and objectives by fostering a sense of ownership over the work of the division, maximizing and leveraging available resources, and seeking additional resources and assistance when necessary. We will simultaneously maintain the high moral and ethical standards of the department.

GOAL 1: **Maintain a culture of ownership, integrity, diligence, and fairness.**

Objective: Instill a sense of ownership, accountability, and shared service in division personnel.

Action Plan: Empower personnel to make decisions affecting their work by delegating responsibility and authority to the extent possible without compromising the timeliness or quality of work product.

Ensure that everyone understands the reasons behind policies and procedures as well as individual assignments. Sound decision-making by employees in performing individual tasks is not possible without an understanding of broader mission objectives.

When mistakes are made, ensure that corrective action is taken by the employee directly responsible, as well as all those responsible for supervising the task. Identify measures to prevent similar mistakes from happening in the future.

Encourage open communication among and between deputies and staff, including giving and receiving constructive criticism, both up and down the chain of command.

This is an ongoing and continuous process.

The measure of success will be whether division members take initiative on assignments and exhibit team-oriented attitudes.

Objective: Promote an approach that is reasoned and grounded in doing the “right thing” rather than winning at “all cost.”

Action Plan: Encourage division members to actively participate in community events/forums as leaders, trainers, and participants. Providing continuous training opportunities and professionally-mandated continuing legal education addresses this goal.

Regularly emphasize and reinforce the important public purpose behind the mission of the department.

This is an ongoing and continuous process.

The measure of success will be the example set by division members of ethical conduct, particularly by senior attorneys and staff.

GOAL 2: **Provide quality advice and legal representation to the clients we represent.**

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

Action Plan: Ensure that personnel have access to the resources needed to work remotely, such as IT equipment. Continue in-house refresher training for all personnel on Microsoft Office applications that enable online collaboration, including SharePoint and Teams.

Digitize and index historical work-product to provide an additional resource for division members. Develop a standard procedure for maintaining electronic files and work-product utilizing ProLaw and SharePoint.

Partner deputies to provide needed support, expertise, and backup. This is to develop and expand areas of expertise to enhance coverage of client matters.

Attendance at department training events is highly encouraged. Department training events also form the basis for more detailed, in-house training at the division level.

Brief training will be given to the division's deputies after every division meeting. Heavy emphasis is placed on fundamental skills such as legal research and writing, case assessment, and verbal communication. Deputies are also encouraged to engage in self-study to broaden their knowledge base.

Provide staff access to training in legal support fields. Provide opportunities for staff to conduct in-house training to reinforce the skills learned.

This is an ongoing and continuous process.

The measure of success will be the timeliness and effectiveness of division work-product.

Objective: Regular and ongoing evaluation of work-product and processes.

Action Plan: Deputies will undergo regular evaluations in addition to their annual performance reviews. The division supervisor will meet regularly with staff to better understand any issues affecting performance or

morale. Deputies and staff will also evaluate the division supervisor's performance through either direct or anonymous feedback.

Deputies and staff will conduct debriefing after significant litigation filings and hearings and other major events such as deal closings and project completions.

This is an ongoing and continuous process.

The measure of success is whether division personnel improve upon deficiencies and whether errors are repeated in later work.

GOAL 3: Render competent legal services even when resources are strained.

Objective: Maximize output while maintaining morale and employee well-being.

Action Plan: An appreciation of the department's and division's mission, as well as a culture of ownership and shared service, is critical to sustaining morale in the mid to long-term. Care must be taken to maintain the well-being of the employees in the division. Deputies, staff, and the division supervisor must communicate openly and honestly to prevent any unfair or unreasonable distribution of work.

When the division is short-handed due to vacancies or absences, deputies will need to cover for each other by performing legal work that may be outside their area of expertise. Deputies may also be required to devote extra hours to ensure client work is completed.

We will also request assistance from other divisions when necessary. Similarly, we will fully assist other divisions when requested.

In a worst-case scenario, we will consult with clients to prioritize matters such that low-priority assignments will be completed at a later time. We will assign the highest priority to matters that involve direct and significant impacts on the public or indirect but significant impacts on health and safety. Lower-priority levels will be established through client consultation.

This is an ongoing and continuous process, but with greater consequences during the COVID-19 pandemic emergency.

The measure of success will be whether the division is able to accomplish its mission.

Objective: Improve efficiency in the division.

Action Plan: Improve and reinforce standard operating procedures across the division, including litigation workflow, litigation staffing, file maintenance, and protocols regarding advice letters and other work-product. Task division personnel with identifying areas for standardization and improvement, formulate standardized procedures.

Conduct client training to encourage consistency of client work-product and compliance with legal requirements. Maintain good and consistent communication with clients on a regular basis. This includes establishing an understanding of client priorities, reasonable completion times for assignments, and other client expectations.

Continue to emphasize e-sign options with clients. Provide client training when needed.

Emphasize proactive action planning for larger matters and cases. Ensure that each unit devotes a set amount of time each week to planning for future operations.

Utilize newly updated information technology to the fullest potential. Conduct in-house training on SharePoint and other applications.

This is an ongoing and continuous process.

The measure of success will be whether the time to perform assignments decreases, while quality of work-product increases.

Tax and Charities Division

The Tax and Charities Division provides legal representation and advice to the Department of Taxation (DOTAX) and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, opinions, and advice. The division oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations, and is responsible for the oversight and enforcement of Hawaii's charitable solicitation laws under chapter 467B, HRS, including the State's online registration system for charitable organizations and their

professional solicitors and professional fundraising counsels that solicit contributions in Hawaii.

GOAL 1: **Provide legal advice and representation to DOTAX and assist DOTAX in its administration and enforcement of the State's tax laws.**

Objective 1: Continue to prosecute the State's tax claims and defend the State in tax appeals, bankruptcy, foreclosures, and other actions involving taxes administered by DOTAX with appropriate consideration of the issues, amounts, collectability, and other factors, including those impacted by the COVID-19 pandemic.

Action Plan: Supervise and monitor cases handled by the division deputies and participate in resolving cases as appropriate. Seek guidance from the Appellate Opinion Review ("AOR") Committee or Litigation Management Committee whenever necessary or appropriate. Provide regular reports to clients on case developments and status.

Process: Review annually how the Tax and Charities Division has met this objective. Provide feedback to deputies on the handling of their cases.

Objective 2: Continue advising DOTAX on proposed legislation, administrative rules, and interpretations, including recommendations to DOTAX on possible legislation to close unintended loopholes or to improve tax administration, and assist DOTAX in its efforts to identify tax violators and potential new sources of tax revenue.

Action Plan: Supervise and review legislation, administrative rules, cases, and other information that may affect DOTAX. Assisting DOTAX to identify tax violators and other potential new sources of tax revenues is especially important given the State's ongoing fiscal challenges due to the pandemic.

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

Objective 3: Continue to advise and protect DOTAX regarding privacy issues related to taxpayer tax returns and return information made confidential by sections 235-116 and 237-34, HRS.

Action Plan: Advise and represent DOTAX in connection with subpoenas and other requests for confidential taxpayer information.

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

GOAL 2: **Provide efficient and quality legal services to DOTAX.**

Objective 1: Continue to improve the quality of legal services to DOTAX.

Action Plan: Supervise and monitor the division deputies and provide continuing training opportunities whenever possible or resources permit. Seek guidance from AOR or the Litigation Management Committee whenever necessary or appropriate.

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

Objective 2: Foster the division's communication with DOTAX at all levels.

Action Plan: Encourage and foster safe communication with DOTAX during the COVID-19 pandemic.

- Meet virtually with the Director, Deputy Director, Rules Officer, auditors, and other personnel of DOTAX as needed.
- Ensure that all Tax and Charities Division deputy attorneys general keep DOTAX informed of developments in major cases or issues affecting other taxpayers.
- Provide status reports to the client as needed.

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

GOAL 3: **Continued professional development of Deputy Attorneys General.**

Objective 1: Provide for the professional development and growth of all Tax and Charities Division deputy attorneys general through training and work assignments.

Action Plan: Provide deputies with a variety of cases and assignments in different practice areas to expand knowledge and experience in all areas handled by the division. Encourage cross-training among deputies and staff and provide deputies with increasingly challenging cases and assignments to foster development and professional growth. Encourage roundtable discussions as

necessary for problem-solving and to allow deputies to learn from one another.

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

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

Action Plan: Promote education and training via outside or in-house seminars.

