

COMMITTEE ON WAYS AND MEANS

Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair

Testimony Index

DATE: Thursday, January 3, 2008
TIME: 1:30 PM
PLACE: Conference Room 211
State Capitol
415 South Beretania Street

Department of the Attorney General

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**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

- Department-Wide Budget Summary Information
- Program ID ATG-100 – Legal Services
- Program ID ATG-231 – State Criminal Justice Information and Identification
- Program ID ATG-500 – Child Support Enforcement Services

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
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January 2008

Department-Wide Budget Summary Information

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
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HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

DEPARTMENT-WIDE BUDGET SUMMARY INFORMATION

1. Totals for department FY08 budget with restrictions (where applicable) and emergency requests and FY09 proposed operating budget adjustments by means of financing.

See Attachment 1.

2. Identify any emergency requests (by title and amount) that your department will be seeking for the current fiscal year.

See Attachment 2.

3. Provide a summary of our FY09 proposed operating budget adjustments by Program ID. This summary should provide the aggregate of adjustments by Program ID and by means of financing.

See Attachment 3.

4. Provide a description of all FY09 proposed operating budget adjustments by Program ID.

See Attachment 4.

5. Provide a listing of all proposed FY09 capital improvement program projects.

See Attachment 5.

6. Briefly discuss specific budget adjustments of concern for your agency.

Specific budget adjustments are discussed in the testimony of the corresponding program ID.

7. Provide a summary of your department's request to the Department of Budget and Finance, the funding decisions made by the Department of Budget and Finance, and the funding decisions finalized by the Governor.

See Attachment 6.

8. Explain the process used to identify priorities (requests for additional operating and capital improvements program funding) for your department including which category the requests for additional funding fall into: a. program initiatives of the Governor, b. certain unavoidable fixed costs and entitlements, or c. on-going critical programs which lack continuing funding.

Priorities were identified through consultation with each division. All requests fall into category c., "on-going critical programs which lack continuing funding."

9. Discuss how requests for additional operating and capital improvements program funding were prioritized and discuss the manner in which community, departmental, and legislative input was gathered and utilized to determine priorities.

Requests for additional operating funding were prioritized through consultation with each division. The department has no requests for capital improvements program funding.

10. Briefly discuss which actions your department has taken or is planning to take to reduce operating costs, and how those actions will translate into savings that may be reduced from your budget.

See Attachment 7.

11. Identify all positions that are vacant as of December 1, 2007. For each of these positions please indicate if authority for your department to hire was or was not granted.

See Attachment 8.

12. Provide a listing of all instances of your department's expenditures exceeding the federal fund ceiling for FY07 and FY08.

See Attachment 9.

13. Provide a listing of all budget appropriations transferred to another program ID and/or another department in FY07 and FY08.

See Attachment 10.

14. Provide a listing of all deployed positions.

See attachment 11.

Attachment 1
Department-Wide Summary Information
Totals for Proposed Department Budget Adjustments (by Method of Funding)

FY08				
MOF	Act 213/07	Restriction	Emergency	Total FY08
	Appropriation		Request	
	(a)	(b)	(c)	(a)+(b)+(c)
General	30,703,685			30,703,685
Special	1,893,738			1,893,738
Federal	26,251,259			26,251,259
Trust	6,176,937			6,176,937
Interdepartmental	8,049,467			8,049,467
Revolving	5,739,353			5,739,353
Dept. Totals	78,814,439			78,814,439

FY09				
MOF	Act 213/07	Reduction	Addition	Total FY09
	Appropriation		(f)	
	(d)	(e)	(f)	(d)+(e)+(f)
General	29,690,945		551,411	30,242,356
Special	1,889,738			1,889,738
Federal	25,703,229	(29,173)		25,674,056
Trust	6,067,383			6,067,383
Interdepartmental	8,060,717		644	8,061,361
Revolving	5,746,603		133,673	5,880,276
Dept. Totals	77,158,615	(29,173)	685,728	77,815,170

Attachment 2
Department-Wide Summary Information
Fiscal Year 08 Proposed Emergency Requests

<u>Program ID</u>	<u>MOF</u>	<u>Title of Emergency Requests</u>	<u>FTE</u>	<u>\$ Amount</u>
		NONE		
Dept. Totals by MOF			-	-

Attachment 3
Department-Wide Summary Information
Fiscal Year 09 Proposed Budget Adjustments

Program ID	MOF	Program ID Title	FTE	\$ Amount
ATG100	GENERAL	LEGAL SERVICES	2.50	141,875
ATG100	REVOLVING	LEGAL SERVICES	1.00	26,985
ATG100	REVOLVING	LEGAL SERVICES	-	80,000
ATG100	GENERAL	LEGAL SERVICES	2.00	(1,160)
ATG100	GENERAL	LEGAL SERVICES	2.00	-
ATG100	INTERDEPART'L	LEGAL SERVICES	1.00	-
ATG100	INTERDEPART'L	LEGAL SERVICES	0.50	644
ATG100	FEDERAL	LEGAL SERVICES	-	91,015
ATG100	GENERAL	LEGAL SERVICES	5.28	259,765
ATG100	FEDERAL	LEGAL SERVICES	-	(150,381)
ATG100	GENERAL	LEGAL SERVICES	4.00	-
ATG100	GENERAL	LEGAL SERVICES	-	-
		TOTAL LEGAL SERVICES	18.28	448,743
ATG231	REVOLVING	CIVIL IDENTIFICATION	1.00	-
ATG231	REVOLVING	CIVIL IDENTIFICATION	-	-
ATG231	GENERAL	CRIMINAL JUSTICE INFO. & ID	2.00	60,000
ATG231	FEDERAL	CRIM. JUSTICE DATA CENTER	(1.00)	(26,688)
ATG231	REVOLVING	CRIM. JUSTICE DATA CENTER	1.00	26,688
ATG231	GENERAL	CRIMINAL JUSTICE INFO. & ID	-	70,000
		TOTAL HI CRIM JUSTICE DATA CTR.	3.00	130,000
ATG500	GENERAL	CHILD SUPPORT ENFOR. AGENCY	-	-
ATG500	FEDERAL	CHILD SUPPORT ENFOR. AGENCY	-	-
ATG500	GENERAL	CHILD SUPPORT ENFOR. AGENCY	0.68	20,931
ATG500	FEDERAL	CHILD SUPPORT ENFOR. AGENCY	1.32	56,881
		TOTAL CSEA	2.00	77,812
Dept. totals	GENERAL		18.46	551,411
	FEDERAL		0.32	(29,173)
	INTERDEPART'L		1.50	644
	REVOLVING		3.00	133,673
Dept. Totals by MOF	TOTAL		23.28	656,555

**Attachment 4
Fiscal Year 09 Proposed Budget Adjustments**

<u>Program I.D.</u>	<u>Description of Adjustment</u>	<u>FTE</u>	<u>\$ Amount</u>	<u>MOF</u>
ATG100AA	Continued funding of the Drug Nuisance Abatement Unit from Act 180/07.	2.50	141,875	A
ATG100AA	CED - Add Clerk Typist for Notary	1.00	26,985	W
ATG100AA	CED - Digitize old Notary records (one-time cost).		80,000	W
ATG100AA	Criminal Justice Division (CJD) - Reauthorize Deputy Attorney General and Legal Assistant positions.	2.00	(1,160)	A
ATG100AA	ASO - Reauthorize positions for Personnel Management Specialist & Personnel Clerk.	2.00	-	A
ATG100AA	Public Safety, Hawaiian Home Lands, and Housing Division (PSHHD) - Authorize two Deputy Attorneys General	1.00	-	A
ATG100AA	Health and Human Services Division (HHSD) - Convert a permanent .5 Deputy to Legal Assist III.	0.50	644	U
ATG100AC	Crime Prevention and Justice Assistance Division (CPJA) -Increase Federal fund ceiling for Coverdell grant		91,015	N
ATG100AI	Funding to support the sex offender registration program and implementation of the Adam Walsh Act.	5.28	259,765	A
			(150,381)	N
ATG100CU	Civil Recoveries Division (CRD) - convert temporary positions to permanent.	4.00		A
	TOTAL ATG100	18.28	448,743	
ATG231BB	Hawaii Criminal Justice Data Center (HCJDC) - convert DPUST position from temporary to permanent.	1.00		W
ATG231BC	Funding to support the sex offender registration program and implementation of the Adam Walsh Act.	2.00	60,000	A
ATG231BC	HCJDC - Convert Clerk IV from Federal to Revolving funds		(26,688)	N
			26,688	W
ATG231BC	HCJDC - Add funding for Geocode sex offender registry		70,000	A
	TOTAL ATG231	3.00	130,000	
ATG500GA	Child Support Enforcement Agency (CSEA) -Transfer Family Support Unit funding from other current expense to personal services.		-	A
			-	N
ATG500GA	CSEA - Add two Legal Assistant III to Administrative Processing Branch	0.68	20,931	A
		1.32	56,881	N
	TOTAL ATG500	2.00	77,812	

Attachment 5
FY09 Capital Improvements Program Summary

<u>Priority</u>	<u>Project Title</u>	<u>FY09 \$ Amount</u>	<u>MOF</u>
1	NONE		
2			
3			
4			

**Attachment 6
FY09 Request Decisions**

Department Priority	Program ID	Description	MOF	Department			Budget and Finance			Governor's Final Decision			
				Perm. FTE	Temp. FTE	\$ Amount	Perm. FTE	Temp. FTE	\$ Amount	Perm. FTE	Temp. FTE	\$ Amount	
	ATG100AA	Continued funding of the Drug Nuisance Abatement Unit from Act 180/07.	A	2.50		141,875				2.50		141,875	
	ATG100AA	Deputy AG salary adjustment to allow for pay raise July 1 instead of Oct 1, 2008.	A			102,725						-	
B					4,025							-	
N					9,625								-
U					58,625								-
	ATG100AA	CED - Add Clerk Typist for Notary	W	1.00		26,985				1.00		26,985	
	ATG100AA	CED - Digitize old Notary records	W			80,000						80,000	
	ATG100AA	Criminal Justice Division (CJD) - Reauthorize Deputy Attorney General and Legal Assistant positions.	A	2.00	(2.00)	(1,160)				2.00	(2.00)	(1,160)	
	ATG100AA	ASO - Reauthorize positions for Personnel Management Specialist & Personnel Clerk.	A	2.00	(2.00)	-				2.00	(2.00)	-	
	ATG100AA	Family Law Division (FLD) - Add two Legal Clerks and one Legal	A	2.34		56,072				-		-	
N			0.66		15,728						-		-
	ATG100AA	Public Safety, Hawaiian Home Lands, and Housing Division (PSHHD) -	A			15,000						-	
U			1.00	(1.00)	(15,000)				1.00	(1.00)		-	
	ATG100AA	Health and Human Services Division (HHSD) - Convert a permanent .5 Deputy to Legal Assist III.	U	0.50		644				0.50		644	
	ATG100AC	Crime Prevention and Justice Assistance Division (CPJA) -Increase Federal fund ceiling for Coverdell grant	N			91,015						91,015	
	ATG100AC	CPJA - Technical training for Next Generation Juvenile Justice Information System (JJIS).	A			112,292						-	
	ATG100AI	Funding to support the sex offender registration program and	A	5.28		259,765				5.28		259,765	
N				(2.28)	(150,381)					(2.28)	(150,381)		
	ATG100CU	Civil Recoveries Division (CRD) - convert temporary positions to permanent.	A	4.00	(4.00)					4.00	(4.00)		

**Attachment 6
FY09 Request Decisions**

ATG231BB	Hawaii Criminal Justice Data Center (HCJDC) - convert DPUST position from temporary to permanent.	W	1.00	(1.00)					1.00	(1.00)	
ATG231BC	Funding to support the sex offender registration program and implementation of the Adam Walsh Act.	A	2.00		60,000				2.00		60,000
ATG231BC	HCJDC - Convert Clerk IV from Federal to Revolving funds	N			(26,688)				(1.00)		(26,688)
		W			26,688				1.00		26,688
ATG231BC	HCJDC - Add funding for Geocode sex offender registry	A			70,000						70,000
ATG231BC	HCJDC - Establish HIJIS Project Manager Position	A		1.00	62,000					-	-
ATG500GA	Child Support Enforcement Agency (CSEA) -Transfer Family Support	A			-						-
		N			-						-
ATG500GA	CSEA - Add two Legal Assistant III to Administrative Processing Branch	A	0.68		20,931				0.68		20,931
		N	1.32		56,881				1.32		56,881
ATG500GA	CSEA - Replace rent paid to DAGS, previously paid with Trust funds that	A			70,512						-
		T			(70,512)						-
ATG500GA	CSEA - Maintenance for Decision Support system	A			20,400						-
		N			39,600						-
ATG500GA	CSEA - Increase staff to expand Case Based Management Strategy	A	4.08		213,175				-		-
		N	7.92		521,113				-		-
ATG500GA	CSEA - Computer hardware & software leasing	A			76,500						-
		N			148,500						-
ATG500GA	CSEA - Reimburse Trust Fund shortages	A			802,215						-
ATG500GA	CSEA - Modular furniture (not a recurring expenditure)	A			238,000						-
		N			462,000						-
ATG500GA	CSEA - Recoupment of TANF fees.	A			11,220						-
		N			21,780						-
ATG500GB	Office of Child Support Hearings (OCSH) - Increase Other Current	A			7,117						-
		N			13,814						-

TOTAL REQUEST:

38.28	(11.28)	3,653,081
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23.28	(12.28)	656,555
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**** No B&F recommendation was provided

**Attachment 7
Actions to Realize Savings**

Program ID	MOF	Description of Action to Realize Savings	\$ Amount of Actual FY07	\$ Amount of Projected
			Savings	FY08 Savings
ATG100	A	Personal Services - Savings due to staff turnover and be delaying the filling of vacant positions	264,673	None
ATG100	A	Witness Security Fund - Savings realized due to Honolulu Police Department having lower activity for witness security	109,063	None
ATG500	A	Personal Services - savings due to vacancies related to the delay in Call Center start up.	189,898	None

