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CHAPTER II

ORGANIZATION OF THE ATTORNEY GENERAL'S OFFICE

The Department of the Attorney General is comprised of an executive office, various attorney divisions, various non-attorney/support divisions, and various administratively attached agencies and commissions.

A. OFFICE OF THE ATTORNEY GENERAL

The Department is headed by the Attorney General and the First Deputy Attorney General. Their executive office includes the Administrative Services Manager, Special Assistant, and their secretaries.

1. The Attorney General

- a. Qualifications – There is no specific provision that the Attorney General must be a practicing attorney admitted to the bar of the State of Hawaii. However, the Hawaii Revised Statutes (HRS) require duties of the Attorney General which he/she can perform only if he/she has been admitted to the bar. The Attorney General must also be a citizen of the United States, and a resident of the State of Hawaii for at least one year immediately preceding his/her appointment (HRS §§ 28-1, 78-1).
- b. Term of Office – The Attorney General is nominated and with the consent of the Senate, appointed by the Governor. He/she holds office for a term to expire at the end of the term for which the Governor was elected. The Governor may, with the consent of the Senate, remove the Attorney General. A vacancy in the office of the Attorney General is filled by appointment pursuant to Article V, Section 6 of the State Constitution and HRS § 26-31.
- c. Functions, Duties and Responsibilities
 - (1) As the head of the department, the Attorney General is responsible for the overall administration of the department, which includes goal setting and implementation, budgeting, hiring of staff, and supervision of the divisions and agencies attached to the department.
 - (2) The Attorney General has exclusive authority to control and manage for the state, all phases of civil litigation in which the state has an interest, unless authority to do so in specific matters has been expressly or implicitly granted to another department or

agency. HRS § 26-7, Island Gentry Joint Venture v. State, 57 Haw. 259 (1976). By controlling litigation, the Attorney General is in a major strategic position to shape the long-term development of the law through careful case selection and consistent appellate advocacy over extended periods of time.

- (3) As the chief legal officer for the state, the Attorney General Provides legal advice to the Governor, members of the Legislature, state agencies and public officers and employees. Through this legal advice function, the Attorney General is able to establish consistency and uniformity in the state's legal policy, engage in preventative law and ensure the legality of state government action.
- (4) The Attorney General personally approves and signs all formal opinions issued by the department. This opinion function helps to clarify the law for state officials so they can avoid lawsuits and illegal acts, and additionally, allows the Attorney General to identify areas of legislative oversight which need correction.
- (5) The Attorney General serves as a public advocate in such areas as antitrust, child protective services, child support enforcement, labor law enforcement and consumer protection. In this role, the Attorney General is an initiator or plaintiff, instead of the traditional defendant/respondent and participates in major public policy initiatives.
- (6) As the chief law enforcement officer for the state, the Attorney General initiates investigations and prosecutions of crimes and assists the counties in criminal law enforcement.
- (7) The Attorney General is an official member of numerous organizations that have as their goal the improvement of law enforcement and the quality of legal services.
- (8) The Attorney General proposes and reviews proposed legislation and thus, participates in the shaping of the legislature's agenda. Additionally, the Attorney General's opinion function often reveals areas of statutory inconsistency or inadequacy which provide a source of law reform ideas.
- (9) The Attorney General shall initiate, develop, and perform or coordinate programs, projects and activities on the subject of crime, including but not limited to crime research, prevention and education.

- d. Membership – The Attorney General retains membership in the following organizations:

- (1) American Bar Association
- (2) American Judicature Society
Administrative Committee
- (3) Conference of Western Attorneys General
- (4) Hawaii State Law Enforcement Officials Association
- (5) Hawaii Prosecuting Attorneys Association
- (6) High Intensity Drug Trafficking Areas
- (7) Interagency Council on Intermediate Sanctions
- (8) National Association of Attorneys General
Agricultural Committee
Criminal Law Committee
Environmental Protection Agency Committee
Executive Committee Representing Western States
Marijuana Issues Working Groups
Planning Committee
National Attorneys General Training & Research Institute
(NAGTRI)
Training Committee
- (9) Statewide Interoperability Executive Committee

The Attorney General’s membership in these organizations enables the department to utilize national, regional, and state information networks; to participate in the efforts of state and national agencies in planning strategies against crime; and to address issues of social and legal concern.