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

GOAL 4: **Regulate charitable trusts, public charities, and nonprofit entities, including private foundations, to ensure that such organizations are properly fulfilling their charitable purposes and acting in a manner consistent with their governing documents.**

Objective 1: The Tax and Charities Division shall continue to monitor and represent the Attorney General in her 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, public charities, and nonprofit entities.

Action Plan: Continue to maintain, and improve as necessary, the Tax and Charities Division's internet-based registration system for charities that must register with the Attorney General, and continue to provide relevant information to the public, public charities, nonprofit entities, and private foundations via the department's website. Continue to evaluate Hawaii's participation in the multistate Single Portal Pilot Project to create a unified internet site for multi-jurisdictional charity registrations and submissions. Serve on various NASCO (National Association of State Charity Officials) committees and evaluate FTC/multistate litigation opportunities for participation.

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

Objective 2: Administer and enforce chapter 467B, and section 431:1-204, HRS, requiring the registration and bonding of professional solicitors and professional fundraising counsel, and annual certification by

charities issuing charitable gift annuities and continued enforcement of registration requirements.

Action Plan: Continue implementing the division's (1) internet-based registration system for charities that must register with the Attorney General and provide relevant information to the public via the department's website; and (2) online registration and financial system for professional fundraising counsels and professional solicitors and the online exemption application processing module.

Process: Monitor organizations for compliance with the State's charities registration requirements.

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

Action Plan: Monitor and maintain the department's internet site to provide current public information about Hawaii charities laws and regulations, registration data, consumer tips, and access to information; and provide resource information for public charities, nonprofits, and private foundations. Conduct outreach by participating in consumer publications and charity fraud campaigns, issuing relevant press releases, and seeking new and safe opportunities for interaction with the professional community and the public during the pandemic and thereafter.

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

GOAL 5: **Enforce Hawaii's charitable solicitation laws.**

Objective: The Tax and Charities Division will enforce Hawaii's charitable solicitation laws and, when warranted, will pursue all available legal remedies, including injunctive relief, monetary fines, and penalties.

Action Plan: The division will continue to review complaints and utilize regulatory contacts operating in other jurisdictions to identify and prosecute organizations which are known violators. We will also review any red flags contained in the information collected as part of the normal registration and reporting process, as well as complaints and other tips received from the public. The division is aware of the potential challenges for charitable trusts, public charities, nonprofit entities, and private foundations due to the pandemic and will take

these challenges into consideration when executing its plan of action.

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

GOAL 6: **Adapt to Challenges Brought Upon by the Pandemic.**

Objective 1: The Tax and Charities Division will continue to build remote working capacity to enable it to continue providing full legal services even in a quarantine/stay-at-home environment.

Action Plan: Currently, the majority of our tax and charities work can be done remotely, and we will continue utilizing technology and learned strategies to increase the efficiency and amount of work that can be done remotely as a way to promote a safer work environment.

Process: Review new strategies as often as needed to be able to adapt quickly to pandemic changes.

Objective 2: The Tax and Charities Division will strive to continue being able to provide full legal services if budget cuts result in unfilled positions or fewer weekly work hours.

Action Plan: Continue to cross-train deputies and staff to build a broader bench of knowledge in all the division's work areas to ensure that all work can be covered should there be any changes to personnel or work schedules. In the event of work-coverage issues, the division supervisor will prioritize the work performed by the division.

Process: Review as often as needed to be able to adapt quickly to changes in the alert level of the pandemic.

TORT LITIGATION DIVISION

The Tort Litigation Division provides legal defense for personal injury lawsuits and claims made against the State and its departments and agencies, and some state employees, for allegations of injuries or damages arising from various torts. The division litigates cases primarily in the state courts and occasionally in the federal courts, including appellate courts. The litigation this division undertakes includes, but is not limited to, answering legal complaints filed in court, investigating claims, conducting discovery, drafting and filing motions determined to be necessary, drafting other memoranda and briefs as appropriate, and representing state interests at administrative hearings, court hearings, arbitrations, mediations, trials, and appeals. The division also

occasionally provides legal defense for civil rights claims made against state employees when there is a conflict of interest between or among several employee defendants in cases assigned to the division.

GOAL 1: **Gain and maintain the respect of the Judiciary and our clients.**

Objective: Continually work hard to ensure that our work is thorough, well-reasoned, and effective and that the deputies are always prepared for all court appearances, including court conferences.

Action Plan 1: Monitor and review each attorney’s workload, written court submissions, and court presentations.

The target date is ongoing.

The measure of success for this action plan is a favorable outcome for each case.

Action Plan 2: Meet individually with attorneys on a periodic basis to review cases, issues, and legal strategies.

The target date is ongoing.

The measure of success for this action plan is a favorable outcome for each case.

Action Plan 3: Improve communications with our clients by keeping them informed of the status of the litigation and other important case matters and issues.

The target date is ongoing.

GOAL 2: **Maintain institutional knowledge.**

Objective: Better organize the division’s information for use and retrieval.

Action Plan 1: Memo bank – Input memos, briefs, and other writings on legal issues that often recur, including discretionary function, qualified immunity, qualified privilege.

The target date is ongoing.

The measure of success for this action plan is that the briefs and memoranda are available to our division and the department in our document management system (iManage).

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

The target date is ongoing.

The measure of success for this action plan is that the appropriate information is available to our division and the department in our document management system to assist deputies in finding experts for the State or in defending against opposing counsel's experts.

Action Plan 3: Ensure all case-related documents and materials are scanned into the office case management system (ProLaw).

The target date is ongoing, but as part of this action plan, the division has recently instituted a new mandatory organizational structure for naming and filing of all stored documents to make it uniform across the division for better access and retrieval of information.

The measure of success for this action plan is reducing the need to retrieve boxes already in off-site storage to obtain information from closed cases.

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

This action plan was met by the division in July 2019, when the division's mandatory ProLaw restructuring project was implemented. The target date for uniformity within the department depends on coordination with other divisions.

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

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

The target date is ongoing.

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

GOAL 3: **Increase efficiency.**

Objective: Provide the tools to help deputies complete work more efficiently without sacrificing quality.

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

The target date for this action plan depends on coordination with the appropriate departments.

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

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

The target date for this action plan is pending further discussion with the administration.

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

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

The target date for this action plan is pending further discussion with the administration and other division supervisors, as well as continued training within the department.

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

GOAL 4: **Help new deputies get up to speed as quickly as possible.**

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

The target date is ongoing because the "New Deputy Packet" for the division is continually updated as needed.

The measure of success for this goal is that new deputies will have an immediate source of information for important and frequently used documents, as well as important division/departamental information, which then eliminates the need for deputies to have to search or ask for the forms.

Action Plan 2: Create standard training for every new employee on iManage, ProLaw, and other office systems as well as providing information on critical office policies and procedures soon after they start.

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

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

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

The target date is ongoing.

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

GOAL 5: **Assist deputies and staff in responding to court-mandated procedural changes due to the COVID-19 pandemic.**

Objective: Ensure that deputies acquire the needed skills and learn to be effective when advocating in a remote setting.

Action Plan 1: Provide outside information (e.g., newsletters and articles) to deputies about handling hearings and trials remotely. Share with division information from other deputies and attorneys relating to remote hearings and trials, including helpful tips, what to avoid, and how to make the court proceeding more efficient and effective.

The target date is ongoing.

The measure of success for this goal is that deputies will have smoother remote hearings with fewer disruptions and effective advocacy.

Action Plan 2: Provide the deputies the necessary tools to effectively conduct court hearings and trials remotely, including any needed training in the use of the software available and used by the court to conduct remote proceedings.

Target date ongoing.

The measure of success is the best outcome possible for each court proceeding.

SECTION 4: PUBLIC SERVICES DIVISIONS

The department is divided into the following professional services divisions or autonomous units within larger divisions.

Child Support Enforcement Agency

The Child Support Enforcement Agency (CSEA, or agency) provides assistance to children and families by collecting, disbursing, and enforcing support payments (both financial and medical) owed to custodial parents. In some cases, CSEA collects and disburses reimbursements to the Department of Human Services for public assistance provided to the child and family. CSEA's mission is to promote the well-being of children and the self-sufficiency of families through the timely and effective operation of its responsibilities while providing excellence in customer service.

CSEA is a partnership with the Federal Office of Child Support Enforcement (OCSE). CSEA receives 66% federal matching funds to meet its operating costs requiring only 34% to be paid by the State's general fund. Both CSEA and OCSE are committed to improving their operations according to the federal performance effectiveness standards and improving their service to families. There are five performance measures used to evaluate the agency every year. They are: (1) establishment of paternity, (2) establishment of financial and medical support orders, (3) collection of current child support, (4) collection of past-due child support, and (5) cost-effectiveness.