**Attachment 8
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount	Actual Salary Last Employee Paid	MOF	Authority to Hire (Y/N)
09/02/03	ATG100AA	Investigator V	00006477	N	49,344.00	49,344.00	General	Y
01/02/07	ATG100AA	Chief Special Investigator	00006479	N	76,056.00	81,195.12	General	Y
07/07/07	ATG100AA	Legal Clerk	00008580	N	31,176.00	32,460.00	General	Y
07/10/07	ATG100AA	Legal Clerk	00010596	N	31,176.00	33,732.00	Inter-dept	Y
06/01/07	ATG231BB	Fingerprint Classification Clerk II	00014821	N	28,884.00	41,064.00	Revolving	Y
07/01/05	ATG500GA	Support Payments Officer	00015973	N	32,460.00	34,068.00	N+66%, A=34%	Y
04/02/07	ATG100AA	Auditor V	00016013	N	49,344.00	55,500.00	General	Y
10/16/07	ATG231BA	Criminal ID Technician I	00017368	N	26,688.00	35,112.00	General	Y
12/31/06	ATG500GA	Child Support Enfc Spclt V	00025935	N	49,344.00	67,536.00	N+66%, A=34%	Y
08/01/06	ATG500GA	Child Support Enfc Spclt IV	00025953	N	43,824.00	57,996.00	N+66%, A=34%	Y
03/08/05	ATG500GA	Support Payments Officer	00026166	N	32,460.00	41,256.00	N+66%, A=34%	Y
07/01/06	ATG100AA	Legal Clerk	00026219	N	31,176.00	33,912.00	General	Y
09/26/07	ATG500GA	Clerical Supervisor I	00027287	N	26,688.00	31,176.00	N+66%, A=34%	Y
02/06/07	ATG500GA	Support Payments Officer	00027289	N	32,460.00	42,696.00	N+66%, A=34%	Y
06/16/06	ATG500GA	Cashier II	00028291	N	28,884.00	36,492.00	N=66%,A=34%	Y
12/19/05	ATG500GA	Clerk Typist III	00029534	N	26,688.00	26,832.00	N=66%,A=34%	Y
10/03/05	ATG100AB	Clerk Stenographer II	00029623	N	25,668.00	30,156.00	Federal	Y
06/15/06	ATG100AB	Legal Assistant III	00030098	N	40,512.00	40,032.00	B=25%,N=75%	Y
12/31/06	ATG500GA	Investigator III	00030920	N	40,512.00	49,332.00	N=66%,A=34%	Y
02/05/01	ATG500GA	Administrative Services Asst	00031193	N	43,824.00	43,824.00	N=66%,A=34%	Y
07/17/07	ATG500GA	Child Support Enfc Spclt IV	00031195	N	43,824.00	47,436.00	N=66%,A=34%	Y
12/27/07	ATG500GA	Clerk Typist III	00031231	N	26,688.00	32,424.00	N=66%,A=34%	Y
12/27/07	ATG500GA	Clerk Typist III	00031233	N	26,688.00	26,832.00	N=66%,A=34%	Y
03/13/07	ATG100AB	Investigator V	00031525	N	49,344.00	37,464.00	B=25%,N=75%	Y
10/03/05	ATG100AA	Legal Clerk	00032406	N	31,176.00	31,332.00	Inter-dept	Y
09/30/05	ATG100AB	Investigator V	00033220	N	49,344.00	56,040.00	Special	Y
11/01/03	ATG100AA	Investigator V	00033404	N	49,344.00	53,376.00	General	Y
11/16/07	ATG100AB	Investigator V	00034764	N	49,344.00	51,300.00	B=25%,N=75%	Y
03/17/06	ATG500GA	Clerk Typist III	00037340	N	26,688.00	28,968.00	N=66%,A=34%	Y
05/29/07	ATG500GA	Clerk Typist III	00037341	N	26,688.00	28,860.00	N=66%,A=34%	Y
10/11/01	ATG500GA	Accountant III	00037407	N	40,512.00	34,320.00	N=66%,A=34%	Y

**Attachment 8
All Positions Vacant As of 12/1/07**

10/08/05	ATG500GA	Cashier II	00037459	N	28,884.00	28,968.00	N=66%,A=34%	Y
07/18/05	ATG100AA	Legal Clerk	00037607	N	31,176.00	30,300.00	General	Y
12/01/06	ATG100AA	Clerk II	00037659	N	22,776.00	24,684.00	General	Y
01/01/07	ATG100AA	Clerk Typist II	00038324	N	24,684.00	29,976.00	General	Y
09/11/07	ATG500GA	Clerk Typist II	00038421	N	24,684.00	25,668.00	N=66%,A=34%	Y
10/24/02	ATG100CU	Account Clerk II	00039453	N	24,684.00	21,907.20	Inter-dept	Y
09/01/07	ATG500GA	Child Support Enfc Spclt IV	00039782	N	43,824.00	55,488.00	N=66%,A=34%	Y
06/15/06	ATG500GC	Legal Assistant III	00039884	N	40,512.00	37,632.00	N=66%,A=34%	Y
02/01/07	ATG500GA	Social Service Assistant IV	00040023	N	27,732.00	29,976.00	N=66%,A=34%	Y
08/24/02	ATG500GC	Clerk Typist II	00040049	N	24,684.00	24,684.00	N=66%,A=34%	Y
03/01/05	ATG500GA	Information Specialist IV	00040358	N	43,824.00	44,292.00	N=66%,A=34%	Y
07/01/07	ATG100AA	Legal Assistant III	00040553	N	40,512.00	40,512.00	General	Y
06/28/07	ATG100AA	Legal Assistant III	00040554	N	40,512.00	42,144.00	General	Y
08/01/07	ATG500GA	Legal Assistant III	00040706	N	40,512.00	51,300.00	N=66%,A=34%	Y
08/01/06	ATG100CU	Clerk Typist II	00040716	N	24,684.00	25,764.00	Inter-dept	Y
04/26/07	ATG500GA	Clerk Typist II	00040799	N	24,684.00	26,664.00	N=66%,A=34%	Y
09/01/04	ATG100AA	Investigator IV	00040975	N	49,344.00	43,860.00	General	Y
07/07/07	ATG100AA	Legal Clerk	00041406	N	31,176.00	35,112.00	General	Y
07/18/05	ATG500GC	Clerk Typist II	00041802	N	24,684.00	24,888.00	N=66%,A=34%	Y
04/16/07	ATG100AA	Clerk II	00041851	N	22,776.00	21,900.00	General	Y
06/05/07	ATG500GA	Clerk Typist II	00042393	N	24,684.00	23,736.00	N=66%,A=34%	Y
06/08/07	ATG500GA	Cashier Clerk	00042394	N	24,684.00	28,884.00	N=66%,A=34%	Y
08/25/06	ATG500GA	Legal Assistant III	00042608	N	40,512.00	42,348.00	N=66%,A=34%	Y
05/09/07	ATG100CU	Clerk Typist II	00043215	N	24,684.00	23,736.00	Inter-dept	Y
11/01/07	ATG100AA	Legal Clerk	00043884	N	31,176.00	44,400.00	General	Y
05/24/07	ATG500GA	Account Clerk III	00045674	N	28,884.00	27,768.00	N=66%,A=34%	Y
01/09/07	ATG500GA	Account Clerk IV	00045678	N	30,012.00	33,756.00	N=66%,A=34%	Y
06/15/07	ATG231BC	Clerk Typist II	00047657	N	24,684.00	28,860.00	General	Y
04/24/06	ATG231BC	Clerk Typist III	00048593	N	26,688.00	32,616.00	General	Y
08/01/05	ATG500GA	Personnel Mgmt Specialist III	00049320	N	40,512.00	36,360.00	N=66%,A=34%	Y
09/16/03	ATG100AA	Investigator IV	00049324	N	43,824.00	38,976.00	General	Y
11/15/07	ATG100AA	Legal Assistant III	00049337	N	40,512.00	49,344.00	Inter-dept	Y

Attachment 8
All Positions Vacant As of 12/1/07

09/16/97	ATG100AA	Investigator V	00049338	N	49,344.00	35,597.00	General	Y
05/16/05	ATG100AA	Investigator V	00050195	N	49,344.00	47,892.00	General	Y
02/10/07	ATG100AA	Clerk Typist III	00052798	N	26,688.00	28,860.00	General	Y
08/01/07	ATG100AA	Deputy Attorney General	00100112	Y	88,008.00	92,508.00	General	Y
12/18/06	ATG100AA	Deputy Attorney General	00100981	Y	62,004.00	62,004.00	General	Y
04/18/06	ATG100AB	Deputy Attorney General	00101057	Y	67,000.00	68,004.00	Federal	Y
04/01/05	ATG100CU	Deputy Attorney General	00101221	Y	66,000.00	66,000.00	Inter-dept	Y
02/23/07	ATG100AA	Deputy Attorney General	00101235	Y	69,504.00	69,504.00	Inter-dept	Y
05/04/06	ATG100AA	Deputy Attorney General	00101387	Y	58,004.00	58,008.00	General	Y
10/01/07	ATG100CU	Deputy Attorney General	00101730	Y	74,004.00	78,504.00	Inter-dept	Y
05/15/07	ATG100AA	Deputy Attorney General	00101817	Y	50,004.00	50,004.00	A=63%,U=37%	Y
06/30/07	ATG500GC	Deputy Attorney General	00101862	Y	58,008.00	58,008.00	N=66%,A=34%	Y
11/01/07	ATG100AA	Sec'y to the Spec. Asst to AG	00102069	Y	49,752.00	49,752.00	General	Y
04/06/06	ATG100AA	Deputy Attorney General	00102612	Y	77,004.00	81,012.00	General	Y
06/01/05	ATG100CU	Clerk Typist II	00110220	N	24,684.00	23,952.00	General	Y
04/01/05	ATG100CU	Clerk Typist II	00110221	N	24,684.00	23,952.00	General	Y
07/30/05	ATG500GA	Clerk Typist III	00110292	N	26,688.00	27,984.00	N=66%,A=34%	Y
10/13/06	ATG500GA	Clerk Typist II	00110478	N	24,684.00	26,664.00	N=66%,A=34%	Y
07/01/07	ATG100AA	Clerk Typist II	00110697	N	24,684.00	23,844.00	Inter-dept	Y
07/01/03	ATG100AE	Investigator V	00111544	N	49,344.00	47,448.00	General	Y
07/06/07	ATG100AA	Deputy Attorney General	00111570	Y	49,344.00	67,008.00	Inter-dept	Y
07/01/06	ATG100AA	Investigator V	00111761	N	49,344.00	57,996.00	Federal	Y
11/01/06	ATG100AA	Investigator V	00111854	N	49,344.00	49,332.00	General	Y
07/01/03	ATG100AE	Investigator V	00111855	N	49,344.00	47,448.00	General	Y
11/19/07	ATG500GA	Information Technol Spclt IV	00112591	N	43,824.00	47,832.00	N=66%,A=34%	Y
08/09/07	ATG231BB	ID Service Rep	00112598	Y	30,012.00	30,012.00	Revolving	Y
05/01/02	ATG100AA	Investigator V	00112836	N	49,344.00	47,448.00	Inter-dept	Y
05/01/02	ATG100AA	Investigator V	00112837	N	49,344.00	47,448.00	Inter-dept	Y
05/01/02	AGT100AA	Investigator V	00112838	N	49,344.00	47,448.00	Inter-dept	Y
07/01/02	ATG100AA	Investigator V	00112931	N	49,344.00	38,937.60	General	Y
11/29/05	ATG100AE	Auditor V	00113202	N	49,344.00	49,572.00	Special	Y
08/16/07	ATG100AA	Clerk Typist II	00113217	N	24,684.00	26,688.00	General	Y
06/19/03	ATG100AA	Investigator V	00116407	N	49,344.00	47,448.00	Inter-dept	Y

Attachment 8
All Positions Vacant As of 12/1/07

06/19/03	ATG100AA	Investigator V	00116408	N	49,344.00	47,448.00	Inter-dept	Y
07/28/03	ATG100AA	Investigator V	00116441	N	49,344.00	47,448.00	Inter-dept	Y
11/01/04	ATG100AA	Investigator V	00116465	N	49,344.00	47,448.00	Inter-dept	Y
08/22/03	ATG100AA	Investigator V	00116466	N	49,344.00	47,448.00	Inter-dept	Y
09/02/03	ATG100AA	Investigator V	00116482	N	49,344.00	47,448.00	Inter-dept	Y
10/22/07	ATG100AA	Deputy Attorney Genreal	00116640	Y	57,000.00	57,000.00	Inter-dept	Y
01/27/04	ATG100AA	Investigator V	00116698	N	49,344.00	47,448.00	Inter-dept	Y
05/09/07	ATG100AA	Investigator V	00116785	N	49,344.00	53,352.00	Inter-dept	Y
03/01/04	ATG100AA	Investigator V	00116786	N	49,344.00	47,448.00	Inter-dept	Y
08/24/05	ATG100AA	Administrative Services Manager	00116788	Y	88,000.00	75,000.00	General	Y
08/10/07	ATG231BB	Data Processing User Supp Tech	00116906	N	32,460.00	32,460.00	General	Y
10/01/04	ATG100AA	Investigator V	00117188	N	49,344.00	47,448.00	Federal	Y
10/01/04	ATG100AA	Investigator V	00117189	N	49,344.00	47,448.00	Federal	Y
04/01/05	ATG100AA	Investigator V	00117351	N	49,344.00	47,448.00	General	Y
06/16/05	ATG100AA	Investigator V	00117420	N	49,344.00	45,840.00	Federal	Y
10/16/07	ATG231BC	Clerk Typist III	00117520	N	26,688.00	27,732.00	Revolving	Y
07/14/05	ATG100AA	Deputy Attorney General	00117521	Y	66,000.00	66,000.00	Inter-dept	Y
08/10/05	ATG100AA	Investigator V	00117552	N	49,344.00	47,448.00	Federal	Y
08/10/05	ATG100AA	Investigator V	00117553	N	49,344.00	47,448.00	General	Y
01/03/07	ATG100AA	JJIS Project Manager	00117635	Y	51,816.00	53,629.56	Federal	Y
10/12/05	ATG100AE	Investigator V	00117668	N	49,344.00	47,448.00	Special	Y
11/07/05	ATG100AA	Accountant III	00117709	N	40,512.00	New Position	General	Y
07/01/06	ATG100AA	Investigator V	00117825	N	49,344.00	47,448.00	Federal	Y
07/01/06	ATG100AA	Investigator V	00117837	N	49,344.00	47,448.00	General	Y
02/10/06	ATG100AA	Investigator V	00117838	N	49,344.00	47,448.00	Federal	Y
03/15/06	ATG500GA	Social Service Assistant IV	00117865	N	27,732.00	New Position	N=66%,A=34%	Y
07/20/07	ATG500GA	Social Service Assistant IV	00117869	N	27,732.00	25,668.00	N=66%,A=34%	Y
03/15/06	ATG500GA	Social Service Assistant IV	00117871	N	27,732.00	New Position	N=66%,A=34%	Y
06/06/07	ATG500GA	Social Service Assistant IV	00117872	N	27,732.00	Synder, Alan	N=66%,A=34%	Y
03/15/06	ATG500GA	Social Service Assistant IV	00117874	N	27,732.00	New Position	N=66%,A=34%	Y
03/15/06	ATG500GA	Social Service Assistant IV	00117875	N	27,732.00	New Position	N=66%,A=34%	Y
12/01/06	ATG100AA	Investigator V	00117946	N	49,344.00	43,795.20	Federal	Y
05/12/06	ATG231BC	Clerk Typist III	00117967	N	26,688.00	New Position	Federal	Y
07/20/06	ATG100AA	Investigator V	00118089	N	49,344.00	New Position	General	Y