2. First Deputy Attorney General

- a. Appointment – According to HRS § 28-8, “the attorney general shall appoint, and at the attorney general’s pleasure remove, a first deputy attorney general”
- b. Individual Responsibilities and Duties
 - (1) Screens material for the Attorney General;
 - (2) Handles special projects for the Attorney General;
 - (3) Chairs the AOR Committee and monitors the consistency, efficiency and accuracy of the Department’s legal work.
 - (4) Acts as the Attorney General’s representative to the Legislature, the Governor and the public when the Attorney General is not available.

3. Administrative Services Manager

Appointment – According to HRS § 28-7.5, “The attorney general may appoint and, at the attorney general’s pleasure, dismiss an administrative services manager of the department of the attorney general.”

- a. Individual Responsibilities – HRS § 28-7.5 states that the Administrative

Services Manager “*shall generally assist the attorney general, as the attorney general may require, in the performance of the administrative and managerial duties of the attorney general that are not required to be performed by an attorney.*” Present responsibilities include coordinating the department’s fiscal, budgetary, personnel, parking, and facility management processes and serving as the department’s Safety, Records, and Language Access Officer.

4. Special Assistant to the Attorney General

Appointment – According to HRS § 28-8.5, the Attorney General may appoint a Special Assistant to assist him/her in carrying out various duties and responsibilities of the department.

- a. Individual Responsibilities – The Special Assistant serves as the legislative coordinator to shepherd all legislative bills proposed by the department through the legislature, assists in coordination of departmental review of all proposed legislation and bills passed by the Legislature, serves as the department’s information officer, and performs other such functions at the direction of the Attorney General.

B. LEGAL DIVISIONS

Each attorney division is headed by a supervising deputy attorney general. The role of the division supervisor is set forth in chapter III, section C of this manual. The attorney divisions are composed of attorneys and support staff who carry on the day to day legal functions of the Department of the Attorney General.

1. Administrative Division

As it has evolved over the years, the main mission of the Administration Division is to provide advice and counsel to, and representation of policy-making executive branch agencies (i.e., Governor, Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assist in implementing policy decisions (e.g., through Executive Orders, legislation, and rules); and assist the implementation of the core activities of these agencies and the attached agencies (i.e., Employees’ Retirement System, Hawaii Employer-Union Health Benefits Trust Fund, Office of Information Management and Technology; State Procurement Office, Stadium Authority, Office of Elections, Campaign Spending Commission, and Land Use Commission). The Administration Division also provides advice and counsel to, and representation of the Judiciary and Legislature and their agencies.

2. Appellate Division

The primary mission of the Appellate Division is to maximize the quality of the appellate representation of all of the department’s clients, and to provide constructive and quality legal advice to deputies throughout the department, on all legal matters.