GOAL 1: **Increase the number of paternity establishments per year for children born out-of-wedlock.**

The measurement of success will be an increase in the paternity establishment percentage for the federal fiscal year.

Objective 1: Increase the number of paternity establishments by the agency through judicial action.

Action Plan 1: Identify all cases in CSEA's existing caseload where paternity should be established but has not been completed. Assign staff to review and resolve issues that have prevented the successful establishment of paternity.

Action Plan 2: Engage key partners in the community in activities designed to improve referrals and dissemination of key information that can enhance paternity establishment. These partners include but are not limited to:

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

Action Plan 3: Increase public awareness of the importance of establishing paternity by conducting in-person or virtual informational presentations to community groups such as:

- Churches;
- Public and private schools;
- Kupuna programs;
- Prison groups;
- Substance abuse councils/groups;

- Colleges;
- Bar associations;
- Health organizations; and
- Pediatricians and other physicians.

Objective 2: Identify children whose paternity was established through private paternity actions (not by CSEA) and adoption, for inclusion in the statewide paternity registry.

Action Plan 1: Work with the Family Courts statewide to obtain information on paternity establishments where CSEA was not involved.

Action Plan 2: Work with the Family Courts statewide to obtain information on children born out-of-wedlock who were adopted within the federal fiscal year in private adoption proceedings.

Action Plan 3: Work with the DHS to obtain information on children within the child welfare system that were adopted within the federal fiscal year.

GOAL 2: **Increase the number of orders established for non-custodial parents to provide financial and medical support for their children.**

The measure of success would be an increase in the agency's percentage of order establishment in the federal fiscal year.

Objective 1: Locate all non-custodial parents in cases without orders established so that the agency may begin the process of order establishment and effectuate service of a proposed order.

Action Plan 1: Create a report of cases where order establishment is necessary and where CSEA does not have an address for the non-custodial parent.

Action Plan 2: Have CSEA branch offices statewide assign staff to search various databases, including social media websites, to identify possible addresses for the non-custodial parent.

Objective 2: Identify all cases where order establishment has not been completed in a timely manner and complete the processing or close the case if the order establishment is no longer appropriate.

Action Plan 1: Create a report of cases where the custodial parent and non-custodial parent addresses are known, and order establishment has not been completed.

Action Plan 2: Assign staff to review the report and resolve the issue so that the process of order establishment can move forward and be completed.

GOAL 3: **Increase the collection of regular and timely child support so that children receive the support in the month when it is due.**

The measurement of success is an increase in the percentage of current support collected within the federal fiscal year.

Objective 1: Maximize the number of initial and revised income withholding orders implemented each month.

Action Plan 1: Create a report of all the cases where there is no active income withholding order.

Action Plan 2: Assign CSEA branch offices to review the report and initiate the appropriate actions to obtain a court order for income withholding.

Objective 2: Locate employers of non-custodial parents in cases where an income withholding order has been issued, but payments are not being received.

Action Plan 1: Create a report of cases where CSEA does not have employer information for the non-custodial parent.

Action Plan 2: Have CSEA branch offices statewide assign staff to search various databases, including social media, to identify possible employers for the non-custodial parent and send out an income withholding order to the employer.

Action Plan 3: Create a report of cases where employment information has been obtained, but child support payments are not being received.

Action Plan 4: Have CSEA branch offices statewide assign staff to verify the employment, send out the income withholding order, and contact the employer to determine why no payments are being received.

GOAL 4: **Increase the collection of past-due child support.**

The measurement of success is an increase in the percentage of collection on past-due support.

Objective 1: Identify all cases where past-due balances have not been reduced to a judgment with an ordered liquidated amount to be collected each month.

Action Plan 1: Create a report of cases where an action has been initiated to establish the amount of arrears owed with a liquidation amount but has not been completed.

Action Plan 2: Have CSEA staff statewide review the report and determine if the action can be completed or should be reinitiated.

Objective 2: Increase voluntary payments by non-custodial parents to pay down past-due balances.

Action Plan 1: Retrain staff to initiate conversations about past-due balances with non-custodial parents to encourage voluntary payments toward past-due balances.

Action Plan 2: Retrain staff to conduct a comprehensive review of the case to identify ways to address arrears balances and initiate the appropriate actions.

GOAL 5: **Improve service to case participants.**

The measure of success will be case participant satisfaction and a reduction of complaints received by the agency.

Objective 1: Due to the COVID-19 pandemic and the safety requirements recommended by the CDC, CSEA had to implement changes to the manner in which it provides services in order to maintain convenient and timely access to CSEA while complying with social distancing guidelines to ensure the safety of our staff and the public.

The measurement of success will be the agency's ability to continue to provide services to the public with minimal disruption should a large percentage of agency staff have to quarantine for a period of time.

Action Plan 1: Continue to develop a continuity of operations plan for the agency's financial division to ensure that processing and posting of child support payments will be uninterrupted should the financial division staff be affected by COVID-19 quarantine. This would include training of back-up staff and the purchase of equipment to be able to continue processes at an alternate site.

Action Plan 2: Create an online appointment system to allow parties to easily schedule an in-office appointment with a customer service agent.

Action Plan 3: Enhance CSEA's website to provide more information and answer frequently asked questions to reduce the need for in-office visits or customer service calls.

Action Plan 4: Enhance CSEA's website to allow participants the ability to submit documents and requests online. Create a system for the documents to be pushed out to workers automatically to allow more workers to telework.

Objective 2: Improve the quality of customer service to case participants.

Action Plan 1: Enhance the training program and standardize the training materials for staff statewide for consistency.

Action Plan 2: Provide new training and refresher training for staff statewide using the standardized training materials.

Action Plan 3: Provide continued training for customer service staff that focuses on comprehensive case management as opposed to focusing only on the limited issue being raised by case participants.

Action Plan 4: Create a library of prerecorded training organized by topics that can be accessed by staff at any time.

Action Plan 5: Develop a review process of staff work to ensure accuracy and minimize errors. Increase staff accountability of their work.

GOAL 6: **Develop outreach programs for the benefit of case participants.**

The measurement of success will be the implementation of pilot programs to help case participants.

Objective 1: Provide *pro-se* parties with increased access to legal services through Family Court relating to child support issues.

Action Plan 1: Partner with Family Court to expand the Access to Justice program. Currently, legal services are limited to a couple of hours a week. Expanding the Access to Justice program should provide *pro-se* parties with increased access to legal services through Family Court relating to child support issues.

Implementation of this project has been affected by the COVID-19 pandemic and the closure of the Family Courts to the public.

Action Plan 2: Utilize Title IV-D of the federal Social Security Act, matching funds to hire a full-time attorney dedicated to helping *pro-se* parties navigate through the judicial process regarding paternity, custody, and child/medical support orders.

Objective 2: Develop a pilot program to assist non-custodial parents in meeting child support obligations and encouraging self-sufficiency of families.

Action Plan 1: Partner with the Department of Human Services in the development of a pilot project - Non-custodial parent employment program.

Action Plan 2: Identify a list of cases where the child(ren) are receiving public assistance, the non-custodial parent is unemployed, and the agency has not received child support payments for a designated period.

Action Plan 3: Develop a process to identify eligible participants, provide case management to help ensure success in the program, and refer to the Department of Human Services for participation.

Action Plan 4: Develop a method to evaluate the success of the program by monitoring the non-custodial parent's continued employment and consistency of payments once they have exited the program.

GOAL 7: **Ensure the continued future operation of CSEA's statewide computer system as a federally certified system.**

Objective: To upgrade or replace CSEA's certified statewide computer system (KEIKI) implemented in 1998 in order to meet all federal requirements and prevent unanticipated system disruptions and failures due to outdated and unsupported technology.

- Action Plan 1:** Explore emerging alternatives to system modernization. Determine if another state's approach to modernization can be leveraged and transferred to Hawaii at a lower cost.
- Action Plan 2:** Reopen the feasibility study to consider other modernization alternatives. Conduct a cost-benefit analysis comparison between a transfer approach and emerging alternative approaches. The goal is to find an approach that is affordable yet will meet federal certification requirements.
- Action Plan 3:** Conduct a business process re-engineering study to evaluate best practices and incorporate policy and procedural changes into the customization of the new computer system.
- Action Plan 4:** Internally prepare the agency for system modernization. Develop a more detailed needs assessment, identify existing staff resources to dedicate to the modernization effort, and prepare requests for the creation of special project positions, contingent on available funding.