**Attachment 8
All Positions Vacant As of 12/1/07**

07/20/06	ATG100AA	Investigator V	00118091	N	49,344.00	New Position	General	Y
07/20/06	ATG100AA	Investigator V	00118092	N	49,344.00	New Position	General	Y
07/20/06	ATG100AA	Investigator V	00118093	N	49,344.00	New Position	General	Y
08/01/06	ATG100AI	Investigator V	00118101	N	49,344.00	New Position	Federal	Y
11/15/06	ATG100AA	Clerk Typist III	00118262	N	26,688.00	New Position	Special	Y
02/21/07	ATG231	Clerk IV	00118331	N	26,688.00	New Position	Federal	Y
02/21/07	ATG100AA	Investigator V	00118369	N	49,344.00	New Position	General	Y
02/21/07	ATG100AI	Investigator V	00118374	N	49,344.00	New Position	Federal	Y
09/14/07	ATG100AA	Supervising Legal Clerk	00118484	N	36,504.00	New Position	General	Y
09/14/07	ATG500GA	Legal Clerk	00118485	N	31,176.00	New Position	N=66%,A=34%	Y
09/14/07	ATG500GA	Clerk Typist III	00118488	N	26,688.00	New Position	N=66%,A=34%	Y
09/14/07	ATG500GA	Clerk Typist III	00118489	N	26,688.00	New Position	N=66%,A=34%	Y
07/31/07	ATG100AA	Legal Assistant III	00118514	N	40,512.00	New Position	General	Y
08/21/07	ATG500GA	CSE Policy Administrator	00118599	Y	16,030.00	New Position	N=66%,A=34%	Y
09/14/07	ATG500GA	Investigator III	00118600	N	38,952.00	New Position	N=66%,A=34%	Y
09/14/07	ATG500GA	Investigator III	00118601	N	38,952.00	New Position	N=66%,A=34%	Y
11/16/07	ATG100AC	ICIS Research Analyst	00118619	Y	47,892.00	43,824.00	General	Y
09/17/07	ATG500GA	Deputy Attorney General	00118623	Y	46,200.00	New Position	N=66%,A=34%	Y
09/10/07	ATG231BC	Clerical Supervisor IV	00118631	N	33,720.00	New Position	Revolving	Y
09/26/07	ATG100AA	Legal Assistant III	00118745	N	40,512.00	New Position	Special	Y
10/02/07	ATG100AA	Personnel Clerk V	00118762	N	30,012.00	New Position	General	Y
10/02/07	ATG100AA	Program Budget Analyst IV	00118763	N	43,824.00	New Position	General	Y
10/02/07	ATG100AA	Clerk IV	00118764	N	43,824.00	New Position	General	Y
10/02/07	ATG100AA	Data Processing User Supp Tech	00118765	N	32,460.00	New Position	General	Y
10/08/07	ATG231BC	Information Technology Specialist	00118770	N	49,344.00	New Position	Revolving	Y
11/16/07	ATG100AA	Investigator V	00118774	N	49,344.00	New Position	General	Y
11/16/07	ATG100AA	Investigator V (FTE 50%)	00118775	N	49,344.00	New Position	General	Y
10/12/07	ATG100AA	Clerk Typist III	00118776	N	26,688.00	New Position	General	Y
11/30/07	ATG100AA	Deputy Attorney General	00118835	Y	67,500.00	New Position	General	Y

Attachment 9

Listing of Expenditures Exceeding Federal Fund Ceiling for FY07 and FY08

<u>Program ID</u>	<u>FY07 Ceiling</u>	<u>FY07 Expenditures</u>	<u>FY08 Ceiling</u>	<u>FY08 Expenditures</u>	<u>Reason for Exceeding Ceiling</u>	<u>Recurring (Y/N)</u>
NONE						

Attachment 10
Listing of Transfers for FY07 and FY08

<u>Program ID</u>	<u>FY07 Ceiling</u>	<u>FY07 Amount Transferred</u>	<u>FY08 Ceiling</u>	<u>FY08 Amount Transferred</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
NONE						

**Attachment 11
Department Listing of Deployed Positions**

Position #	Position Title/Description	Program ID Originally Assigned to	Program ID Transferred to	Narrative Discussion on Why Position was Moved	Specific Reasons Deployment Will Result in More Efficient Functioning of Department	Impact to Program Originally Assigned to	Date Deployment Began	Expected End Date of Deployment
NONE								

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

ATG-100

Legal Services

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

**PROGRAM I.D. AND TITLE:
*ATG 100, LEGAL SERVICES***

I. INTRODUCTION:

A. SUMMARY OF PROGRAM OBJECTIVES

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

B. DESCRIPTION OF PROGRAM OBJECTIVES

1. People's Representative: Safeguard the rights and interests of the people of the State of Hawaii by taking appropriate legal action on their behalf.
2. Litigation: Represent the State, its agencies, and its officers in civil proceedings in state and federal courts.
3. Administrative Hearings: Represent the State, its agencies, and its officers in state and federal administrative proceedings.
4. Criminal Prosecutions: Prosecute public corruption, bribery, and fraud, and any other criminal offenses when necessary and appropriate.
5. Legal Opinions and Advice: Provide legal opinions and advice to the Governor, the Legislature, judges, and state agencies and employees.
6. Rules and Legislation: Assist state agencies and officials in reviewing rules and legislation.
7. Transactions: Draft, review, and approve as to form contracts, real property and other legal documents.
8. Law Enforcement: Enforce federal, state, and local laws, rules, and regulations; and monitor the operations of the Hawaii Career Criminal Program, the Witness Security and Protection Program, and the Victim-Witness Program.
9. Investigations: Investigate criminal and civil matters as appropriate.

10. Federal Funds for Crime Prevention Programs: Seek, apply for, and administer federal funds and other resources to enhance and expand the capabilities of the criminal and juvenile justice programs.
11. Policy Development for Criminal Justice Programs: Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs.

C. EXPLAIN HOW YOUR PROGRAM INTENDS TO MEET ITS OBJECTIVES IN THE UPCOMING SUPPLEMENTAL YEAR

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

Staffing Levels: Using time sheet analysis and other means of evaluation, divisions will determine the number of attorneys and staff needed to deliver excellent legal and public services in a timely manner.

Training: A training committee was created in 2003 to make the most effective use of the department's extremely limited training resources. The committee will continue to focus on developing both a basic training program for new deputy attorneys general and a long-range continuing legal education program for more experienced deputies.

Information Technology: A comprehensive and coordinated IT environment is critical to efficient and effective departmental operations. The department will continue to develop and enhance the case management system (ProLaw) and document management system (iManage). We will seek to establish a perpetual program to replace outdated personal computers as the equipment becomes obsolete and/or only marginally functional.

Management Oversight: The department will continuously review organization and communications flow to ensure a structure that enhances productivity.

II. PROGRAM PERFORMANCE RESULTS:

A. DISCUSS THE PERFORMANCE RESULTS ACHIEVED BY EACH PROGRAM IN FY07.

The legal services program has achieved a high measure of success in meeting its program objectives. Following are examples of recent achievements.

- The major legal challenge to laws and programs benefiting Native/native Hawaiians has been the federal court lawsuit, *Arakaki v. Lingle*. This lawsuit, filed in 2002, explicitly challenges as unconstitutional the Hawaiian Homes Program and OHA, and by

implication every law and program that provides benefits to Native/native Hawaiians because they are Native/native Hawaiians. The importance of this lawsuit cannot be overstated--our State Constitution establishes OHA and our Admissions Act requires the State to administer the Hawaiian Homes program. Were these programs declared unconstitutional or otherwise illegal, the impact on Hawaii would be devastating. The department made it a priority to defend this lawsuit with all possible resources and vigor.

The Attorney General appeared personally in this case, and we convinced federal judge Susan Mollway to dismiss the lawsuit. The Ninth Circuit Court of Appeals, while upholding much of the dismissal, allowed some of the lawsuit to proceed. We believed the Ninth Circuit decision was incorrect, and we asked the Supreme Court of the United States to reverse that decision and, in essence, to order the lawsuit dismissed. The Supreme Court did so, and remanded the case to the Ninth Circuit, which found in favor of the State on every issue presented to it. At an April 16, 2007 hearing, Judge Mollway entered a written order stating that no issues remain in the case. While victory in this one action will not end the legal challenges, the victory is a significant one.

- The department conducted extensive negotiations with the United States Department of Justice (DOJ) to avoid entering into a consent decree and putting the Hawaii Youth Correctional Facility (HYCF) essentially under the supervision of the federal court. Instead, the department entered into a written agreement with DOJ with no consent decree or ongoing federal court supervision. The agreement is working well, and HYCF is making significant progress.
- The department assisted in the successful federal prosecution of four Honolulu Airport employees for conspiracy to commit mail fraud. A deputy attorney general served as one of two lead prosecutors. The jury returned guilty verdicts against all defendants on all counts. The defendants received jail sentences ranging from 60 to 108 months and were ordered to pay restitution totaling \$4.6 million.
- In an effort to help stem soaring drug prices and recover inflated prices paid by the State and Medicare consumers, the department filed a lawsuit against 44 pharmaceutical companies. The lawsuit filed in the First Circuit Court alleges that, for more than a decade, the drug makers published inflated prices for prescription drugs, causing Hawaii's Medicaid program and Medicare consumers to overpay millions of dollars in drug costs. The State will seek tens of millions of dollars in the lawsuit. The complaint seeks to have actual damages trebled, and attorney fees and costs awarded to the State and Medicare participants who paid co-payments for drugs. The State in 2007 has settled with one drug manufacturer for \$1.15 million.
- In August 2006, the DNA Registry Unit was created to provide enforcement for the newly amended HRS Chapter 844D, which provides for a statewide DNA database for all convicted felons. The department is responsible for locating convicted murderers and sex offenders who are not on parole or probation and obtaining DNA samples from them. There are approximately 30,000 such unsupervised felons.

All DNA Registry Unit Special Agents received training in the buccal swabbing method for collecting DNA samples and are able to provide training to other agencies. The unit has trained officers of the Hawaii Paroling Authority in the buccal swab collection method.

- The Cold Case unit was established in 2004 through a federal grant to increase the investigation and prosecution of unsolved murders throughout the state, and to develop a statewide, cooperative approach to cold case homicide investigations. This unit has been staffed with highly qualified investigators, and has started the active review of unsolved murder cases received from county police departments. In partnership with the Naval Criminal Investigative Service, the unit carried out the inaugural Cold Case Homicide Investigations Methodology and Protocol Training Seminar.
- On December 7, 2005, the Cold Case unit helped to obtain a murder indictment against Jenaro Torres, a former Pearl Harbor police officer, for the 1992 murder of a base cashier, Ruben Gallegos. This was the first case to be prosecuted by the department's Cold Case Unit, and was prosecuted without the body of the victim. The jury took less than two hours to return a guilty verdict for the offense of Murder in the Second Degree, as charged. Torres was sentenced to life imprisonment with a mandatory 15-year minimum term of imprisonment for using a firearm in the commission of the murder. The prosecution was based on a multi-agency effort between NCIS, the FBI and the Cold Case Unit.
- On December 14, 2006, the Cold Case unit's work led to the indictment of Melvin Kumukau and Aaron Meyer for the murder of a store owner in Moiliili 29 years ago.
- In *Slingsluff v. State of Hawaii*, where a pro se inmate alleged a civil rights claim under 42 U.S.C. §1983 along with medical malpractice and negligence claims, the department was successful in getting the federal claim dismissed based on the failure to exhaust administrative remedies.
- The department's motion to dismiss was granted by the federal district court in *Canosa v. Condon, et al.*, where an inmate filed a civil rights complaint alleging the violation of his due process rights with respect to a prison adjustment hearing.
- In *Resep v. Sakai, et al.*, an inmate alleged that he received inadequate medical care in violation of the Eighth Amendment. After the State filed a motion for summary judgment arguing that the facts showed no deliberate indifference by the medical staff, the plaintiff voluntarily dismissed his lawsuit.
- The department was successful in getting motions for summary judgment granted in civil rights lawsuits filed by prisoners in *Samonte v. Maglinti* and *Grindling v. Nouchi, et al.*

- An inmate filed multiple lawsuits against the State. The inmate variously alleged inadequate access to the law library and legal materials, retaliation, and deficient medical treatment. The department was successful in getting all of his lawsuits dismissed on motions for summary judgment. The department was also successful in a case that the inmate appealed to the Intermediate Court of Appeals (ICA) after the State's motion for summary judgment was granted. The ICA affirmed the lower court's granting of summary judgment in favor of the State.
- In *Osmund Lee v. State*, a petition for post-conviction relief under Rule 40 of the Hawaii Rules of Penal Procedure was transferred to the civil court when it was deemed to allege a civil rights claim for denial of access to the courts. The department filed a motion to dismiss, which was granted.
- The department prevailed at arbitration in *Caroseli v. State of Hawaii*, where an inmate slipped and fell in the shower of a correctional facility.
- The department prevailed in a federal court bench trial in *Kealoha v. Department of Public Safety*. The plaintiff alleged that his civil rights were violated when he was assaulted by members of a gang with which he was formerly affiliated. Ruling in favor of the State, the Court found that the plaintiff was not credible and failed to prove any of his claims by a preponderance of evidence.
- The department was successful in a state court bench trial in *Kenney v. State of Hawaii*. Plaintiff alleged medical negligence by medical staff at various correctional facilities. The judge found that much of plaintiff's experts' and plaintiff's own testimony was not credible and entered judgment in favor of the State.
- *Armstrong v. Ginlack, et al.* involved an action brought by parents of a mentally disabled minor child. They alleged violations of the minor's rights under the Fourth, Fifth, Eighth and Fourteenth Amendments, section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). The federal district court granted the State's motion for summary judgment and dismissed the entire case.
- In *Dearing v. State of Hawaii*, plaintiff alleged that the Department of Education violated 42 U.S.C. §2000d (Title VI) by retaliating against him for complaining about racial discrimination in a State high school's football program. The federal district court granted the State's motion for judgment on the pleadings.
- In *Alan H. v. State of Hawaii*, the department prevailed on Plaintiffs' attempt to obtain a declaratory judgment that the Department of Education violated the Supremacy Clause of the United States Constitution, failed to comply with its own notice requirements under the Hawaii Administrative Rules, and violated the stay-put provisions under the IDEA.
- In 2007, the department has seen a continued trend of an increase in the number of lawsuits and claims filed, with more trials in the past year than in previous years.

Nevertheless, the department has been successful in resolving a substantial number of its cases by dismissal through the filing of dispositive motions. Several cases have been voluntarily dismissed against the State without any money being paid by the State. Recent examples include *Evangelista v. Hayashi, et al.*, *Pang v. State of Hawaii, et al.*, and *Yoon v. Director of Transportation etc., et al.*

- In *Kobashikawa v. State of Hawaii*, plaintiffs were ordered to pay the State \$5,000 in order to have the case dismissed when it became clear that there was no basis for liability against the State and the lawsuit should not have been filed in the first place. The department has prevailed on liability in many of its arbitration hearings and settled cases for substantially less than actual value.
- Cases where the department prevailed on liability in arbitration include *Todd Weeks v. State of Hawaii*, *Stephen Wessing v. State of Hawaii*, *Daniel Caroseli v. State of Hawaii*, *Michael Lancaster v. State of Hawaii*, *Mitchell Quarles v. State of Hawaii*, and *Miguel Cabrerra v. State of Hawaii*.
- In *Cho v. State of Hawaii*, a lawsuit potentially worth millions of dollars, plaintiffs alleged that they had sustained injuries or illnesses caused by long-term exposure to lead, mercury, and arsenic during their ten-year occupancy of a government leased cottage on the grounds of a public intermediate school. The department prevailed at trial, and the ICA affirmed the trial court's finding in favor of the department. The plaintiffs then filed a writ of certiorari to the Hawaii Supreme Court. The Hawaii Supreme Court affirmed the ICA's judgment on appeal in favor of the State.
- The department has entered information regarding more than 2,600 sex offenders onto the state sex offender registry and more than 1717 sex offenders on the department's public access website. The cumulative number of hits on the website exceeds 9 million.
- The department has actively enforced compliance with the sex offender registration law and prosecuted non-compliant sex offenders. In fiscal year 2007, 33 offenders were charged in court with non-compliance, of which 13 had been convicted, 18 were awaiting service of bench warrants, and 2 were pending trial at the time of this report.
- In fiscal year 2007, the department collected \$16,164,594 owed to various departments of the State, including \$3,200,971 in Hawaii Health Systems Corporation's delinquent accounts; \$1,276,958 in child support obligations for the Child Support Enforcement Agency; \$3,200,971 for the Department of Transportation for delinquent lease rents, salary overpayments, and property damage claims; \$7,645,851 for the Department of Human Services; \$65,102 for party workers' compensation reimbursements; and \$672,416 for delinquent taxes.
- In fiscal year 2007, the department closed 440 tax related matters, 388 charitable solicitation matters, 386 trust or nonprofit related matters, and collected \$8,537,767.