3. 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 a sound knowledge of the subject legal doctrines and operational issues facing the clients, and capitalizing on available technology.
4. Civil Rights and Tort Litigation Divisions
The Civil Rights and Tort Litigation Divisions provide legal defense to the state, its departments and agencies, and certain state employees in lawsuits or other claims that involve allegations of injuries or damages arising from various torts, and constitutional or civil rights violations. This defense includes, but is not limited to, answering legal complaints filed in court, investigating claims, conducting discovery, filing motions as determined to be necessary, and representing state interests at arbitrations, mediations, and trials.
5. Commerce and Economic Division
The mission of the Commerce and Economic Development Division is to provide high quality and timely legal services to the Department of Commerce and Consumer Affairs, the Department of Business, Economic Development, and Tourism, the Department of Agriculture, and the Deferred Compensation Board. The division also enforces the antitrust laws, issues commissions to and regulates the practice of notaries public, and advises the Legislature, the Governor, and other affected agencies on legal issues arising from the subject matter of the division.
6. 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.
 - a. Medicaid Fraud Control Unit
Hawaii Revised Statutes § 28-91 establishes a Medicaid fraud unit within the Department of the Attorney General. The purpose of the unit is to conduct a statewide program for the investigation and prosecution of Medicaid fraud cases and violations of all applicable state laws relating to the providing of medical assistance and the activities of providers of such assistance. The Medicaid Fraud Control Unit may also review and take appropriate action complaints of abuse and neglect of patients of health care facilities receiving payments under the state plan for medical assistance and may provide for collection of referral for collection of overpayments made under the state plan for medical assistance that are discovered by the unit in carrying out its activities.

- b. Tobacco Unit

The unit is part of the Criminal Justice Division. The work of the Unit is influenced by the complexities of tobacco enforcement and regulation. The objective of the unit is to assure that the laws of the state are followed with regard to the taxation and sale of cigarettes and other tobacco products and that the state receives a full measure of all Tobacco Master Settlement (MSA) payments to which it is entitled. This is achieved through diligent enforcement of the laws regulating amongst other things the sale, distribution, stamping, and taxation of cigarettes and other tobacco products as applicable.

7. Education Division

The mission of the Education Division is to provide quality and timely legal services to all of the division's clients, which include the Department of Education 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 Advisory Board.

8. 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 own employees or prospective employees.

9. Family Law Division

The mission of the Family Law Division is to represent state agencies in Family Court proceedings. The Family Law Division handles all state litigation under the jurisdiction of the Family Court, such as child and adult protection, guardianships, truancy, adolescent status and law violations where services are provided by the Department of Health (DOH), the Department of Education (DOE), and the Department of Human Services (DHS), and involuntary civil mental commitment hearings. Clients include the DOH, the DHS, the DOE, and the Office of the Public Guardian.

10. Health and Human Services Division

The mission of the Health and Human Services Division is to provide excellent and timely legal services and support to its clients, the Department of Health and the Department of Human Services. The division provides legal advice to all Department of Health and Department of Human Services programs, enforces the state's environmental laws and healthcare facility licensing laws, represents client programs in administrative hearings, takes appeals to circuit court from administrative decisions, and handles some appeals in both the state and federal appellate systems.

11. 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 and boards and agencies administratively attached to that department. These agencies include, but are not limited to, the State Fire Council and Office of Community Services. In connection with its enforcement of the various labor laws, the division collects penalties, fines, and reimbursements. The division also provides legal advice and representation to the Employees' Retirement System's Medical Board and the Office of Language Access.

12. 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, Forestry and Wildlife, Land, Historic Preservation, 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 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, Oahu Metropolitan Planning Organization, 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 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 property 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.

13. Legislation Division

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

14. Public Safety, Hawaiian Home Lands and Housing Division
The Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and representation in litigation to the Department of Public Safety and its attached agencies and commissions (which include the Hawaii Paroling Authority, the Correctional Industries Advisory Committee, the Corrections Population Management Commission and the Crime Victim Compensation Commission), the Department of Hawaiian Home Lands, the Hawaii Housing Finance and Development Corporation, the Hawaii Public Housing Authority and the Hawaii Community Development Authority.
15. Tax and Charities Division
The Tax & 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, and opinions and advice. The division oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The division is responsible for the registration of charitable organizations that solicit contributions, for professional solicitors and professional fundraising counsels under HRS chapter 467B, and for enforcement of Hawaii’s charitable solicitation laws.