The target date for all of CSEA's goals is ongoing.

Crime Prevention and Justice Assistance Division

Crime Prevention and Justice Assistance Division (CPJAD) serves as the central agency to provide the Attorney General with the information and resources needed to address crime and crime prevention. CPJAD accomplishes this by:

- Researching crime issues and reporting comprehensive crime statistics for the State;
- Utilizing federal and state funds and non-financial resources to address crime problems and criminal justice system issues;
- Planning, developing, and implementing education and crime prevention programs to promote community involvement in crime prevention efforts;
- Developing and maintaining a computerized juvenile offender information system;
- Assisting in locating, recovering, and reuniting missing children and runaways with their families; and
- Supporting the Hawaii Sexual Assault Response and Training (HSART) program and the statewide standards for responding to sexual assaults.

This enables the Attorney General to facilitate and coordinate efforts to improve the criminal justice system and to encourage community partnerships in addressing crime.

CPJAD's mission is to assist the criminal justice system agencies to improve service delivery and to promote the involvement of communities in the prevention of crime.

GOAL 1: **Continue its mission despite the effect of the COVID-19 pandemic.**

Objective 1: Balance public health directives related to COVID-19 pandemic and the division mission.

Action Plan 1: Work in tandem with the department to allow staff to telework. Staff are provided with the needed resources, equipment, and support to work remotely. Public health precautions are taken in the office: requiring hand sanitizing and temperature screening when entering the office, use of telework to allow for social distancing in the workplace, installing plexiglass to provide personal protection, reducing in-person meetings and training, and increasing on-line meetings and training.

The target date for this action plan is ongoing.

The measure of success for this action plan is the division's ability to continue its mission uninterrupted.

GOAL 2: **Improve the criminal justice system's response to crime.**

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

Action Plan 1: Grants and Planning

Maintain information on federal and state resources that may be available to assist in improving the criminal and juvenile justice systems.

Seek, apply for, and administer federal and state funding to improve criminal justice response to crime and services to victims of crime.

Provide workshops on grant administration and reporting for new recipients and basic grant writing for interested applicants.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of grants administered and tangible benefits from the grant-funded projects.

This includes the number of victims served and actual improvements to the criminal justice system.

Action Plan 2: Administration, Grants, and Planning - Community and Crime Prevention, Missing Child Center-Hawaii

Participate in multi-disciplinary, multi-jurisdictional working groups to leverage resources to address statewide issues that include victim services, sexual assault, domestic violence fatalities, offender recidivism, substance abuse, forensic laboratories, and missing children.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of sustained, coordinated efforts implementing system changes that include a minimum of five state, county, federal, private, and/or non-profit agencies.

Action Plan 3: Missing Child Center-Hawaii

Seek and apply for technical assistance from the National Center for Missing and Exploited Children (NCMEC) and the National Criminal Justice Training Center (NCJTC), and work with the non-profit Friends of the Missing Child Center Hawaii (FMCCCH) to improve the law enforcement and criminal justice system response to child abduction, custodial interference, and missing children.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of technical assistance requests approved by NCMEC, NCJTC, and FMCCCH.

Action Plan 4: Administration, Grants and Planning, Community and Crime Prevention, Illicit and Prescription Drugs

Participate in multi-disciplinary, multi-jurisdictional working groups to address public safety and public health issues related to illicit and prescription drugs.

The target date for this action plan is ongoing.

The measures of success for this action plan are: (1) the number of sustained, coordinated efforts implementing system changes that include a minimum of five state, county, federal, private, and/or non-profit organizations; (2) the number of prescription drugs collected and properly destroyed because of the working groups; and (3) the number of community presentations conducted on preventing misuse and abuse of prescription drugs.

Action Plan 5: Administration, Grants, and Planning - COVID-19 pandemic

Address the critical gaps and needs in public safety, the criminal justice system, and victim services to prevent, prepare for, and respond to COVID-19 pandemic.

The target date for this action plan is ongoing.

The measures of success for this action plan are: (1) coordinate the use of the federal Coronavirus Emergency Supplemental Funding (CESF) with the multiple funding streams under the federal CARES Act to support public safety and criminal justice needs; (2) approve match waiver requests from subgrantees (that include victim services and criminal justice agencies) as allowed by the federal grant programs as a result of COVID-19; (3) complete a CESF Strategic Plan for the use and distribution of the fund; and (4) allow subgrantees to revise their budgets to allow for COVID-19-related equipment and supplies.

Objective 2: Increase coordinated community response to reduce risk to vulnerable populations.

Action Plan 1: Community and Crime Prevention - Youth Education

Participate in partnerships with the Department of Public Safety-Narcotics Enforcement Division, the police departments, schools (public, private, and charter) to educate youth about the dangers and problems with using alcohol and illegal drugs at a young age.

The target date for this action plan is ongoing.

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

Action Plan 2: Community and Crime Prevention - Elderly Outreach

Expand outreach to the elderly population by conducting presentations and distributing educational materials related to financial fraud and the misuse of prescription medication.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of presentations, the number of educational materials distributed to the elderly population, and the number of prescription drug take-backs conducted.

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

Action Plan 1: Missing Child Center-Hawaii

Improve coordination among local, state, and federal law enforcement, courts, social services, victim service providers, and national organizations to enhance their assistance to missing children who are highly vulnerable to assault, sexual exploitation, substance abuse, or death while missing.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of referrals from law enforcement and Child Welfare Services to NCMEC for missing foster children per federal law and to the Missing Child Center-Hawaii for any missing children.

Action Plan 2: Missing Child Center-Hawaii

Improve statewide coordination of the MAILE AMBER Alert program.

The target date for this action plan is ongoing.

The measure of success for this action plan is for the county and state MAILE AMBER Alert coordinators to understand each organization's roles and responsibilities in the event of life-threatening child abduction.

Action Plan 3: Community and Crime Prevention

Through partnerships with government, non-profit, and private organizations, increase public awareness of how to prevent identity theft and sex assault; how to prevent crimes against visitors and community members; how to use the internet safely; and how to mobilize the community in these efforts.

The target date for this action plan is ongoing.

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

Action Plan 4: Administration

Collaborate with the Judiciary, the Department of Human Services, and the Department of Health on statewide domestic violence training for state and county workers. Funding to be provided by each agency. In its fourth year, training is for state and county workers that respond to cases involving domestic violence. This includes managers and line-staff, first responders (police, fire, and ambulance), child welfare workers, adult protective workers, probation/parole officers, health care workers, and prosecutors. Training will be held virtually vs. in-person due to COVID-19.

The target date for this action plan is October 2021.

The measure of success for this action plan is the number of trainings conducted and the number of attendees that participate in the trainings.

Action Plan 5: Grants and Planning

Continue the advisory Hawaii State Training Committee that will guide the development and implementation of the Hawaii State Victim Assistance Academy to improve or enhance victim services related to, but not limited to, domestic violence, child abuse, intimate partner violence, sex abuse, and sex trafficking. The training audience includes new victim advocates who provide direct services to crime victims, victim advocates that had minimum training, project staff that receive funding from the Victims of Crime Act (VOCA) Victim Assistance grant, and, if space is available, other police, prosecutor and judiciary advocate staff, and victim service providers. Training will be held virtually vs. in-person due to COVID-19.

The target date for this action plan is December 2020 through June 2021.

The measure of success for this action plan is the number of training conducted, the number of attendees that participate in the training, and evaluations showing the knowledge gained through the training.

Action Plan 6: Administration, HSART

Collaborate with HSART members that include criminal justice agencies, medical-forensic examiners, and sexual assault service providers to conduct specialized multi-disciplinary training to improve the system response to sexual assault. HSART is tasked with organizing training in partnership with community entities, including colleges, universities, and the military, to improve victim-centered services when responding to sexual assaults.

The target date for this action plan is on-going.

The measure of success for this action plan is the number of trainings conducted and the number of attendees that participate in the trainings.

Objective 4: Expand communication methods.

Action Plan 1: Community and Crime Prevention

Promote the Community and Crime Prevention Branch website during community events and presentations and in informational brochures, so the public has information on tips and information to avoid becoming a victim of identity theft, frauds, and scams; how to keep safe when surfing the web; and on tips and strategies to prevent alcohol and drug abuse.

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of visits to the website.

Action Plan 2: Research and Statistics

Provide advanced research support to track and inform the multi-agency Interagency Council on Intermediate Sanctions' (ICIS)

efforts to reduce criminal recidivism in Hawaii through the comprehensive institution of evidence-based policies and practices relating to the community supervision of parolees and felony probationers.