- As of July 26, 2007, the department collected \$64,950 in registration fees for the Solicitation of Funds for Charitable Purposes Special Fund, \$6,810.00 of which were fines imposed on solicitors or professional fundraising counsels for violations of the law.
- In fiscal year 2007, in civil and administrative actions involving the Departments of Health or Human Services, the department collected \$1,141,693 for the State.
- The department completed the review of 594 separate contracts for the Department of Health and the Department of Human Services.
- Following the settlement in 2006 of the ACLU action against HYCF and state employees that alleged discrimination against wards at the youth correctional facility on the basis of gender identity, the department assisted HYCF to develop appropriate policies regarding lesbian, gay, bisexual, and transgendered youth who are held at the facility. With the assistance of a consultant retained pursuant to the agreement, training for the HYCF staff has been ongoing on the policies and most of the staff has completed training. The department assisted HYCF to create an implementation plan under the settlement agreement and provides regular reports to plaintiffs on the status of the implementation, with the last report due in October 2008.
- The department assisted the Department of Health in achieving dismissal of the United States Department of Justice case concerning the State's system for the delivery of adult mental health services, *United States v. State of Hawaii*.
- The department defended and settled several actions concerning appropriate residential placements for clients of the Departments of Health and Human Services with complex needs.
- The department obtained court orders for involuntary treatment of approximately 44 residents of the Hawaii State Hospital who required medication for their own safety or that of others but refused to take it.
- On behalf of the Department of Health, the department negotiated with the Environmental Protection Agency an interim settlement with the City and County of Honolulu of injunctive relief for the highest-priority force main problems in the City and County's sewage collection system. The interim settlement has been submitted to the United States District Court for approval. Remaining claims in the EPA/DOH action against the City and County based on its sewage system will be resolved separately; negotiations began in October 2007.
- The department trained the Hawaii State Committee of Blind Vendors on the Sunshine Law and Uniform Information Practices Act.

- The department assisted the Department of Health to develop emergency rules that allow noncommercial kitchens to feed the homeless without obtaining a food establishment permit. Those rules have now become permanent.
- The department devised a model environmental covenant for use in implementing Hawaii's new Uniform Environmental Covenants Act
- In fiscal year 2007, the department filed 728 petitions for child welfare (more than 99% of these petitions were sustained), 169 truancy petitions (most of which were sustained with the subject children coming under the protective supervision of the Family Court and the Department of Education), 67 adult protective services/guardianship petitions, 205 adoption petitions, and 456 petitions for involuntary hospitalization. In most of the involuntary hospitalization cases, the patient became well enough to be discharged, or well enough for voluntary admission before the scheduled hearing. Of the petitions that went to hearing, nearly all were sustained.
- In fiscal year 2007, the department prevailed in 17 child custody appeals, most of which were brought by parents whose parental rights were terminated.
- In fiscal year 2007, the department defended, on behalf of the Child Support Enforcement Agency, 14 CSEA-related administrative appeals filed throughout the State.
- The department handled appeals in state and federal appellate courts, including:
 - Appeals involving the assertion of the public trust doctrine against the State.
 - Appeals involving the application of the federal ERISA law to the State's Patient Bill of Rights and other Hawaii health care statutes.
 - Appeals involving the absolute and qualified immunity of state employees named as defendants in civil rights cases.
 - Cases involving the sovereign immunity of the State.
 - Cases involving the discretionary function exception to the State Tort Liability Act and cases involving the proper apportionment of liability to the State in joint tortfeasor cases.
 - Cases involving claims of civil rights and other constitutional violations against the State, including claims of employment discrimination and improper conditions of confinement.
 - Class action cases against the Employees' Retirement System for unpaid benefits and for attorneys' fees and costs.

- Appeals from DUI administrative license revocations.
- In fiscal year 2007, the department assisted in the issuance of bonds in the amount of \$571,190,000 as follows:
 - General Obligations Bonds \$350,000,000
 - Special Purpose Revenue Bonds (SPRB) \$270,710,000
- From July 1, 2007 through September 30, 2007, the department assisted in the issuance of bonds in the amount of \$51,645,000 as follows:
 - Harbor System Revenue Bonds \$51,645,000
- The department prevailed in a preliminary injunction lawsuit involving public access channel for cable television.
- The department prevailed in procurement challenges relating to the Judiciary Complex in Kapolei.
- The department successfully defended the Campaign Spending Commission in a campaign spending violation challenge.
- The department defended the Board of Land and Natural Resources in a challenge by a private landowner who was fined for conducting illegal grading activities on Kauai.
- The department issued a formal attorney general opinion relating to the time frame in which the chief justice must act to appoint district court judges. AG Op. 07-01.
- In *Awakuni v. Awana*, the department received a favorable ruling from the Hawaii Supreme Court, validating the decisions of the Hawaii Employer-Union Benefits Trust Fund (EUTF) in determining the health benefits plan for State and county employees. The Court determined that the EUTF is an arm of the State and is entitled to assert the defense of sovereign immunity and that the EUTF did not abuse its discretion in adopting a two-tier structure for its health benefits plan.
- In *Tauese v. Ritz-Carlton Kapalua* (consolidated appeals from a declaratory action and an agency appeal), the Hawaii Supreme Court upheld the constitutionality of HRS § 386-98, the workers' compensation fraud provision. Appellant had alleged the statute was unconstitutional on its face and as applied by the Department of Labor and Industrial Relations; the Court rejected Appellant's arguments. The case was, however, remanded for a determination of fraud using a clear and convincing rather than a preponderance of the evidence standard.
- In *Director v. Si-Nor, Inc.*, the Hawaii Labor Relations Board (HLRB) issued a ruling upholding a citation by the Director of Labor and Industrial Relations for a willful

occupational safety and health violation issued against Si-Nor, Inc. for workplace violence. The department successfully defended HLRB's decision before the Circuit Court, which rejected the employer's appeal. Si-Nor appealed to the ICA but withdrew its appeal.

- *Befitel v. Global Horizons, Inc.* made clear that when the head of a department brings suit on behalf of the State, there is no diversity of citizenship and suit cannot be maintained in the federal court. In this case, the Director of Labor and Industrial Relations initiated a collection action in state district court for unpaid unemployment insurance assessments. Global Horizons, Inc. removed the case to federal district court on diversity grounds. The Court ordered the case remanded to state court after determining that the suit, brought in the name of the Director of Labor pursuant to statute, was a suit on behalf of the State and therefore there was no diversity of citizenship. An appeal from this ruling was dismissed.
- In *Director v. Global Horizons, Inc.*, the Hawaii Occupational Safety and Health Division (HIOSH) inspected various worksites throughout the State where seasonal nonimmigrant workers from foreign countries were employed. During the course of that program, several farms that used seasonal laborers employed by Global Horizons were inspected. Based upon its inspections of the housing sites maintained by Global, HIOSH issued several citations against Global for various temporary labor camp violations and electrical and general duty violations. Five of the cases went to trial, and the Hawaii Labor Relations Board issued final decisions and orders affirming most of the citations, including those pertaining to shelter, toilet facilities, insect and rodent control, electrical, and a general duty clause violation involving a broken window pane.
- *Hawaii Home Infusion Associates v. Befitel* established that when a declaratory ruling as to the validity of a rule is sought pursuant to HRS § 91-7, the action must be maintained in the circuit where the plaintiff resides or has its principal place of business. Plaintiff, which does business on the Island of Kauai, filed a declaratory action in the first circuit court, challenging a workers' compensation rule. On appeal, the Hawaii Supreme Court dismissed the case for lack of jurisdiction because the plaintiff failed to file its complaint in the fifth circuit court where had its principal place of business.
- In *Jou v. National Interstate Insurance Co.*, Jou essentially brought a bad faith action against National Interstate, combined with a HRS § 91-7 declaratory action against the Director of Labor and Industrial Relations. Jou's action against the Director sought to strike unidentified administrative rules. No administrative rules were struck by the circuit court, which dismissed the action against the Director. The Hawaii Supreme Court affirmed the circuit court's decision and denied Jou's request to have any fees and costs assessed against the Director.
- In fiscal year 2007, the department reviewed for legality a total of 379 contracts, 851 other documents, and 21 sets of new or amended administrative rules in addition to issuing 156 legal advice letters for the Departments of Transportation and/or Land and

Natural Resources. The department initiated 4 new court cases, handled 44 new cases filed against State agencies or officials, and closed out 8 eminent domain cases.

- The department continued to work on lawsuits challenging the Department of Transportation's exemption of Hawaii Superferry from the requirement to perform an environmental assessment under chapter 343, Hawaii Revised Statutes.
- The department worked on acquiring 1,104 acres of Pupukea-Paumalu from the Trust for Public Lands. The land will be operated as a state park.
- At the time of this report, the department was working on 22 contested cases pending before the Board of Land and Natural Resources.
- The department acquired a new client, the Legacy Land Conservation Commission, which is established to advise and recommend the acquisition of legacy lands as resources for the State.
- The department worked on three contested cases before the Commission on Water Resource Management concerning water in West Maui streams. Two of the three cases have been resolved, leaving for continuing work the establishment of instream flow standards and the issuance of a water use permit.
- Beginning in 2003, the department brought an enforcement case involving unpermitted activity affecting the conservation district against James Pflueger, Pflueger Properties, and Pila'a 400 LLC because of injury to a beach and coral reef on Kauai caused by a large mud slide generated by unpermitted ground moving work. The BLNR assessed a fine of \$4,032,996.93 for penalties and damage to state land. The fine and penalty were upheld on appeal to the Circuit Court. The case is now on appeal in the ICA.
- *Heffner v. Young* was a federal action in which plaintiff claimed the BLNR members and the Department of Land and Natural Resources committed due process, double jeopardy, racketeering, and Takings Clause violations when they demanded that she allow a public right of way across her property as a condition of receiving a conservation district permit. The Ninth Circuit ruled against Heffner on her assertions that the defendants violated due process and double jeopardy. The court also found the defendants' acts were not extortionate and did not constitute racketeering. The Ninth Circuit said the District Court had correctly abstained from deciding Heffner's takings claim until there is a definite state court ruling on the question of ownership.
- The Hawaii Supreme Court ruled in favor of the State in the case of *Captain Andy's Sailing, Inc. v. Department of Land and Natural Resources*. In Federal District Court Captain Andy won in a decision that ORMA permit fees paid to the State were unconstitutional. The company then sued in state court to recover the fees. The court held that the proper basis for the return of the fees was section HRS § 40-35(a), and that Captain Andy had failed to bring a timely action to recoup the money.

- In *UFO Chuting of Hawaii Inc. v. Young*, the State was sued in Federal District Court in a challenge to a state statute which banned among other things parasailing between December 15 and May 15 of each year on the west and south shores of Maui. One purpose of the ban was to protect whales. The court found that the statute was reasonable and nondiscriminatory and therefore not preempted by the federal system of Coast Guard licensing. However, the court found that the law was preempted by the Marine Mammal Protection Act. Congress then passed a law that said Hawaii could enforce any state law relating to the conservation and management of humpback whales. The district court held that the federal law exempted Hawaii from the relevant section of the Marine Mammal Protection Act and was constitutional. The Ninth Circuit affirmed the decision in all respects.
- In fiscal year 2007, the department's Office of Child Support Hearings (OCSH) processed a total of 5,354 cases (3,685 hearing cases and 1,669 non-hearing cases).
- In 94% of the hearing cases (3,432 out of 3,685), OCSH issued final orders or decisions within 30 days of the hearing.
- In 85% of the non-hearing cases (1,587 out of 1669), OCSH issued final orders within 7 days of receipt of the uncontested case file.
- A total of 14 appeals were filed in FY 2006-2007. The appeal rate remains below 1%.
- Between September 1, 2006 and September 1, 2007, the department successfully prosecuted 14 counts of pollution in 9 separate criminal cases, obtaining guilty or no-contest pleas from 4 companies and 10 individuals, including 5 company owners.
- The department prosecuted major and persistent polluters. Five of the seven criminal cases involved defendants that had been cited or previously warned by the Department of Health for one or more pollution violations.
- The department has succeeded in obtaining meaningful punishment in environmental crime cases, especially those involving company owners. Sentences for company owners and managers ranged from fines of \$2,500 for petty misdemeanor pollution offenses, to significant amounts of community service work in felony pollution cases, e.g., 300 hours in one case, and 500 hours in another.
- The Hawaii Internet and Technology Crimes Unit (HITeC) was established in 2003 as a merger of two federal grants -- the Hawaii High Technology Crimes Unit (HHTCU) and Hawaii Internet Crimes Against Children Task Force (HICACTF) -- to coordinate efforts and resources in developing and implementing innovative approaches to increase the investigation and prosecution of computer crimes and Internet crimes against children in Hawaii. Recent achievements include the following:

- Administering and overseeing a multi-agency task force consisting of 23 state, county, and federal law enforcement agencies which was organized to coordinate investigations and prosecutions as well as maximize sources of technological and investigative expertise, training, education, and forensics in combating these crimes. State, county, and federal law enforcement agencies in Guam will be joining our task force by the end of 2007.
 - Maintaining a fully equipped and operational computer forensics lab to assist in the recovery, processing, and examining of digital evidence in criminal cases on all islands of the State of Hawaii. The task force has completed approximately 100 forensic examinations and provided technical support on about 80 occasions in the last year.
 - Identifying, importing, and hosting about 35 trainings to increase, develop, and advance task force participants' investigative, forensic, and prosecutorial capabilities.
 - Prosecuting a significant number of Electronic Enticement of a Child cases which are subject to a mandatory one year jail with no possibility of a deferral and are subject to repeat offender sentencing. To date, the department is the only agency that conducts, investigates, and prosecutes operations in this area full-time.
 - Participating in Project Safe Childhood, FBI Innocent Lost Task Force, Child Sex Abuse Response Task Force, Hawaii Identity Theft and Fraud Task Force, National ICAC Task Force Working Group, and National Association of Attorneys General Multistate Working Group regarding MySpace and other social networking sites.
 - Continuing efforts to bring awareness and prevention presentations to the public regarding Internet Safety and Identity Theft. A web site for Internet safety is available at www.hicac.com and a web site for Technology Crimes is available at www.hitechcrimes.com. Approximately 60 presentations are conducted across the state annually.
- The department's Missing Child Center-Hawaii has offered training to law enforcement agencies in improving ways of recovering children. In the past year, MCCCH offered seven training opportunities which included DNA related to Missing Persons and Unidentified Remains, Online Enticement, Child Abduction Response Team, Investigating Strategies for Missing and Abducted Children, and Missing and Abducted Children: a Survival Program for First Responders. A total of over 600 law enforcement officers were trained at the various trainings.
 - The department's Tobacco Enforcement Unit was formed in 2000 in response to the Attorney General's obligation to enforce the Master Settlement Agreement (MSA); the State's Tobacco Liability Act ; and the cigarette tax stamp requirements and prohibition

against the sale of prohibited export and foreign cigarettes in HRS Chapter 245. In fiscal year 2007, the State received more than \$36.8¹ million in MSA settlement moneys. In total, the State has received \$323,053,662.30 in MSA settlement moneys.

- Due to the department's diligent enforcement, cigarette tax revenues for fiscal year 2007 totaled \$88,771,666, which represents an increase of \$3,069,588 or approximately 3.5% over the comparable period in fiscal year 2006. Moreover, an increase in tax rate coupled with continued vigorous enforcement contributed to a \$48.7 million increase in cigarette tax revenues in fiscal year 2007 over the cigarette tax revenues of \$40,049,539 collected in fiscal year 2000.