C. PUBLIC SERVICE DIVISIONS

1. Child Support Enforcement Agency Division
The Child Support Enforcement Agency provides assistance to children by locating parents, establishing paternity and support obligations (both financial and medical), and enforcing those obligations. Its mission is to promote the well-being of children and the self-sufficiency of families, through the timely and accurate establishment and enforcement of child support, while providing excellence in customer service.
2. Crime Prevention and Justice Assistance Division
The mission of the Crime Prevention and Justice Assistance Division is to assist the criminal justice system agencies to improve service delivery and to promote the involvement of communities in the prevention of crime. The division coordinates statewide programs, activities, research, and grants for the improvement of the criminal justice system, crime victim services, and community crime prevention efforts. The Juvenile Justice Information System, which tracks youths from arrest to parole, is also a responsibility of the division.
3. Hawaii Criminal Justice Data Center
The Hawaii Criminal Justice Data Center is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), the statewide sex offender registry and serves as Hawaii’s point of contact for the FBI’s National Crime Information Center (NCIC) program.

4. Office of Child Support Hearings
The mission of the division is to resolve administrative child support disputes fairly, impartially, and expeditiously. The division, once a branch of the Child Support Enforcement Agency, became a division of the department in 1992. Orders issued by attorney hearings officers establish, modify, terminate, and enforce child support obligations. The orders, filed with the circuit court, have the same force and effect as circuit court orders.

D. NON-LEGAL/SUPPORT DIVISION

1. Administrative Services Office
Provides support services to the department in the way of Fiscal, Budget, Human Resources, IST, Library & Research and Reception & mail services and facilities management.
 - a. Fiscal/Budgeting Office
This office provides accounting which includes processing of payroll, and vendor payments, asset inventory management, budgeting which entails monitoring of all fund accounts, auditing, and purchasing of office supplies and other items.
 - b. Information Systems & Technology Unit
The IST unit supports the legal, ASO, Investigations, and CPJA divisions. Responsibilities include desktop/laptop computers, file servers, software applications, network connectivity, printers, and selected department webpages.
 - c. Library
The library is located in the diamond head corner of the second floor of Hale Auhau. It contains treatises, reference materials, videotapes, as well as binding machines and a Xerox machine for the use of the department's employees. Borrowing is on the honor system with no due dates. However, borrowers are to let someone else temporarily use their materials with the understanding that they will return the item to the original borrower. The Library is open 24/7 to those who have access to Hale Auhau after hours.
 - d. Human Resources Office
The Human Resources Office (HRO) provides guidance and support for all personnel actions occurring within the Department of the Attorney General. With overall guidance from Office of the Attorney General (OAG) management and DHRD personnel, HRO fully supports management, supervisors and employees with a wide range of personnel services to include staffing, recruitment, and labor relations. HRO ensures a safe, healthy, thriving work environment to motivate all employees to best service the public.

2. Investigations Division
Pursuant to Section 28-11, HRS, the Investigation 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 also performs additional tasks as directed by the Attorney General.

The duties generally include analyzing complaints and allegations; identifying issues; developing an investigative plan; gathering facts and evidence through interviews, examination of records and the collection of evidence through interviews, examination of records and the collection of physical evidence; working with the attorney assigned to the case; writing reports and testifying in court.

The Investigations Division of the Department of the Attorney General is committed to protecting all citizens of the State of Hawaii. We are dedicated to conduct fair and impartial investigations while protecting the rights of the public through law enforcement services, protecting all citizens in the State of Hawaii.

E. ADMINISTRATIVELY ATTACHED AGENCIES

1. Commission to Promote Uniform Legislation – The commission was established pursuant to sections 3-1 and 26-7, H.R.S. The commission was established in an advisory capacity to the Attorney General and to the Legislature on matters related to the promotion of uniform legislation. The commissioners represent the State of Hawaii at the annual meetings of the National Conference of Commissioners on Uniform State Laws, which is also popularly known as the “Uniform Law Commission.” The Legislative Division is assigned to provide staff support to the Commission to Promote Uniform Legislation.