The target date for this action plan is ongoing and is based upon the ICIS Strategic Plan activities and timeline.

The measure of success for this action plan is the documentation of objective research findings and evidence-based recommendations to ICIS agencies (principally the Hawaii State Judiciary, Department of Public Safety, and Hawaii Paroling Authority).

Action Plan 3: Administration, HSART

Establish an “HSART Member’s Portal” on the recently completed HSART Program website to provide HSART member agencies secure access to training resources, publications, guidelines, and forms developed by HSART.

The target date for completion of the HSART Member’s Portal is June 2021.

The measure of success for this action plan is the continued availability of the portal to all member agency personnel and a survey of member agencies to determine its usefulness.

Objective 5: Monitor the Use, Management, and Testing of Sexual Assault Kits.

Action Plan 1: Administration, HSART

Operate the state-funded HSART Program as required by section 844G-2, HRS.

Chapter 844G, HRS, requires an annual statewide inventory and report of sexual assault evidence collection kits; provides for storage options of unreported sexual assault evidence collection kits; establishes mandatory submission and testing requirements for sexual assault evidence collection kits; requires a tracking system for sexual assault evidence collection kits; and provides guidelines for a victim’s right to notification and other information.

HSART will focus on providing training and resources for member agency personnel on timely, efficient, and victim-centered responses and investigations of sexual assaults.

The target date(s) for this action plan is(are) ongoing and follow(s) statutory deadlines.

The measures of success for this action plan include: (1) the number of trainings provided to HSART agencies; (2) distribution of resources to HSART agencies for sexual assault response and investigations; (3) completion of an annual statewide inventory and report of sexual assault evidence collection kits; and (4) identified storage options for unreported sexual assault evidence collection kits.

GOAL 3: **Provide timely and complete information to criminal justice practitioners and policymakers.**

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

Action Plan 1: Juvenile Justice Information System

Expand the capability of the automated interface to the FBI National Crime Information Center (NCIC) to allow the updated capacity to include Amber Alert notification, caution codes, and vehicles.

The target date for this action plan is March 2021.

The measure of success for this action plan is that the interface is expanded.

Action Plan 2: Juvenile Justice Information System

Provision for a disaster recovery site for the Next Generation JJIS. This requires a system migration to the ETS Government Privacy Cloud (GPC).

The target date for this action plan is December 2021.

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

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

Action Plan 1: Research and Statistics

Focus on the provision of research services to criminal justice stakeholders and utilize available resources to enhance data-driven/evidence-based research capacity and policy-relevant recommendations throughout the system and with the public in an objective and transparent manner.

The target date for this action plan is ongoing.

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

Action Plan 2: Research and Statistics

Document information and assistance provided to requesters.

The target date for this action plan is ongoing.

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

Action Plan 3: Juvenile Justice Information System

Update the Data Book covering ten years from 2010 to 2020. The Data Book includes juvenile delinquency trends in Hawaii.

The target date for this action plan is June 2021.

The measure of success for this action plan is that a Data Book 2010-2020 is produced.

Action Plan 4: Juvenile Justice Information System

Produce ad hoc reports on juvenile delinquency crimes and trends in Hawaii, as requested by JJIS member agencies or others.

The target date for this action plan is ongoing.

The measure of success of this action plan is that ad hoc reports are produced.

Objective 3: Create a state repository program for the National Incident Based Reporting System (NIBRS) that will expand the crime reporting data provided by the county police departments.

Action Plan 1: Research and Statistics

Continue the statewide transition from the FBI's Summary Reporting System (SRS) version of the Uniform Crime Reporting Program to the National Incident Based Reporting System (NIBRS) version, which provides substantially more and richer data on the nature and extent of crime. Hawaii's SRS is currently an Excel-based reporting program. NIBRS data from the county police will be submitted to a new web-based data repository.

The target date for this action plan is late 2021.

The measures of success for this action plan are the launch and FBI certification of the State's NIBRS data repository and the certification of the county police departments.

Action Plan 2: Research and Statistics

Enhance online resources for presenting crime data and analyses by launching and then expanding a Hawaii NIBRS Dashboard.

The target launch date is prior to December 31, 2020, with additional enhancements implemented throughout the remainder of FY 2021 and beyond.

The measure of success for this action plan is the documentation of the NIBRS Dashboard launch and implementation of additional enhancements

Hawaii Criminal Justice Data Center

The Hawaii Criminal Justice Data Center (HCJDC) is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Biometric Identification System (ABIS), which includes the statewide Automated Fingerprint Identification System (AFIS), the statewide mug photo and facial recognition systems, and the statewide sex offender registry. HCJDC also serves as Hawaii's point of contact for the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) program.

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

Objective 1: Implement incident reporting in the HIJIS Query.

Action Plan 1: Make incident information from county police systems available in the HIJIS Query.

The measure of success for this objective is to have incident information available to users via the HIJIS Portal.

Objective 2: Implement a Criminal Case Disposition Data Exchange.

Action Plan 1: Make disposition information from prosecutors' systems available to other agencies.

Action Plan 2: Exchange disposition information from the Honolulu Prosecutor and the Hawaii Prosecutor to CJIS-Hawaii and JJIS through HIJIS.

The measure of success for this objective is successfully sharing disposition information from Honolulu Prosecutor and Hawaii Prosecutor to CJIS-Hawaii and JJIS.

GOAL 2: **Complete a Disaster Recovery Plan and Facility for HCJDC's mission-critical systems – CJIS-Hawaii and ABIS, HIJIS, LOTC (Lights Out Transaction Controller), and Green Box.**

Objective 1: Complete a Disaster Recovery (DR) site at the University of Hawaii at Manoa for HCJDC systems to recover via the Office of Enterprise Technology Services (ETS).

Action Plan 1: Validate the site(s) and abide by the FBI Criminal Justice Information Services (CJIS) Security Policy.

Action Plan 2: Sign Service Level Agreements with ETS and/or DR site management.

Action Plan 3: Procure DR site equipment or contract an infrastructure as a service with the DR site.

Action Plan 4: Migrate primary site servers/data to the DR site.

Action Plan 5: Perform an annual disaster recovery test between DR and production sites.

The measure of success for this objective is a fully functional DR site that can take over transactions and support each HCJDC system in the event of a production outage at the primary site.

Objective 2: Determine cloud option(s) for HCJDC systems and DR.

Action Plan 1: Research feasibility of HCJDC systems to migrate and operate via the cloud service provider(s).

Action Plan 2: Procure Service Level Agreements with supporting cloud providers.

Action Plan 3: Migrate production to cloud and DR to on-premise DR site.

Action Plan 4: Perform an annual disaster recovery test between DR and production sites.

The measure of success for this objective is a fully functional cloud site that can support an HCJDC system and a built-in DR infrastructure that can be fully functional and replace the production system in the event of a primary systems outage.

Objective 3: HCJDC contingency plan.

Action Plan 1: Update preparedness plan to mitigate any potential issue.

Action Plan 2: Annually, revisit the Business Continuity Plan for HCJDC for completeness and staying current, including an inventory of hardware, software, warranty, vendors, site information, recovery team staff, and stakeholders.

Action Plan 3: Finalize the contingency plan after the DR site is determined, requirements are provided, and Service Level Agreements are signed.

The measure of success for this objective is a fully functional capability of staff to keep providing critical services.

GOAL 3: **Modernization of critical systems – CJIS-Hawaii, Green Box, ABIS, and LOTC.**

Objective 1: Upgrade the CJIS-Hawaii environment to the newer versions of the software, pending availability of funding.

Action Plan 1: Identify all components of the system that need to be modified to use the upgraded version of the software.

Action Plan 2: Identify any areas where software can be modified to process more efficiently.

The measure of success for this objective is to have CJIS-Hawaii deployed to newer versions of the software.

Objective 2: Modify the LOTC to improve workflows and process transactions more efficiently.

Action Plan 1: Identify areas where LOTC can be modified to allow resends of messages to the ABIS, HIJIS, and CJIS-Hawaii.

Action Plan 2: Create an administrative application to make adding new agencies and editing existing agencies more efficient.

The measure of success for this objective is to deploy modifications to LOTC to improve processing.

Objective 3: Modify ABIS workflow and process out of sequence submissions more effectively to ensure the FBI will accept and establish a record at the national level.

Action Plan 1: Obtain a quote from the vendor.