Cigarette Tax Revenues by Fiscal Year

FY 1999-2000	\$40,049,539
FY 2000-2001	\$51,739,469
FY 2001-2002	\$62,609,477
FY 2002-2003	\$70,586,392
FY 2003-2004	\$77,541,843
FY 2004-2005	\$83,135,360
FY 2005-2006	\$85,702,483
FY 2006-2007	\$88,771,666

- Following is a summary of Tax Stamp Enforcement Activities in fiscal year 2007:
 - In April 2001, the department began a vigorous campaign to seek out those who were violating the cigarette tax stamping requirements of Chapter 245.
 - Approximately 1,386 known retail establishments sell tobacco products: 1,034 on Oahu, 147 on Hawaii, 111 on Maui, 9 on Lanai, 13 on Molokai, and 72 on Kauai. The department has conducted inspections on Kauai, Oahu, Maui, Molokai, Lanai, and Hawaii. The department has made felony arrests on Oahu, Maui, Hawaii, Molokai, and Kauai.
 - In fiscal year 2007, the department conducted 1,641 retail checks or Chapter 245 compliance inspections statewide. The department made 5 felony arrests for cigarette violations and seized 7,973 sticks. Since April 1, 2001, the department's inspections have resulted in more than 160 felony arrests and the seizure of over 2,235,073 illegal cigarettes.
 - In fiscal year 2007, 2 criminal tobacco prosecutions resulted in \$12,000 in fines. In total, the department has prosecuted 117 tobacco cases, resulting in criminal fines of \$180,000. In addition, in fiscal year 2007, the department successfully prosecuted 17 tax cases, which resulted in criminal fines of \$136,500 and restitution ordered in the amount of \$158,139.

¹ MSA payments totaled \$36,857,166.01 for fiscal year 2007.

- In total, 50 cigarette prosecutions have resulted in court ordered forfeiture of cigarettes as part of a defendant's criminal sanction. In addition, the department has secured 67 civil administrative forfeiture orders or stipulations to the forfeiture of confiscated cigarettes.
- In fiscal year 2007, the department secured 15 administrative forfeiture orders for a variety of administrative forfeiture cases from the neighbor islands.
- Beginning December 1, 2006, every retailer engaged in the retail sale of cigarettes and other tobacco products is required to obtain a retail tobacco permit. In addition, every holder of a retail tobacco permit is required to keep a complete and accurate record of the permit holders' cigarette or tobacco product inventory. This requirement is a tool to ensure that all tobacco products sold at retail are compliant and that all tobacco taxes are paid. In fiscal year 2007, taxes from tobacco products other than cigarettes were \$5,587,849, which represents an increase of \$3,029,716 over the \$2,558,133 collected in fiscal year 2006.

Fiscal Year	Tax from other tobacco products
2001-2002	\$2,898,728
2002-2003	\$1,709,547
2003-2004	\$1,842,697
2005-2006	\$2,558,133
2006-2007	\$5,587,849

- Following is a summary of MSA Enforcement Activities in fiscal year 2007:
 - \$36,857,166.01 was paid to the State under the MSA.
 - Seven Non-Participating Manufacturers (NPM), either directly or through a distributor, retailer, or similar intermediary, sold cigarettes to consumers within the State; six complied with Chapter 675. The department initiated litigation against one NPM for sales in 2006 and prior years. In addition, the department litigation against four other NPMs, who are not on the Hawaii Tobacco Directory for sales in prior years. The five lawsuits are pending at the time of this report. Since its inception, the Tobacco Enforcement Unit has successfully filed 23 actions against tobacco product manufacturers that have not complied with the requirements of Chapter 675.
 - Pursuant to Chapter 675, for 2006 sales, six NPMs placed \$54,602.26 into qualified escrow funds (99.9% compliance rate).
 - Pursuant to Chapter 486P, the department updated the tobacco directory listing compliant tobacco product manufacturers and their brands.

- Pursuant to Chapter 245, only those cigarettes listed in the tobacco directory may be stamped and sold.
- At the end of fiscal year 2007, 31 participating manufacturers were listed in the tobacco directory.
- At the end of fiscal year 2007, 12 NPMs were listed in the tobacco directory.
- The department applied for and received \$4,087,070 in federal funds to carry out programs that address crime and victim issues. State moneys for career criminal, victim assistance, weed and seed, sex assault prevention, and witness protection totaled \$4,146,083. There were a total of 97 subgrants for both federal and state crime funds. At the end of the year, two applications for federal funds, totaling \$399,980, were pending.
- The department's Crime Prevention and Justice Assistance Division sponsored and conducted 25 workshops and seminars in which more than 1,494 individuals participated. Topics included community mobilization, underage drinking, truancy, use of Juvenile Justice Information System, and use of a program assessment tool. There were 71 community events that provided outreach to educate individuals on crime prevention as well as crime and safety issues. Approximately 37,642 persons participated in these community events. Another 63 individuals contacted the Research and Statistics Branch for information on crime, and many others used the division's website to access information.
- The department worked with local television stations that contributed \$10,350 of airtime for McGruff public service announcements.
- The Crime Prevention and Justice Assistance Division produced fifteen reports on topics ranging from hate crimes, the annual state crime statistics, evaluation of the Community Action Seminar, juvenile offenders, and reports related to the use of offender assessment instruments.
- The Crime Prevention and Justice Assistance Division coordinates the efforts of various agencies and topics. In this endeavor, CPJA facilitated 13 groups which had 48 meetings attended by 582 individuals. The groups included the McGruff Truck Coalition, VAWA Advisory Committee, Juvenile Justice Information Committee and Subcommittees, Victim Witness Coordinators, community prosecutors, forensic laboratories, and Visitation Center Network.
- The department worked with the Department of Health in developing a statewide sex assault prevention plan and with the Sex Abuse Treatment Center in developing and implementing standardized forensic protocols in all counties. Both efforts include multi-disciplinary approaches to sex assault.

- In fiscal year 2007, the department held 34 State ID community outreach events, serving more than 2,400 citizens in their local communities, including senior citizen residences and special needs students in schools.
- The department worked on the Livescan project, in which the booking module of the Honolulu Police Department's (HPD) Records Management System was integrated with the electronic booking system (Green Box). This allowed the roll-out of Livescans to all of HPD so that fingerprints of arrestees are now captured and send to the State's Automated Fingerprint Identification System (AFIS) and the FBI's Integrated AFIS (IAFIS) electronically.
- The department implemented Phase I of the Lights-Out Transaction Controller (LOTC). The LOTC controls the flow of demographic and fingerprint data in order to make a positive identification of the person being fingerprinted, whether as an arrestee or an applicant for whom a background check is being done. The demographic information is searched against CJIS-Hawaii and the fingerprints are searched against the State's AFIS automatically. The LOTC then compares the results to determine whether the person has an existing criminal history record or not, or whether human intervention is necessary to make this determination. Since April, the LOTC has processed over 26,000 transactions. After monitoring the automated identification results along with manual results, all repeat offenders or applicants with criminal histories are now being identified without human intervention in a matter of minutes with no human intervention. This amounts to approximately 65% of the transactions being submitted.

B. EXPLAIN HOW THESE RESULTS RELATE TO THE PROGRAM'S OBJECTIVES AND DEPARTMENT'S MISSION.

The results described above exemplify the department's success in fulfilling its objectives. Additionally, each division within the legal services program has individual goals and objectives that are designed to support the overall organizational goals. (See *State of Hawaii, Department of the Attorney General 2008 Goals and Objectives*, recently submitted to the Legislature).

C. EXPLAIN HOW THE EFFECTIVENESS OF THE PROGRAM IS MEASURED AND DISCUSS THE PERFORMANCE RESULTS ACHIEVED DURING THE PAST TWO YEARS.

For a majority of the legal services divisions, measuring effectiveness depends in great part on direct communication with clients. Direct consultation with clients is used to assess the effectiveness of the legal services we provide, and to determine what other services are needed. Periodic internal reviews of pending matters, and reviews of interaction between attorneys and clients, are also used to assess the effectiveness of each division.

Other aspects of the department's performance can be measured numerically. Examples of numerical performance measures include the number of civil and criminal cases settled or tried, the number of appeals settled or decided, and the number of legal documents reviewed.

Numerical measures of effectiveness for the legal services program are listed in *The Multi-Year Program and Financial Plan and Executive Budget For the Period 2007-2013 (Budget Period: 2007-09), Volume I*.

The department's public support divisions, such as the Grants and Planning Branch of the Crime Prevention and Justice Assistance Division, use external evaluations, desk monitoring (*i.e.*, review of books and records of grant recipients and audit reports), site monitoring, and surveys from program participants to evaluate their performance.

Performance results achieved during the past two years are discussed above in Part II.A., *Discuss the Performance Results Achieved by Each Program in FY07*.

D. DISCUSS THE ACTIONS TAKEN BY EACH PROGRAM TO IMPROVE ITS PERFORMANCE RESULTS.

In 2004, the department conducted an extensive survey, using a newly designed format, of all of its clients regarding the quality of legal services provided. The new format encouraged candid comments on a broad range of measures, including quality and timeliness of communications, legal advice and representation, and problem solving, as well as areas of strength and areas for improvement. The survey form was distributed to the head of every agency subdivision to which the department provides legal services, and hundreds of responses were received. The results of this survey were reviewed carefully and applied in management decisions. We plan to conduct a similar survey in 2008.

The department also conducted an extensive survey in 2004 of the attorneys, legal assistants, support payments officers, and others who had recently appeared in proceedings conducted by the Office of Child Support Hearings. The survey encouraged candid comments on the quality of services provided by the hearings officers. The results of the survey were reviewed carefully and applied in management decisions.

Recognizing the vital importance of training, the department has appointed a training committee to make the most effective use of the department's extremely limited training resources. The committee assesses the department's training needs and resources, and develops and enhances both a basic training program for new deputies and a long-range continuing legal education program for more experienced deputies. During the past year, the department has offered training through workshops, video presentations, and written outlines, on subjects as wide-ranging as sovereign immunity, electronic discovery, procurement, appeals, and legislative procedure.

The department has identified other areas that require assessment and long-term monitoring. A group of highly experienced attorneys serves on a complex litigation committee, which meets every month to review and make recommendations on complex case management and strategy. A committee was appointed to handle questions of ethics and conflicts. This committee meets frequently to review and make recommendations in these areas. A building review committee was created to review and recommend ways to improve the department's general working conditions.

An information technology advisory committee was created to provide oversight of the department's case management system (ProLaw) and document management system (iManage). The committee has expanded the scope of its work to include other information technology initiatives. For example, the department has established a secure, internal website that allows attorneys and support staff to efficiently access and share information such as research, news, directories, and forms. Additionally, an extensive upgrade of the department's public website has made information about the department more easily accessible to the public.

E. PLEASE IDENTIFY ALL MODIFICATIONS TO THE PROGRAM'S PERFORMANCE MEASURES AND DISCUSS THE RATIONALE FOR THESE MODIFICATIONS.

Four modifications were made in 2004 to the numerical measures of effectiveness listed in *The Multi-Year Program and Financial Plan and Executive Budget For the Period 2003-2009 (Budget Period: 2003-05), Volume III*:

- Deleted amount paid in settlements/judgments against the State. The amount of settlements/judgments depends in great part on the facts of each case, which generally depend on events or actions that are beyond the control of this department. This figure, therefore, was determined not to be a useful measure of the department's performance.
- Combined two measures -- the number of contracts reviewed and the number of rules reviewed -- into a single measure that includes both of these numbers. These activities are similar in nature, and combining them into a single measure allowed the addition of a new measure.
- Added the number of legislative bills reviewed. The department reviews every bill introduced during each legislative session. This activity affects our clients in every department and, because many bills become law, this activity has statewide impact on the people of Hawaii. This number, therefore, is a useful measure of the department's performance.
- For the Civil Recoveries Division, added the amount collected over the amount expended in collection efforts. This formula reflects the effectiveness of the division's efforts in collecting money owed to the State, and is a useful measure of the department's performance.

No modifications were made in 2005, 2006, or 2007.

III. PROBLEMS AND ISSUES:

A. DISCUSSION OF PROBLEMS AND ISSUES ENCOUNTERED.

1. REGISTRATION OF CONVICTED SEX OFFENDERS

The department is responsible for maintaining the state sex offender registry and the website that makes information on registered sex offenders accessible to the citizens of the State of Hawaii and the other 49 states. It is essential that the information on this website be as complete and accurate as possible.

Chapter 846E requires covered sex offenders to register with the department and periodically verify their registration information. In 2006, the department established a Sex Offender Compliance Unit to locate and prosecute covered sex offenders who fail to comply with the registration law.

Presently, there are approximately 373 unregistered sex offenders throughout Hawaii who have failed to complete initial registration requirements. Additionally, there are more than 500 non-compliant offenders who have failed to return a periodic verification form. More than 150 of these non-compliant offenders are located on the neighbor islands.

The two full-time investigators and two half-time investigators of the Sex Offender Compliance Unit have initiated 428 cases since the unit was established. Because of the department's limited resources, these cases have been in Honolulu and Hawaii counties only. To expand investigations to Kauai and Maui counties while keeping pace with investigations throughout the state, the unit requires two additional investigators. The unit also requires a legal clerk to cover the routine clerical duties currently handled by investigators, and allow the investigators to dedicate their time to investigations rather than clerical work.

The two additional investigators and legal clerk are necessary to help reduce the number of unregistered and non-compliant sex offenders throughout the state, and to ensure the completeness and accuracy of the sex offender registration information that the people of Hawaii rely on to keep themselves and their children out of harm's way.

2. DRUG HOUSE CLOSURES

The Drug Nuisance Abatement Unit was established by Act 63, SLH 2003, to provide for the effective enforcement and prosecution of the nuisance abatement laws under part V of chapter 712, Hawaii Revised Statutes, relating to offenses that involve the distribution or manufacture of drugs.

Since its creation in July 2003, the unit has assisted communities in closing down drug houses and disrupting the distribution of drugs in our neighborhoods. The unit has filed twelve lawsuits – five on Oahu, six on Maui, and one on the Big Island – which have played a vital role in closing down drug houses. As of September 15, 2007, the unit has received more than 1,565 complaints from the community. The unit has succeeded in closing 1,045 of these cases, but a backlog of 520 complaints remains.

Initially, the unit comprised only one deputy attorney general and 1.5 investigators. In fiscal year 2007-2008, these positions were funded through the General Appropriations Act. Recognizing the importance of the unit in disrupting the distribution of drugs and its high value to communities throughout the state, the Legislature also provided the additional sum of \$150,000 through Act 180, SLH 2007, for an additional 1.5 investigators and one clerk typist – but those funds will lapse on June 30, 2008. To attract and retain experienced law enforcement professionals, the Unit's funding should come from a more stable source

The addition of the 1.5 investigators is helping to decrease the backlog. In addition, the investigators are now able to focus more time on investigations because the clerk typist relieves them of clerical tasks such as reviewing complaints, entering case data in the drug nuisance database, and corresponding with landlords, government officials, and other government agencies.

The unit has proven its worth over the last four years by accomplishing its fundamental mission to close down drug houses. But stable, continued funding for the additional 1.5 investigators and the clerk typist is crucial to the unit's ability to effectively provide this service. Failure to maintain this funding will reduce the unit to its original size and diminish its ability to disrupt the distribution of drugs in neighborhoods throughout Hawaii.

3. PAUL COVERDELL FEDERAL GRANT

The Paul Coverdell grant currently is not referenced in the department's budget, which results in an incomplete picture of the resources available through the department for the criminal justice system.

The Paul Coverdell National Forensic Sciences Improvement Act of 2000, Public Law 106-561; as amended by Public Law 107-273; as amended by the Justice for All Act of 2004, Public Law 108-405 provides grants to improve the quality and timeliness of forensic science and medical examiner services and/or to eliminate backlogs in the analysis of forensic evidence, including controlled substances, firearms examination, forensic pathology, latent prints, questioned documents, toxicology, and trace evidence for criminal justice purposes. On the Federal level, the grant is administered by the National Institute of Justice, Office of Justice Programs, Department of Justice. On the State level, the administrator of the Coverdell grant is the Department of the Attorney General. The State has received a Coverdell grant every year since 2003. Although continued annual funding depends on yearly Congressional appropriations, it appears that this program has long-term support.

The department uses a competitive process to subgrant the funds. Applications are solicited from qualified agencies: the Honolulu Medical Examiners Office, the county police departments, and the Narcotics Enforcement Division of the Department of Public Safety. The grant has assisted the Honolulu Police Department in improving the security

of their lab, expanding their capacity, and meeting standards required for forensic lab accreditation. More recently, the Narcotics Enforcement Division is being supported in implementing a forensic lab for drug analysis, and the Honolulu Medical Examiner's Office in improving the efficiency of processing forensic evidence. Improvements in efficiently analyzing forensic evidence are a key tool in improving the quality of law enforcement investigations to promote public safety.

Using the grant as a springboard, the department has also initiated a forum so that the directors of the forensic laboratories can meet, help update the State forensic sciences plan, discuss issues, and provide support for each other.

The Paul Coverdell grant has no matching requirement.

Raising the federal fund ceiling to include the Coverdell grant presents a more complete picture of the resources available in the operational budget and streamlines the process of applying for and using the grant funds.

4. CIVIL RECOVERY OF MONEY OWED TO THE STATE

The Civil Recoveries Division assists various State agencies in the pursuit, litigation, and recovery of money owed to the State. The division comprises 33 temporary and permanent positions. In fiscal year 2006-2007, the division processed 17,204 recoveries and collected \$16,148,523, with an average of approximately \$938.65 per recovery. The total cost to operate the division during this period was \$1,530,434. The recovery costs for this period were approximately 10¢ per dollar recovered.

To efficiently coordinate and fulfill the mission to recover money owed to the State, the division is organized into teams that specialize in specific types of cases for certain State agencies. We recommend converting four temporary positions to permanent positions. These positions include a deputy attorney general, a legal assistant, a legal secretary, and an account clerk.

The deputy attorney general position represents the State in recovering and collecting moneys owed to the State in complex and contract based cases. This specialized position makes court appearances statewide; drafts memoranda, pleadings, opinions, and correspondence on behalf of the State; negotiates debtor settlements; maintains attorney-client relations; and supervises others.

The legal assistant supports attorneys with case management duties ranging from research to the preparation and filing of complaints, judgments, garnishments, motions, orders, and pleadings in all State and federal courts. The legal assistant also conducts discovery; investigates and locates debtors and debtor assets; assists in negotiating settlements; and sets up payment plans.

The legal secretary provides secretarial and legal support to the division's supervising attorney, and general support to all of the division's attorneys and legal support staff. The secretary is also responsible for supervising clerical and legal clerk functions and providing training resources to the clerical staff. The secretary functions as an office manager and handles administrative and personnel matters for all division employees.

The account clerk is responsible for receiving, tracking and posting approximately 50-80 incoming checks every day. While these payments generally range from \$10,000 - \$35,000, it is not uncommon for payments to exceed \$100,000. Payments received for all accounts, judgments, claims, and cases assigned to the division are sorted by client agency or team assignments, verified, and posted before maintaining and updating of payment records and log sheets. Each payment received is then reconciled with the appropriate team and case. The account clerk also tracks and logs purchase orders; maintains and updates client expense reports; purchases and maintains inventory of supplies, office furniture, and computer equipment; approves, processes, and follows up on invoices for payment; and receives and distributes all incoming division mail.

For 18 years, the division has been composed primarily of temporary positions. Only 6 of the division's 33 positions are permanent. It is very difficult to fill the remaining positions because most candidates are not interested in temporary positions. Employees who accept temporary positions generally do not remain in them for long periods because they prefer to move to permanent positions. The result is a disruption in collection efforts and loss of time and money invested in training new employees. Converting these four positions from temporary to permanent will help to prevent constant turnover and loss of valuable investments in staff – and recruiting the best candidates and retaining seasoned employees will enhance our collection performance.

5. NOTARIES PUBLIC

Currently, a single clerk typist is responsible for administering the entire statewide notary program. This one person administers and grades exams (and flies to neighbor islands once a month to give exams there); processes new applications, renewals, and changes in name, address, or employer; searches for and redacts requested record books; and responds to telephone and written inquiries and complaints.

With the increasing number of applicants (approximately 70 to 80 each month), the likewise increasing number of commissioned notaries (approximately 8,000), and the ensuing complaints, inquiries, and regulatory issues, it is clear that an additional position is necessary to operate the notary program. For several years, the department has struggled to keep pace with this growing program by relying on support from legal clerks, but occupies time that the legal clerks need to carry out their primary responsibilities in supporting the attorneys providing legal services to the State. Moreover, the legal clerks are only able to assist with certain notary tasks, the single clerk typist is the only employee familiar with all aspects of the program's operations. Furthermore, enhanced sensitivity to issues related to identity theft and restrictions on

disclosure of social security numbers have increased the time needed to review and redact information when producing notary records in response to subpoenas and public records requests, and additional time and resources will similarly be needed to implement new administrative rules once they are adopted.

Establishing a second position for the notary program will make it possible to handle all of the program's requirements in a more timely manner. In addition, with a second employee, the program will be able to monitor noncompliance and regulate practicing notaries. Presently, the single employee is barely keeping up with running the program and does not have time to track notaries who do not follow legal requirements. A second employee who can develop expertise in all aspects of the program will also provide important back-up capability. To meet the growing demand to process notary commissions, serve and regulate practicing notaries, and assist consumers throughout the state, a second clerk typist is essential

6. SECURE AND PERMANENT NOTARY RECORDS

There is an urgent need to transfer the information in notary record books from hard copy to a more secure format, such as microfiche or digital images. These record books contain social security numbers, home addresses, and other private information for thousands of people. Notaries often record not only the type of identification, such as a passport or drivers license, but also the identification number, and sometimes attach copies of identification documents or fingerprints to their record books.

These records take up a large amount of space, and security storage is a paramount concern. HRS § 456-16 requires notaries to deposit their record books with the department at the end of every four-year commission or when they resign, but does not specify a period of time after which the records may be destroyed. Thus, the number of notary books that must be retained increases every month. We plan to propose legislation in 2008 to resolve this, but meanwhile, notary records are kept in more than 500 banker boxes in the warehouse where forfeited assets are stored. The warehouse is dusty and must be opened to department personnel and others whenever forfeited assets are added, rearranged, or moved in preparation for an auction. Arrangements must be made with the asset forfeiture manager to open the warehouse whenever notary records are needed and, due to space constraints, the boxes are stacked on high shelves that can only be accessed by forklift. Given the tremendous concern about identity theft and new laws imposing duties on government agencies to safeguard social security numbers and other identifying information, funding to remedy the storage situation is urgently needed.

In addition, these records require careful, time-consuming redaction when they must be produced in response to an informal request or subpoena. The books are typically bound, and each page must be copied individually and all nondisclosable information redacted for every entry produced. Imaging these records to digital or microfiche format will allow for more efficient storage, retrieval, and redaction. This will enable the notary

program to operate more efficiently and will offer more security for the private information contained in notary records.

7. CRIMINAL JUSTICE

The Attorney General is the chief law enforcement officer of the State and is statutorily required to "be vigilant and active in detecting offenders against the laws of the State, and shall prosecute with the same diligence." HRS § 28-2. The Criminal Justice Division serves as the criminal prosecution arm of the department. The division's responsibilities have expanded tremendously in recent years.

The department is required by statute to have a Drug Nuisance Abatement Unit, which receives complaints on drug activities from the public and uses civil laws to remove suspected drug dealers from the homes where illegal activities take place. The department is also required by statute to have a Surveillance Review Unit, which must reviewing applications for interception of wire, oral, or electronic communications under Chapter 803. The Drug Nuisance Abatement Unit initially received no funding for support staff; later, a clerk was provided through an emergency appropriation for fiscal year 2007-2008 only. The Surveillance Review Unit received no funding for an attorney or support staff.

In addition to these legislatively mandated units, the department's prosecutorial responsibilities have expanded to include a Cold Case Unit, which investigates unsolved murders; an Environmental Crimes Unit, which prosecutes individuals for harming the environment; and a Sex Offender Compliance Unit, which prosecutes convicted sex offenders who fail to comply with sex offender registration laws. Additionally, the department has become responsible for all conflict prosecutions from all four counties. The Cold Case Unit and the Environmental Crimes Unit have received no additional funding for attorneys or support staff. The Sex Offender Compliance Unit receives federal grant funding for one attorney, but has no funding for support staff. Conflict cases have risen from an average of 5-10 per year to 30-50 per year. No attorneys or support staff have been added to cover this rise in conflict cases.

These additional responsibilities have put a tremendous strain on the limited resources of the Criminal Justice Division. The requested Deputy Attorney General and Legal Clerk positions are currently temporary positions in the Department that are not linked to a specific division. Reauthorizing these positions will help the Criminal Justice Division to cover the increased workload and to effectively investigate and prosecute crimes on behalf of the people of Hawaii.

8. HUMAN RESOURCES

The Department's personnel office is seriously understaffed – to the point where it is unable to handle all of the personnel requirements of its almost 800 employees. The

existing staff consists of only one Department Personnel Officer, two Specialists, one Technician, and two Clerks.

This staff shortage, along with an increase in delegation of duties, responsibilities, and decision making from DHRD to the department, has caused a backlog in several areas, especially in classification, recruitment, implementing organizational changes, handling of labor relations and grievances, position transactions, and leave record accounting.

The current staff is only able to handle emergency actions, and this is causing significant delays in other important personnel matters, such as recruitments, classifications, and reorganizations. This situation is most apparent in filling positions at the Child Support Enforcement Agency due to delays in recruitment, reclassification, and reorganization. The extra workload related to the 2007 transfer of the Family Support Divisions from Honolulu and Hawaii counties to the department has further increased the backlog.

The department has identified budgeted temporary positions which we request be reauthorized, with no increase to our allocation, to add one Personnel Management Specialist and one Personnel Clerk to begin to handle the backlog that currently exists and to provide the staff and management of the department the services required.

9. PUBLIC SAFETY; HOUSING FINANCE AND DEVELOPMENT

The Department of Public Safety's (PSD) growing legal needs require the addition of a full time deputy attorney general. With the development of mental health services issues currently under scrutiny by the U.S. Department of Justice, the legislative push to house inmates in-state rather than out-of-state premised on the building of such capacity in Hawaii, and the sheer growth of the State's inmate population, there are more legal issues than the current staff of two attorneys can appropriately and realistically handle. Additional legal support is required by the PSD Sheriffs Division to support its capacity to fulfill a growing list of responsibilities to protect and defend the public. Issues include the need to serve the increasing backlog of warrants, the increasing numbers of arrests, changes in judicial procedures requiring changes to the processing of arrestees, formulation or revision of policies and procedures, police powers, and the panoply of rights of detainees and arrestees, as well as operational issues.

Except for tort litigation and most employment issues, PSD's legal needs are currently served by only two deputy attorneys general whose workload cannot reasonably accommodate the full spectrum of legal services that is required of them. In addition to the foregoing areas of responsibility, the two attorneys currently represent PSD in various court proceedings involving inmates and detainees, including habeas corpus/Rule 40 petitions and related appeals, subpoena proceedings, proceedings regarding mental health services, extraditions, and other miscellaneous civil and family court matters that involve inmates or that are instituted by inmates. They also handle a significant amount of claims and advice and counsel on issues involving Americans with Disabilities issues,

contractual issues, construction, procurement, civil rights, federal compliance issues, administrative rules, legislation, among other things.

A third deputy attorney general position is needed to provide an appropriate level of legal services to PSD.

Hawaii Housing Finance and Development:

One full time deputy attorney general is sought for the purpose of servicing the Hawaii Housing Finance and Development Corporation (HHFDC) to appropriately and realistically serve the needs of this new agency supporting a renewed state effort to increase affordable housing opportunities in Hawaii. The establishment of HHFDC has created organizational needs that require legal support (a new administrative structure, including an executive staff, a board of directors). Further, with the growth of housing projects comes the growth of legal issues regarding those projects. The legal work for HHFDC encompasses various programs, such as mortgage loan programs, remediation projects, administration of the many funding mechanisms promoting affordable development (bond financing and tax credit programs), land management, and infrastructure development. Work includes advice and counsel on a variety of issues, leases and other conveyancing documents, development agreements, financing instruments, provider and vendor contracts, administrative rules and legislation. Foreclosure work is anticipated to grow.

This work is highly document intensive and requires a certain level of experience and expertise. Presently, a single attorney position is assigned to serve all of HHFDC's legal needs. The workload, however, requires that various other deputies assist on a regular ongoing basis creating a burdensome overload for all concerned.

10. HAWAII STATE HOSPITAL

Among the functions the department performs for the Hawaii State Hospital (HSH) are obtaining involuntary medication orders for patients who are dangerous to themselves or others and refuse to take medications; obtaining involuntary medication orders for unfit forensic patients who may be restored to fitness and tried if appropriately medicated; and assisting hospital personnel in planning for the discharge of patients who require court approval to move to another setting. We perform similar functions for the 32 patients housed under contract at Kahi Mohala who would reside at HSH if there were sufficient space for them.

Delays in the movement of appropriate patients from hospital treatment to community placement via conditional discharge, or return to fitness for trial, compounds the challenge of managing Hawaii's most clinically intensive and expensive form of public psychiatric care: inpatient acute psychiatric stabilization and longer-term inpatient psychiatric rehabilitation.

The Health and Human Services Division requires a Legal Assistant III position to assist HSH in moving patients through the hospital to discharge or trial in a timely manner, thus helping to keep the census at a more manageable level. This legal assistant will review commitment orders and track the legal status of forensic patients; work with treatment teams to identify steps that must be taken to move a patient through the court process to alternative placement; handle scheduling and transport issues with the courts when HSH patients have court hearings; arrange videoconferencing for certain court appearances; perform factual research and draft documents for motions requesting orders for involuntary treatment; communicate with other offices such as the Prosecutor and Public Defender; research court and HSH records in specific cases as needed; and perform other legal support functions.

B. PROGRAM CHANGE RECOMMENDATIONS TO REMEDY PROBLEMS.

1. REGISTRATION OF CONVICTED SEX OFFENDERS

Recommendation: Establish two Investigator V positions and one Legal Clerk position.

2. DRUG HOUSE CLOSURES

Recommendation: Add 1.5 Investigator IV positions and one Clerk Typist III position to department budget as previously included in Act 180, Session Laws of Hawaii 2007.

3. PAUL COVERDELL FEDERAL GRANT

Recommendation: Raise federal fund ceiling to include Coverdell grant.

4. CIVIL RECOVERY OF MONEY OWED TO THE STATE

Recommendation: Convert Deputy Attorney General, Legal Secretary, Account Clerk II, and Legal Assistant II positions from temporary to permanent.

5. NOTARIES PUBLIC

Recommendation: Establish one Clerk Typist II position.

6. SECURE AND PERMANENT NOTARY RECORDS

Recommendation: Provide funding to transfer information in notary record books to microfiche, electronic form, or other media.

7. CRIMINAL JUSTICE

Recommendation: Reauthorize one Deputy Attorney General position and one Legal Clerk position and convert from temporary to permanent to allow the Criminal Justice Division to properly cover increased workload.

8. HUMAN RESOURCES

Recommendation: Reauthorize Personnel Management Specialist V and Personnel Clerk V positions and convert from temporary to permanent.