Action Plan 2: Submit a scope change to reallocate leftover grant funds from the NICS Act Record Improvement Program (NARIP) 2019 to pay for changes to the Multi Biometric Identification System (MBIS).

The measure of success for this objective is to successfully implement the modifications to MBIS and reduce the number of errors sent to the FBI, which will reduce the amount of time spent manually addressing these types of errors.

GOAL 4: **NCIC System Enhancements**

Objective 1: Update the NCIC Message Switch to support the National Information Exchange Model (NIEM) XML, an unfunded mandate that must be implemented by September 30, 2022.

Action Plan 1: Procure services for the XML Processing Upgrade.

Action Plan 2: Implement the XML Processing Upgrade, which will allow the switch to process NIEM XML. This will allow external agency interfaces and FBI NCIC messages to be converted to NIEM XML.

Action Plan 3: Submit a request for grant funds to cover the \$50,000 cost to convert the National Law Enforcement Telecommunication System (Nlets) transactions to standard NIEM XML format.

Action Plan 4: Procure services for Nlets XML upgrade.

Action Plan 5: Implement Nlets XML enhancement, which will allow all Nlets messages to be converted to NIEM XML.

The measure of success for this objective is all message transactions being sent to NCIC or Nlets from the message switch, or external interfaces are being sent in the NIEM XML format.

Objective 2: NCIC Message Switch Upgrade because the current system will be unsupported as of June 30, 2021.

Action Plan 1: Submit a request for grant funds to cover the cost of new hardware and/or hosting services.

Action Plan 2: Submit an RFP request and procure services.

Action Plan 3: Implement new hardware and/or hosting services.

The measure of success for this objective is to have the NCIC Message Switch within a supported hardware infrastructure that provides support beyond June 20, 2021, whether it be via new hardware or a hosting type service.

GOAL 5: **Delinquent Dispositions**

Objective 1: Complete backlog of approximately 75,000 delinquent dispositions.

Action Plan 1: Request Acquisition LLC to complete a list of delinquent dispositions.

Action Plan 2: The contractor conducts research and provides a monthly invoice indicating charges completed.

Action Plan 3: Excel spreadsheet of completed charges forwarded to S/D is uploaded to CJIS.

The measure of success for this objective is to eliminate the backlog of delinquent dispositions. By accomplishing the objective, criminal records in CJIS-Hawaii will be up to date.

GOAL 6: **Point of Sale System**

Objective 1: Minimize physical contact between staff and the public when collecting payment for services.

Action Plan 1: Determine the Point of Sale system County Police Departments (PD) are utilizing. Maui Police Department (MPD) and Hawaii County Police Department (HCPD) are using iNovah. Kauai Police Department (KPD) and Honolulu Police Department (HPD) will utilize Clover.

Action Plan 2: Procure and contract with Clover/Fiserv/First Data. Purchase five Clover hardware for HCJDC, KPD, and HPD.

Action Plan 3: Work with County PDs on expectations of what iNovah report shall be provided to the HCJDC and what shall be entered in the Clover system for checks and balances.

Action Plan 4: Implement/install new hardware and software.

The measure of success for this objective is to procure the system and become functional while minimizing physical contact with the public.

Objective 2: Effectively conduct electronic reconciliation of funds collected for services rendered.

Action Plan 1: Conduct daily reconciliation of the Clover system for HCJDC, HPD, and KPD by logging in to the Clover site.

Action Plan 2: Upload reports into the shared drive/CHRC folder.

Action Plan 3: At the end of each month, a report shall be generated for the month's total.

The measure of success for this objective is to minimize the use of paper and electronically reconcile reports to reduce human error and the accuracy of monies received.

GOAL 7: **Sex Offender Information Management System**

Objective 1: Provide offenders the option to complete updates to information online utilizing the Sex Offender Information Management System (SOIMS).

Action Plan 1: Conduct testing and determine the functionality of the system.

Action Plan 2: Promote the new option of submitting updates online.

Action Plan 3: Create user accounts for offenders and the capability of electronically submitting signatures.

Action Plan 4: Sex Offender Registration (SOR) Unit to verify and complete the update in CJIS, as necessary.

The measure of success for this objective is to ensure the program is operational through the internet, allowing offenders to make updates and schedule appointments while eliminating duplicate work by SOR staff.

GOAL 8: **Adapting to COVID-19**

Objective 1: Teleworking.

Action Plan 1: Laptops provided to all staff who have the ability to perform a substantial amount, if not all, of their work remotely to more efficiently complete their tasks while teleworking and transition easily when returning to work on rotation.

Action Plan 2: Network and security: created VPN accounts for all staff working from home to ensure the connections to HCJDC systems are secured and data traffic is encrypted with no exposure on the public internet; create jump boxes and network security rules for teleworking staff who remotely access servers so that each authorized user connection is authenticated, encrypted, and monitored.

Action Plan 3: Create a rotation schedule (if applicable) to ensure the public and agencies continue to be serviced in a timely manner.

The measure of success for this objective is to provide continuous services to our public and partner agencies. The HCJDC business hours remain in effect, and system maintenance is unaffected.

Objective 2: On-site health and safety.

Action Plan 1: Social distancing: Microsoft TEAMS, phone, or email is highly encouraged as the new form of communication.

Action Plan 2: Touchless Temperature Check shall be completed prior to staff entering Room 101 at the start of the workday and for visitors entering Room 102.

Action Plan 3: COVID-19 Questionnaire shall be completed for visitors entering the office and for fingerprint applicants.

Action Plan 4: To limit the number of people in the office or at the front counter, the Room 102 door has been locked, and a bell/intercom has been installed.

Action Plan 5: Disinfectant sprays and wipes are available throughout the office in each section and in common areas, along with touchless hand sanitizer dispensers.

The measure of success for this objective is to meet all health guidelines and provide a safe work environment for HCJDC staff.

Objective 3: Continuing to provide criminal history services.

Action Plan 1: The public is required to schedule an appointment with the Criminal History Records Check (CHRC) Unit.

Action Plan 2: Prior to confirming an appointment, CHRC staff complete the COVID-19 Questionnaire at the time of scheduling an appointment and review the questionnaire at the time of appointment.

Action Plan 3: Fingerprint applicant is required to wear a mask and sanitize hands prior to entering the office and conduct own temperature check prior to being serviced.

Action Plan 4: CHRC Staff is required to wear their mask and/or face shield, along with gloves when fingerprinting.

Action Plan 5: CHRC staff are to sanitize the live scan machine, counter area, and doorknobs after servicing each individual.

The measure of success for this objective is to provide uninterrupted criminal history check services to our public and partnering agencies. Services would continue in a safe work environment as HCJDC would follow all health guidelines.

Objective 4: Continuing to service Sex Offenders and Other Covered Offenders.

Action Plan 1: Offenders are encouraged to schedule appointments, but walk-ins are not turned away.

Action Plan 2: Offender is required to wear a mask and sanitize hands prior to entering the office and conduct own temperature check prior to being serviced.

Action Plan 3: SOR staff is required to wear their mask and/or face shield when servicing offenders.

Action Plan 4: SOR staff are to sanitize the counter area and doorknobs after servicing each individual.

The measure of success for this objective is to provide uninterrupted sex offender registration services while meeting all health guidelines when offenders are required to update information in-person.

Objective 5: Continue to provide fingerprint Identification Services.

Action Plan 1: The Criminal Identification Section (CRID) has the capability to access the ABIS remotely and perform all of the civil and most of the criminal fingerprint identification services.

Action Plan 2: One CRID staff member will be in the office every day and will perform the identification work that cannot be performed from home.

Action Plan 3: All latent fingerprint work can only be performed in the office. Latent fingerprint services will continue to be performed and completed in a timely manner.

Action Plan 4: CRID staff will meet weekly via Microsoft TEAMS to discuss any and all concerns/issues with CRID tasks and assignments and make adjustments as necessary.

The measure of success for this objective is to provide uninterrupted fingerprint services for the State's criminal justice agencies.

Investigations Division

Pursuant to section 28-11, HRS, the Investigations Division's agents are vested with statewide police powers. These police powers are used to perform criminal, civil, and administrative investigations, to serve arrest warrants, penal summons complaints, and subpoenas. The division's primary duty is to conduct investigations as directed by the Attorney General.

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

The Investigations Division is committed to protecting all citizens of the State of Hawaii. We are dedicated to conducting fair and impartial investigations while protecting the rights of the public through performing law enforcement functions.

GOAL 1: Continue the operation of the Complex Fraud Investigations.