9. PUBLIC SAFETY; HOUSING FINANCE AND DEVELOPMENT

Recommendation: Reauthorize two Deputy Attorney General positions and convert from temporary to permanent.

10. HAWAII STATE HOSPITAL

Recommendation: Convert .5 Deputy Attorney General position to Legal Assistant III position to assist Hawaii State Hospital in moving patients through the hospital to discharge or trial in a timely manner, thus helping to keep the census at a more manageable level.

C. IDENTIFY ANY PROGRAM ISSUES OR PROBLEMS THAT HAVE AFFECTED OR WILL AFFECT THE IMPLEMENTATION OF THE PROGRAM, AND THE CORRECTIVE MEASURES OR REMEDIES ESTABLISHED OR PLANNED.

Program issues or problems that have affected or will affect the implementation of the program are discussed above in Part III.A., *Discussion of Programs and Issues Encountered*.

Corrective measure or remedies established or planned are discussed above in Part III.B., *Program Change Recommendations to Remedy Problems*.

IV. EXPENDITURES FOR FY 2008:

	FY 2008	Bargaining	In/Out	Restriction	Resources	Expenditures
Position Count	323.00				323.00	323.00
Personal Services	26,023,676	1,615,691			27,639,367	27,639,367
Current Expenses	24,748,356				24,748,356	17,748,356
Equipment	149,823				149,823	149,823
Motor Vehicles	0				0	0
TOTAL	50,921,855	1,615,691	0	0	52,537,546	45,537,546
Means of Financing:						
	234.15				234.15	234.15
General	25,124,279	963,427			26,087,706	26,087,706
	18.00				18.00	18.00
Special	1,893,738	58,294			1,952,032	1,952,032
	13.00				13.00	13.00
Federal	8,918,519	79,160			8,997,679	6,497,679
	3.00				3.00	3.00
Revolving	3,017,834	18,193			3,036,027	1,036,027
	0.00				0.00	0.00
Trust	3,918,000				3,918,000	1,418,000
	54.85				54.85	54.85
U Funds	8,049,467	496,617			8,546,084	8,546,084
	323.00	0.00	0.00	0.00	323.00	323.00
	50,921,837	1,615,691	0	0	52,537,528	45,537,528

A. EXPLAIN ALL TRANSFERS WITHIN THE PROGRAM I.D. AND THE IMPACT ON THE PROGRAM.

None.

B. EXPLAIN ALL TRANSFERS BETWEEN PROGRAM I.D.S AND THE IMPACT ON THE PROGRAM.

None.

C. EXPLAIN ANY RESTRICTIONS AND THE IMPACTS ON THE PROGRAM.

None.

V. SUPPLEMENTAL BUDGET REQUESTS FOR FY09:

		Budget Request
		FY2009
Position count		18.28
Personal Services		197,828
Current Expenses		231,915
Equipment		19,000
Motor Vehicles		0
TOTAL		448,743
 Means of Financing:		
		15.78
General		400,480
		0.00
Special		0
		0.00
Federal		(59,366)
		1.00
Revolving		106,985
		0.00
Trust		0
		1.50
UFunds		644
		18.28
		448,743

A. *WORKLOAD OR PROGRAM REQUEST: GENERAL FUNDS UNLESS OTHERWISE INDICATED*

1. **Funding to support the Sex Offender Registration Program.** Establish two Investigator V positions and one Legal Clerk position.

<u>Personal Services</u>	<u>MOF</u>	<u>\$</u>
4.28 – Investigator V	A	188,208
(2.28) – Investigator V (Temporary)	N	(150,381)
1.00 - Legal Clerk	A	<u>24,057</u>
Total Personal Services		61,884

<u>Other Current Expenses</u>		
Travel & mileage	A	13,600
phone & supplies	A	<u>21,900</u>
Total Other Current		35,500
<u>Equipment</u>		
Computers, Desks, & Chairs	A	12,000

2. **Drug Nuisance Abatement.** Add 1.5 Investigator IV positions and one Clerk Typist III position to department budget as previously included in Act 180, Session Laws of Hawaii 2007.

<u>Personal Services</u>		<u>\$</u>
1.50-Investigator IV		74,019
1.00 - Clerk Typist III		27,756
Overtime		<u>17,700</u>
Total Personal Services		119,475

<u>Other Current Expenses</u>		
Travel & mileage		14,000
Phone & supplies		<u>8,400</u>
Total Other Current		22,400

3. **Paul Coverdell Federal Grant.** Raise federal fund ceiling to include Coverdell grant.

<u>Other Current Expenses</u>		<u>\$</u>
Project Funds		91,015

4. **Convert temporary positions to permanent.** Convert Deputy Attorney General, Legal Secretary, Legal Assistant II, and Account Clerk II positions from temporary to permanent.

5. **Add Clerk Typist II.** Establish one Clerk Typist II position.

<u>Personal Services</u>		<u>\$</u>
1.00 Clerk Typist II	MOF W	19,275
Fringe Benefits	W	<u>7,710</u>
Total Personal Services		26,985

6. **Digitize (imaging) old notary records.**

<u>Other Current Expenses</u>		<u>\$</u>
Digital Copy services	MOF W	80,000

7. **Reauthorize Deputy Attorney General and Legal Assistant positions.** Reauthorize one Deputy Attorney General position and one Legal Clerk position and convert from temporary to permanent

<u>Personal Services</u>	<u>\$</u>
1.00- Deputy Attorney General	(5,500)
1.00 – Legal Clerk	(5,660)
Total Personal Services	(11,160)
<u>Other Current Expenses</u>	
Phone & supplies	3,000
<u>Equipment</u>	
Computers, Phones	7,000

8. **Reauthorize Personnel management Specialist and Personnel Clerk positions.** Reauthorize Personnel Management Specialist V and Personnel Clerk V positions and convert from temporary to permanent.

<u>Personal Services</u>	<u>\$</u>
1.00 - Pers. Mgmt. Specialist V	36,036
1.00 – Personnel Clerk V	23,409
Clerk Typist II	(26,830)
Legal Clerk	(37,464)
Vacancy savings	(5,151)
Total Personal Services	(10,000)
<u>Equipment</u>	
Computers, Phones	10,000

9. **Reauthorize two Deputy Attorney General positions.** Reauthorize two Deputy Attorney General positions and convert from temporary to permanent.

<u>Personal Services</u>	<u>\$</u>
1.00- Deputy Attorney General	70,000
1.00 – Deputy Attorney General	75,000
(1.00) – Deputy Attorney General	(60,000)
Deputy Attorney General	(63,000)
Delay hire to 10-1-08	(37,000)
Total Personal Services	(15,000)
<u>Other Current Expenses</u>	
Phone & supplies	5,000
<u>Equipment</u>	
Computers, Desks, Phones	10,000

10. **Convert .5 Deputy Attorney General to 1.0 Legal Assistant III.** Convert .5 Deputy Attorney General position to Legal Assistant III position.

<u>Personal Services</u>	<u>\$</u>
1.00 - Legal Assistant III	42,144
(.50) - Deputy Attorney General	(41,500)
Total Personal Services	644

B. FOR ALL POSITION COUNT REDUCTIONS, PLEASE SPECIFY WHETHER THE POSITIONS WERE FILLED OR VACANT.

Not applicable.

VI. PROGRAM RESTRICTIONS:

A. IDENTIFY RESTRICTIONS CARRIED OVER FROM FY08 AS WELL AS ADDITIONAL REDUCTIONS DUE TO DEPARTMENT OF BUDGET AND FINANCE BUDGET CEILINGS FOR FY09.

None.

VII. CAPITAL IMPROVEMENT PROGRAM (CIP) REQUESTS FOR FY09:

None.

VIII. PROPOSED LAPSES OF CIP PROJECTS:

None.

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

ATG-231

State Criminal Justice Information and Identification

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

PROGRAM I.D. AND TITLE:

ATG-231 STATE CRIMINAL JUSTICE INFORMATION AND IDENTIFICATION

I. INTRODUCTION:

A. Summary of Program Objectives

The Hawaii Criminal Justice Data Center (HCJDC) is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), and State Identification card. HCJDC's functions are defined and governed by chapter 846, chapter 846E, and section 831-3.2, HRS.

HCJDC's program objectives are as follows:

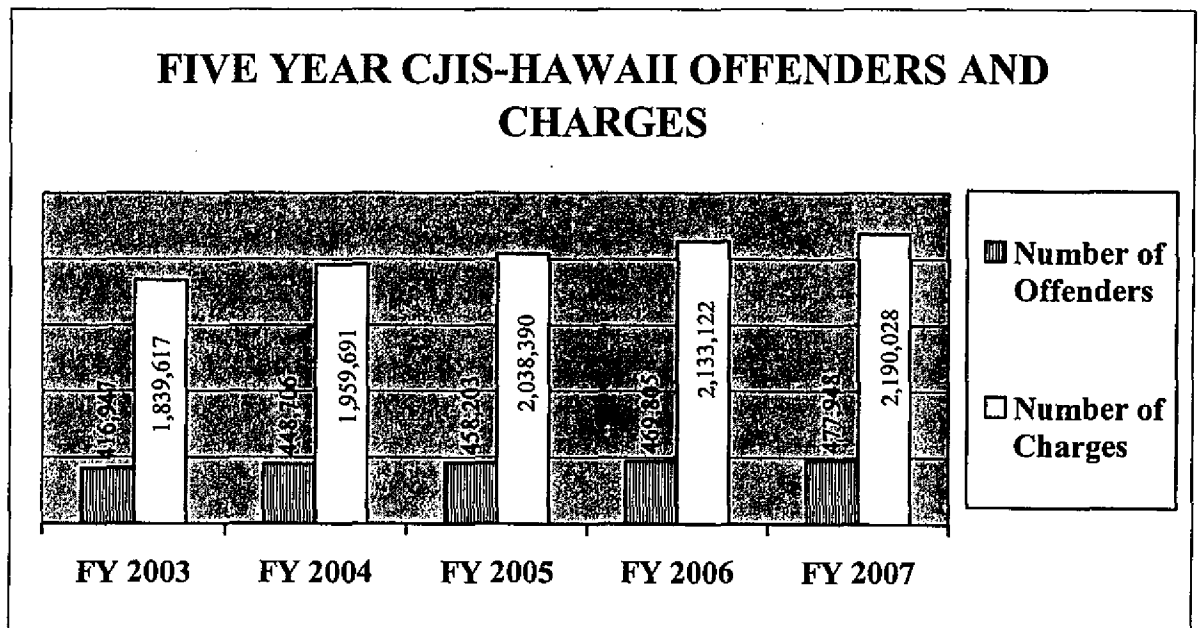
1. To improve the administration of criminal justice through the collection, reporting, and exchange of criminal justice information that is accurate, timely, relevant and complete.
2. To disseminate computerized criminal history information as required by state statute.
3. To accurately maintain the statewide Sex Offender Registration program under chapter 846E, HRS.
4. To provide timely positive identification of arrested offenders through a statewide system of criminal identification based on fingerprints and through the integration of AFIS with CJIS-Hawaii.
5. To process all eligible expungement requests within the statutory limitation of 120 days.
6. To provide quality customer service in the issuance and renewal of fingerprint-based State ID cards to the public.

B. Description of Program Objectives

1. CJIS-Hawaii – To improve the administration of criminal justice through the collection, reporting, and exchange of criminal justice information that is accurate, timely, relevant and complete.

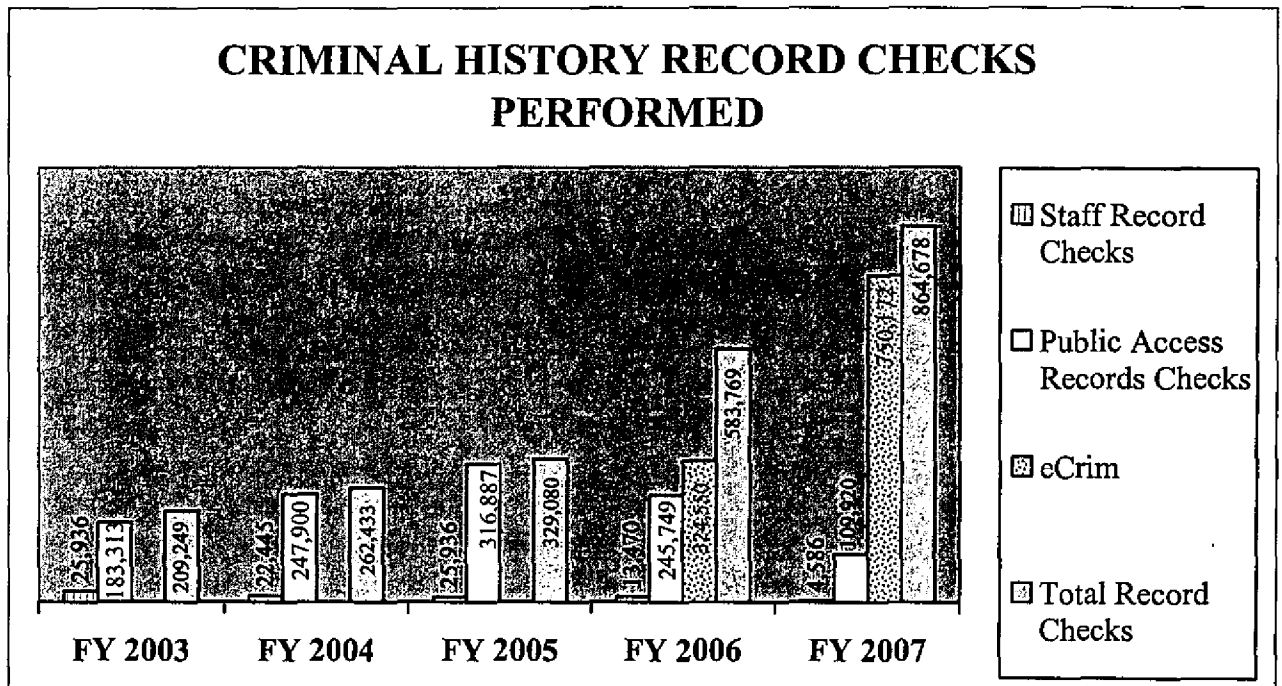
HCJDC manages a centralized automated system designed to maintain a comprehensive adult criminal history of offenders called CJIS-Hawaii, formerly known the Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH). CJIS-Hawaii is the only criminal justice information system on offenders arrested in Hawaii that contains statewide information from police, sheriffs, prosecutors, all levels of courts, intake service centers, community correctional facilities, and probation and parole agencies. Currently, there are almost 480,000 offenders and more than 2 million records in this system.

CJIS-Hawaii is accessed via desktop PCs located in every state and local criminal justice agency in Hawaii, authorized federal agencies, and other authorized non-criminal justice agencies. Currently, more than 3,700 users access CJIS-Hawaii.



2. Criminal Records Clearance – To disseminate Computerized Criminal History information as required by state statute.

CJIS-Hawaii provides access to timely and accurate criminal history record information for all authorized purposes, including public access to conviction-only information, and to conduct criminal history record checks on all individuals subject to such requirements by law. Our Criminal History Record Checks Sub-unit serves a growing list of programs that conduct criminal background checks for child care providers, public and private schools, private guards, county liquor commissions, cooperative housing and condo corporations, and many others. HCJDC serves 52 private agencies and processes almost 600,000 record checks each year. The public can access criminal conviction information via Public Access terminals at the HCJDC office, at all main police stations, and via the Internet. Internet requests now surpass Public Access terminal requests.