Objective: Complex fraud, organized crime, and government corruption have been increasing over the past year. The county police departments often have difficulties addressing these types of cases so refer victims to the Investigations Division. The Investigations Division handles these cases upon the approval of the Attorney General so that our community members will not be deprived of their properties and income.

Action Plan 1: To address complex cases, the Investigations Division has been seeking law enforcement candidates with prior experience in addressing complex fraud investigations and who have the talent and enthusiasm to deal with complexities in these financial manipulation cases. Qualifications to be a Special Agent are experience, dedication, intelligence, training, and ability and willingness to succeed in a complex environment.

Action Plan 2: Pooling resources and training – In addressing financial and technological crimes, training in these fields are resource-intensive and, at times, outside the scope of the Investigations Division’s budget. Partnering with such agencies as the United States Secret Service has allowed the Investigations Division access to free training in complex financial crimes and digital forensics. We will continue to form alliances with other agencies to combine our resources efficiently in order to accomplish our goals in addressing complex criminal conduct and serving our community.

Action Plan 3: We will take immediate action against egregious criminal conduct, and we will make investigative arrests to stop any ongoing and continuous conduct that jeopardizes the integrity of government and threatens the well-being of the citizens of the State of Hawaii.

Action Plan 4: Pending future funding, the Investigations Division will pursue additional positions so that we can house Special Agents on Kauai and Hawaii Islands. Since there has been a reduction in personnel, only the Islands of Oahu and Maui have assigned Special Agents.

GOAL 2: **Continue to train Special Agents.**

Objective: In order for any law enforcement agency to be competent in its area of expertise, our Special Agents are trained in areas that they address. Forensic programs to compile and analyze data are assigned to Special Agents as tools of their trade, and training is provided in the use of these programs. Continuous training in complex financial crimes, computer crimes, and digital forensics is necessary for an investigator to succeed. Within our budget we are providing this training and equipment to our Special Agents.

Action Plan 1: The Investigations Division has been partnering with agencies that provide free law enforcement on-line training in a complex investigation. One of these agencies is the National White-Collar Center, and as mentioned, the United States Secret Service. The National White Collar Crime Center, web-based, with live interactions with participants, will benefit the Special Agents when they have to address financial and complex computer-based crimes.

Action Plan 2: The Investigations Division has been conducting training not only in the area of complex investigations but in the use of new and improved firearms; defensive weapons; self-defense tactics; use of personal protective equipment; active shooter response; and

suspect management. Because the division is assigned to law enforcement activities beyond the traditional scope of the investigative arena, the training is being conducted as required by professional law enforcement standards.

Action Plan 3: During this ongoing COVID-19 pandemic, the Investigations Division has been trained on preventive measures against the disease when they conduct investigations of quarantine violators and apprehend them. Training in the use of personal protective equipment is necessary so our Special Agents can combat infection while performing essential duties such as arresting quarantine violators.

Action Plan 4: A volunteer who previously served as deputy prosecuting attorney and then a judge, who is versed in the area of complex white-collar crime prosecution, volunteers as staff and is active in the training of the Special Agents of the Investigations Division.

Action Plan 5: The Investigations Division utilizes a site that offers training in Microsoft Office software and other accounting software. Also acquired is a testing program that validates training completed by our Special Agents.

Action Plan 6: The Investigations Division has been working on developing a Statewide law enforcement training facility for the past six years, but has faced funding limitations and coordination issues that have prevented completion of this major project.

GOAL 3 **Pursue CALEA certification.**

Objective: The Investigations Division continues to pursue its preliminary efforts to become accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). The State of Hawaii is moving to have all its law enforcement agencies professionally accredited through standardization. The Investigations Division has been proceeding on this path for a number of years by implementing and revising its policies and procedures based on CALEA standards.

Action Plan 1: The Investigations Division's command staff completed a thirteen-week CALEA management training in August of 2020. They have access to the online CALEA PowerDMS Suite, which provides guidance in developing the required policies and procedures to be CALEA-certified.

Action Plan 2: The Special Agents in the Investigations Division have been apprised that training and performance requirements will follow the CALEA standards, and their performance needs to be aligned to those standards.

Action Plan 3: The operational equipment has been examined to fit the CALEA standards, and funding has been requested to further improve the equipment to satisfy the standards.

Action Plan 4: When there is a situation to hold and charge a violent criminal arrestee, the Investigations Division is subject to the will of the Sheriff Division of the Department of Public Safety and the Honolulu Police Department in getting them to hold suspects we want to charge until the Special Agent can obtain a warrant. Currently, the Honolulu Police Department will not accept any of our detained suspects for charge cases, and the Sheriff Division's Keawe holding facility does not operate on a 24/7 basis. Plans are underway to overcome this deficiency, which is a major requirement in the CALEA standards.

GOAL 4: **Pursue an advance record management system.**

Objective: The State law enforcement agencies have been deficient in developing an advance records management system whereby all law enforcement agencies can store and share their investigative reports. The Investigations Division has been pursuing a system that will address this major need.

Action Plan 1: The Investigations Division is currently working on a project to have its own records management system coordinated with the Criminal Justice Division and the Complex Fraud Unit. The system will eliminate hard copies and all investigative reports will be cloud based stored. The system will be funded via a grant.

Action Plan 2: Currently, the Investigations Division and the Criminal Justice Division have implemented a system in Microsoft SharePoint to transfer the Investigations Division's investigative reports to assigned Deputy Attorneys General for their review for prosecution. The system can only handle small investigative reports, which may be an issue when thousands of pages are downloaded for a complex white-collar crime case.

Action Plan 3: The new records management system will allow the Office of the Attorney General to examine records from the investigative reports

stage to its prosecution phase at any time or place because it will be web-based.

Action Plan 4: Meetings will be scheduled within our divisions to determine the needs and customize the system to fit the needs of the divisions involved.

GOAL 5 **Continue to pursue violations of COVID-19 rules and orders.**

Objective: The Investigations Division has been aggressively enforcing the COVID-19 Emergency Proclamations since the Governor's initial declaration of a State of Emergency. The enforcement action initiated by the Investigations Division allowed zero tolerance of those who violated the quarantine requirements. The Investigations Division never issued citations for quarantine violations. All violators were arrested upon investigation. The Investigations Division sends out teams on a daily basis to do physical compliance checks at a traveler's designated place of quarantine to ensure travelers under quarantine remain in quarantine. If the traveler is not there, the investigative process commences to find and arrest the violator.

Action Plan 1: The Investigations Division will continue to aggressively enforce quarantine violations with arrests and continue to do physical compliance checks until the COVID-19 rules and orders are expired or lifted.

Action Plan 2: The Investigations Division will continue to work collaboratively with the Honolulu Police Department to enforce Emergency orders.

Action Plan 3: The Investigations Division will continue to accept calls from the public and other law enforcement agencies to offer them factual advice on addressing COVID-19 quarantine requirements and violations, and to initiate an investigation to arrest violator(s) when appropriate.

Action Plan 4: The Investigations Division will report to the Attorney General any flaws it discovers in the Safe Travel data system so that those flaws can be corrected and the Safe Travel data system can be updated for law enforcement investigative purposes. At times, the data incorrectly lists the quarantine status of a person, and the Investigations Division corrects errors that it finds.

Action Plan 5: The Investigations Division will continue working with all law enforcement and the Department of Health on a procedure to arrest and confine those who test positive for COVID-19 and refuse to be confined. Currently, the Sheriff Division and the Honolulu Police Department will not accept arrestees with COVID-19 infection.

The target date for all of the Investigations Division's goals is ongoing.

Office of Child Support Hearings

The mission: The mission of the Office of Child Support Hearings (OCSH) is to resolve child support disputes fairly, impartially, and expeditiously. This is accomplished by child support hearings officers through an administrative hearings process. Orders issued by hearings officers establish, modify, terminate, and enforce child support obligations statewide. Orders may also include child support arrears, debt owed to the State for periods when the child and/or children received benefits from the State, and in certain cases, spousal support arrears. Hearings officers may also confirm, modify, and enforce out-of-state orders brought under the Uniform Interstate Family Support Act. Orders issued by hearings officers are filed with the family court without further review and have the same force and effect as orders issued by family court judges.

The administrative process: All cases handled by OCSH are initiated through the Child Support Enforcement Agency (CSEA), which is a separate division of the department. If there is a request for hearing in an action initiated by CSEA, the case is set by CSEA for an administrative hearing with OCSH. Hearings are conducted pursuant to chapters 91 and 576E; HRS, Title 5, Subtitle 3, chapter 34, Hawaii Administrative Rules, and the Hawaii Child Support Guidelines.

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

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

GOAL 1: **Continue to provide the public with full services despite the effects of the COVID-19 pandemic.**

Action Plan 1: Continue to service the public by adapting to restrictions and hardships caused by the pandemic. Success is measured if hearings are conducted, work is completed, and the office functions pursuant to pre-pandemic standards.

- Action Plan 2:** When necessary and appropriate, designate all members of the office as essential workers who need to come into the office to work. Success is measured if hearings are conducted, work is completed, and the office functions pursuant to pre-pandemic standards.
- Action Plan 3:** Continue to service and interface with the public with appropriate and timely responses, by answering phone calls and processing incoming mail and documents. Success is measured if work is completed pursuant to pre-pandemic standards.
- Action Plan 4:** Continue to conduct statewide hearings on a regular and consistent schedule. Success is measured if hearings are conducted pursuant to pre-pandemic standards.
- Action Plan 5:** Continue to conduct statewide hearings only by telephone conference call for safety and social distancing. Success is measured if 98% of participants who appear, do so by phone.
- Action Plan 6:** Explore technology options which would allow the office to continue to serve the public efficiently and effectively.

GOAL 2: **Continue to improve the hearing process.**

- Action Plan 1:** Continue discussions with OCSH personnel regarding updating, modifying, and improving the hearings process. Success is measured by engaging in discussions, resolving issues, forming a plan for changes, and implementing the plan for changes.
- Action Plan 2:** Continue discussions with CSEA personnel regarding updating, modifying, and improving the hearing process. Success is measured by engaging in discussions, resolving issues, forming a plan for changes, and implementing the plan for changes.
- Action Plan 3:** Continue to review feedback from hearing participants regarding hearings officers and the hearing process, and take appropriate action when necessary. Success is measured by engaging in discussions, resolving issues, forming a plan for changes, and implementing the plan for changes.

GOAL 3: **Continue to promptly resolve prehearing requests.**

- Action Plan 1:** Requests to appear by telephone: immediately address requests and sign any necessary orders within three working days after OCSH receives the request.
- Action Plan 2:** Requests to consolidate hearings: immediately address requests and sign any necessary orders within three working days after OCSH receives the request.
- Action Plan 3:** Requests to continue/reschedule hearings: immediately address requests and sign any necessary orders within seven working days after OCSH receives the request.
- Action Plan 4:** Requests for interpreters: immediately address requests and secure an interpreter within five working days after OCSH receives the request.

Success is measured by tracking if requests are resolved before the deadlines specified above, and implementing action when they are not resolved.

GOAL 4: **Continue to promptly issue hearing orders.**

- Action Plan 1:** Sign orders in 83.3% of all cases (5/6 cases) within two working days of the final hearing.
- Action Plan 2:** Sign orders in 8.3% of all cases (1/12 cases) within five working days of the final hearing.
- Action Plan 3:** Sign orders in 8.3% of all cases (1/12 cases) within fifteen working days of the final hearing.

Success is measured by tracking if orders are issued before the deadlines specified above, and implementing remedial action when they are not resolved.

GOAL 5: **Continue to promptly respond to appeals.**

- Action Plan 1:** Record on Appeal (ROA): file the ROA within ten working days after OCSH receives the Notice of Appeal.

Action Plan 2: Notice Regarding Certification and Transmission of Transcripts (Notice): file the Notice within three working days after OCSH is served with the Order for Certification and Transmission of Record.

Action Plan 3: Transcript: file the hearing transcript within five working days after OCSH receives the transcript.

Success is measured by tracking if appeals are handled as specified above, and implementing action when they are not.

GOAL 6: **Continue to train.**

Action Plan 1: Cross-train office staff as appropriate (including office assistants, legal clerks, and legal assistants) to ensure the continued and uninterrupted workflow of the office. Success is measured if all staff are familiar with and can complete most of the work required for each staff position.

Action Plan 2: Continue Hearing Officer in-house training to:

- Discuss and resolve various office issues;
- Discuss and resolve various hearing-related issues;
- Improve record-keeping;
- Improve the decision-making process;
- Improve writing orders; and
- Improve case processing.

Success is measured by whether all hearing officers substantially meet goals and objectives they mutually agree to, or as required by the supervisor after discussion.

Action Plan 3: Hearings Officers attend training to meet annual Continuing Legal Education (CLE) credit requirements. Success is measured if all hearing officers meet annual requirements.

Action Plan 4: All office personnel attend the department's or the Department of Human Resource Development's-required training. Success is measured by all office members completing training.

GOAL 7: **Continue to update office documents and procedures.**

Action Plan 1: Amend and update administrative rules - Title 5, chapter 34, Hawaii Administrative Rules. Success is measured when certified copies of rules are filed with the Office of the Lieutenant Governor.

Action Plan 2: Update position descriptions for all office positions. Success is measured by all updated position descriptions being approved by the department's human resources division.

Action Plan 3: Update interview questions for all office positions. Success is measured by all updated interview questions being approved by the department's human resources division.

Action Plan 4: Continue to update office website. Success is measured if the website is constantly and consistently accurate.

Action Plan 5: Continue reorganizing and cleaning the office, and organizing its functions and procedures. Success is measured if ease, efficiency, and accuracy in the office are improved.

The target date for the goals of the Office of Child Support Hearings is ongoing.

Office of Dispute Resolution

The mission: The mission of the Office of Dispute Resolution (ODR) is to impartially and expeditiously adjudicate administrative proceedings initiated pursuant to the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

To accomplish this mission, the following goals and objectives are specified below.

GOAL 1: **Promptly resolve due process hearing requests.**

Action Plan 1: Continue adhering to agency guidelines for prompt resolution of due process hearing requests within the mandated timelines (or within permissible extensions). Success is measured by quantifiable statistics.

Action Plan 2: Issue hearing orders and decisions within the mandated timelines (or within permissible extensions). Success is measured by quantifiable statistics confirming these deadlines have been met.

Action Plan 3: Continue to hold frequent telephone conferences with the Technical Advisor to ensure ODR continues to adhere to the best practices under the IDEA and Section 504. Success is measured by quantifiable office statistics and qualitative data.

GOAL 2: **Training for Hearings Officers to ensure they meet mandatory continuing education requirements.**

Action Plan 1: Hearings Officers attend training to meet annual Continuing Legal Education (CLE) credit requirements. Success is measured by whether all hearing officers meet annual CLE requirements.

Action Plan 2: Attend a week long training with a nationally renowned Technical Advisor retained specifically for ODR's Hearings Officers to provide: (1) current educational training on the IDEA and Section 504, (2) insight on conducting impartial hearings; (3) practical advice on handling high volume caseloads; (4) instruction on handling cases with *pro se* litigants and (5) hands-on advice on writing orders and decisions. Success is measured by all ODR Hearings Officers completing this training.

Action Plan 3: Hearings Officers to attend National Academy for IDEA Administrative Law Judges and Hearing Officers to ensure that the Hearings Officers possess: (1) a fundamental understanding of IDEA, (2) the knowledge and ability to conduct due process hearings, and (3) the ability to decide and write decisions that comply with the appropriate, standard, legal practice. Success is measured by obtaining approval for each Hearings Officer to attend the training annually.

GOAL 3: **System-wide education regarding the Hearing Process.**

Action Plan 1: Explore scheduling semi-annual stakeholder meetings to address systemic issues and solicit feedback. Event should include, Petitioners Attorneys, Parents, Disability Rights Stakeholders, the Department of Education, and Hearings Officers. Success is measured by the completion of semi-annual stakeholder meetings.

Action Plan 2: Create an ODR web page containing relevant forms and explaining the process and procedures for impartial due process hearings in Hawaii. Success is measured by the creation of a webpage.

GOAL 4: **Proficiency in conducting Virtual Administrative Hearings due to the COVID-19 pandemic.**

Action Plan 1: Because of stay-at-home orders, office closures, and the need for social distancing, ODR had to adapt its procedures to allow for continued operations in a safe manner. Our plan is to continue to hold administrative proceedings in a virtual format as long as

necessary to ensure the safety of ODR personnel, the Parties, and necessary service providers. Success is measured by completion of a seamless proceeding while maximizing social distancing.

Action Plan 2: Attend available trainings related to the virtual platform to ensure ODR remains adept to the features and functions of the program. Success is measured by ODR personnel's expertise in capitalizing on its usage of the program.

The target date for reaching the goals of the Office of Dispute Resolution is ongoing.