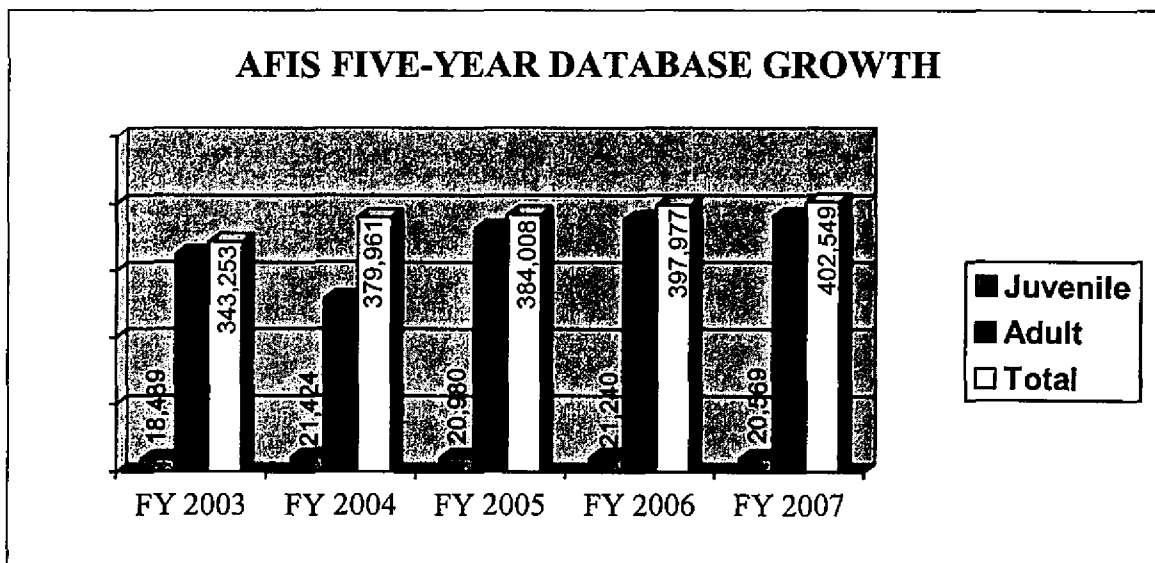


3. Sex Offender Registration – To accurately maintain the statewide Sex Offender Registration program under chapter 846E, HRS.

Chapter 846E sets out the requirements for the registration of convicted sex offenders in Hawaii. Sex offenders are required to verify their registration information every 90 days to ensure that the information is accurate. Currently, approximately 2,400 sex offenders are registered statewide. Since the launch of the new sex offender registry website on May 9, 2005, the site has received almost 10 million hits.

4. Criminal Identification/Automated Fingerprint Identification System (AFIS) – To provide timely positive identification of arrested offenders through a statewide system of criminal identification based on fingerprints and through the integration of AFIS with CJIS-Hawaii.

HCJDC is designated as the State Identification Bureau by the Federal Bureau of Investigation. As such, it operates and coordinates a statewide criminal fingerprint identification system of records on arrested offenders, juvenile law violators, and other records received from contributing law enforcement, custodial, judicial, and other agencies. This includes maintaining all fingerprint images captured by arresting agencies, processing civil applicant fingerprints from such agencies as the Department of Human Services, and processing latent fingerprints to assist criminal investigations.



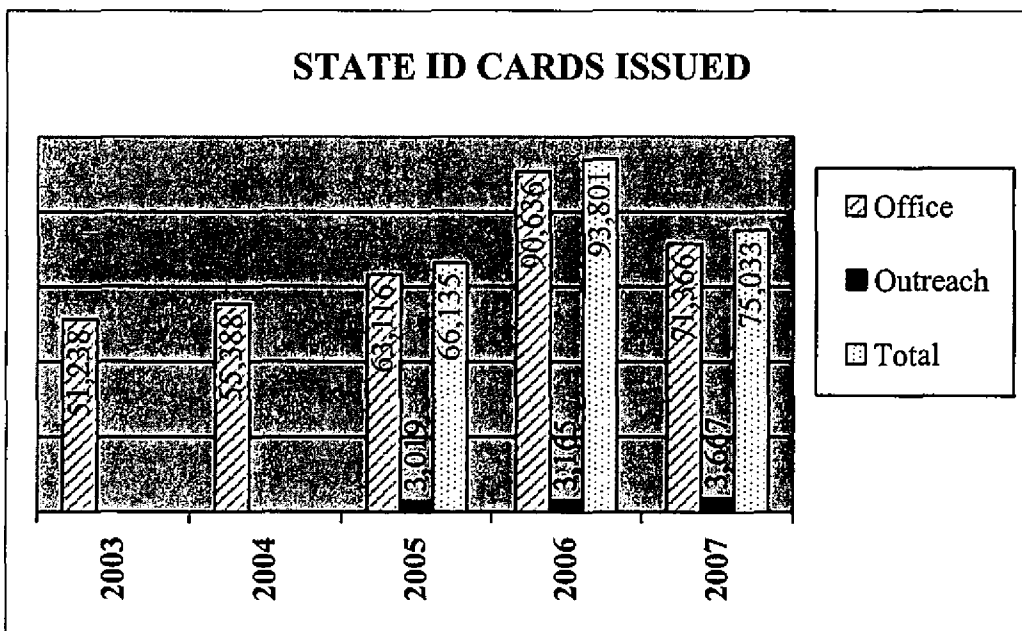
The AFIS system currently maintains over 400,000 automated fingerprint records, and processed approximately 75,000 civil and criminal records in FY 2007.

5. Expungement of Arrest Records - To process all eligible expungement requests within the statutory limitation of 120 days.

This activity consists of researching applicants' criminal history, determining whether records meet the expungement criteria, issuing expungement orders, issuing certificates of expungement, and sealing these records, as detailed in section 831-3.2, HRS. Last year, we processed almost 1,200 applications to expunge arrest records.

6. Civil Identification – To provide quality customer service in the issuance and renewal of fingerprint-based State ID cards to the public.

Under this program, HCJDC is responsible for issuing State ID cards, which provide an alternative photo ID for the public. This is the only civil function for which HCJDC is responsible. Since 2004, HCJDC has held outreach events serving more than 9,000 citizens in their local communities, including senior citizen residences and special needs students in schools. The response from the public has been overwhelmingly positive. In a continuing effort to reach out to the public, our Renewal-by-Mail program has had similar success, with more than 39,000 applicants aged 65 and over renewing by mail.



C. Explain how your program intends to meet its objectives within the upcoming fiscal year

Because HCJDC programs have a direct impact on public safety, we strive to maintain and improve the effectiveness of our programs with the resources available to our agency by seeking ways to further streamline operations and improve our service to our criminal justice users and the public. This is always a challenge due to budgetary constraints, but we explore all options, including federal grant programs and legislative changes. In addition, we look to automation and system integration as technical options and viable alternatives to achieve our objectives.

II. PROGRAM PERFORMANCE RESULTS

A. Discuss the performance results achieved by each Program in FY 2006-2007

Each of the programs maintained by the HCJDC, and the program performance results, are explained in Section I.B. above. We have provided graphic charts where possible to show statistical trends over previous periods.

B. Explain how these results relate to the Program's Objectives and Department's Mission

In general, these results show the continuing demand for information and services that the HCJDC systems and programs provide to the criminal justice community, non-criminal justice agencies, and the public. In particular, there is significant growth in the demand for timely and accurate criminal history record information, State ID cards, and improved accessibility to our programs and services. This is consistent with our objectives, which emphasize the need to provide what our users require on a timely basis.

C. Explain how the Effectiveness of the Program is measured

1. CJIS-Hawaii System

The effectiveness of the CJIS-Hawaii program is measured by tracking the number of computer transactions completed against the database and by monitoring the level of data completeness through missing disposition statistics. The number of inquiries on CJIS-Hawaii increases steadily and our 93% disposition completion rate is one of the highest in the nation. This shows the level of usage and demand for this information, which is directly affected by the quality of the data we provide.

2. Criminal History Records Clearance (CHRC)

The demand for criminal history record checks has grown tremendously over the past few years, as the statistics on the number of checks processed by the CHRC sub-unit show. In 1987, when this program began doing criminal history record checks, fewer than 10,000 requests were processed. By FY 2000 this number had reached 145,000, and in FY 2007 almost 850,000 record checks were processed – an increase of 500% in the past seven years. The availability of criminal conviction information on the Internet has made it possible for more people to conduct criminal history record checks on their own. We also track the sources of these requests, as inquiries are received from all sectors of the community, in-state, nationwide, and internationally.

3. Sex Offender Registration

We continue to monitor the effectiveness of this program, which has been affected by numerous legislative changes, by collecting statistics that reflect the growth of this program's responsibilities, the number of offenders requiring registration, the number of offenders requiring quarterly verification, and our proactive research regarding non-compliant registrants.

4. **Expungement of Arrest Records**

HCJDC monitors the effectiveness of this program by tracking the number of requests and the turnaround time for issuing expungement orders. We have improved the effectiveness through internal efforts to streamline and automate procedures that have resulted in an overall reduction in processing times and improved the quality and accuracy of the information processed.

5. **Criminal Identification/Automated Fingerprint Identification System (AFIS)**

HCJDC tracks the effectiveness of this program by monitoring the time required to complete the ID process for offenders arrested in Hawaii. Timely positive identification is extremely important to the criminal justice community to ensure the accurate and prompt availability of an arrested offender's information. In addition, the AFIS system, through its automated search of latent fingerprints from crime scenes, has been highly successful in identifying offenders who might not otherwise be apprehended and prosecuted. HCJDC also tracks the number of crime scene fingerprints matched with those in the database as a measure of effectiveness.

6. **Civil Identification**

HCJDC monitors the number of State ID cards issued and the number of applicants processed via Renewal By Mail and outreach events to determine the effectiveness of this program. In FY 2007, over 75,000 cards were issued – a decrease of 20% from FY 2006. This decline was expected: Cards issued in FY 2000, when mandatory expiration dates were first imposed, reached their six-year expiration date in FY 2006, which led to a 44% increase in renewals that year. We expect another surge in renewals after the end of the next six-year cycle in FY 2012.

D. **Discuss actions taken by each program to improve its performance results**

1. **CJIS-Hawaii System** - CJIS-Hawaii continues to be the only statewide system providing key information to decision-makers and operational staff, not only in the criminal justice area but also in the faster growing area of demand: non-criminal justice and applicant criminal history record check processing.

- **Missing and Delinquent Dispositions**: Data quality on CJIS-Hawaii is a top priority for HCJDC and the entire criminal justice user community. Staff resources are dedicated to continually monitor and research problem cases, agency backlogs, and electronic glitches. New automated interfaces, such as those with the Adult Probation Office (PROBER) and the Honolulu Prosecutor's case management system (HOKU) are being developed to improve the accuracy, timeliness, and posting rates for dispositions. We will also be reviewing the disposition reporting process to determine where improvements can be made to decrease the missing disposition rate. We are currently over 93% complete in terms of charges with final dispositions. **Nationally, Hawaii maintains its Top Ten ranking**, and we continue to strive to improve even further in this area because of the impact that missing dispositions have on society.

- **“Lights Out” Offender Identification:** This is the most significant project now being implemented for CJIS-Hawaii because it integrates the CJIS-Hawaii and AFIS systems to perform positive identification of offenders at the time of booking with no human operator intervention in a projected 85% of cases. With Lights Out capability, law enforcement will be able to identify offenders while they are still in custody because FBI and State identification results will be sent directly to the booking location. Phase I of Lights Out identification was implemented on April 1, 2007, and since then more than 35,000 transactions have been processed. Automated identification was activated in September for repeat offenders, and approximately 65% of all arrests are now identified as known offenders within five minutes for the State AFIS system and fifteen minutes for the FBI IAFIS system. Implementation of a full sex offender workflow, incorporation of juvenile bookings into the system, and a number of usability and performance enhancements are scheduled to be completed by the end of FY 2008.

- **Transfer of NCIC2000 to the State:** The National Crime Information Center (NCIC) 2000 is a nationwide, computerized information system of the FBI that serves all local, state and federal criminal justice agencies around the clock. HCJDC has managed NCIC since October 16, 2007. Before that date, Hawaii was the only state in the nation with a county-based criminal justice agency (Honolulu Police Department) serving as its CJIS Systems Agency.

The growth and expansion of criminal justice systems to include criminal history record information (III), an automated AFIS system (IAFIS), sex offender data (NSOR), and protection order information (PO) significantly changed the requirements for national criminal justice information. HCJDC has completed a massive transition to assume this responsibility in order to improve the effectiveness of the State’s reporting to FBI systems, and to comply with federal mandates and national initiatives that directly affect the State.

- **County-wide Integration:** The Horizontal Integration Pilot project in Hawaii County is designed to demonstrate the technical feasibility and business value of electronically sharing critical information at key decision points in a real-time, secure, and paperless manner. This project is limited in scope, focusing initially on a single jurisdiction sharing arrest information with prosecutors and corrections. Implementation is targeted for January 2008. This pilot project will also demonstrate improvement in the accuracy, timeliness, and quality of information shared between the agencies and posted on CJIS-Hawaii.
- **New Automated Interfaces:** There are already 20 automated interfaces between CJIS-Hawaii and nearly every major criminal justice agency in the State. In the past fiscal year, an interface with the Honolulu Police Department’s mug photo system was implemented to electronically transfer HPD mug photos to CJIS-Hawaii and the Statewide mug photo System. Mug photos for HPD arrests from November 1, 2007 forward are now available to all authorized users of both systems.

- **Firearms Registration**: We are in the process of developing inquiry and maintenance components for firearm registration and permit denials. A standardized firearm registration form and codes have been implemented in the four counties. We are developing interfaces to automatically update CJIS-Hawaii from the county record management systems. Manual registration forms in each county have been scanned into electronic form. Electronic versions of the forms from the Honolulu Police Department will be made available for all counties to use in research of firearms registration through CJIS-Hawaii. When the component is implemented denial information will be submitted to the Federal National Instant Check System.
2. **Criminal History Records Clearance** – This program continues to be the most rapidly expanding area, as the number of requests for criminal history record information reached another all-time high of over 850,000 in FY 2007.
- **Timely Criminal Background Checks**: HCJDC continues to work with a growing number of authorized agencies to implement direct online access to state criminal history records and to use electronic livescan technology for submitting fingerprints electronically to reduce response time for these important checks. This has resulted in a reduction of response time for national fingerprint checks from 4-6 weeks (hard copy submissions) to under 8 hours.
 - **Online Conviction Information Access (“eCrim”)**: Pursuant to 846-9, HRS, conviction information on CJIS-Hawaii is a public record. HCJDC makes this information available via Public Access terminals located at our office and at the main county police stations. Since November 9, 2005, HCJDC also provides this information via “eCrim” as a 24x7 service on the State website, which makes the information conveniently accessible to youth organizations, employers, and the public.
3. **Sex Offender Registration** – This program, which is the most recent one to be added to HCJDC’s responsibilities, continues to require increasing resources for its operational responsibilities. Its rapid growth is most apparent in the increase in the number of registered sex offenders from 522 in 1997 to 2,430 today.
- **Sex Offender Website**: Act 45, SLH 2005 was significant for this program because it replaced the case-by-case court hearing requirement for website dissemination of sex offender information with offense criteria that required manual examination of every convicted sex offender’s record. Information on 1,800 registered sex offenders is available to the public on our website. The site has processed more than 10 million queries since its launch on May 9, 2005. Parents and families now have access to information to protect their children from sex offenders residing in our communities. This is one of the heavily used government websites.

- Non-compliant Offenders: We have continued our efforts to increase compliance by sex offenders with Chapter 846E, HRS, and to prosecute non-compliant sex offenders. To date, 44 sex offenders have been indicted, of which 34 have been found guilty and 7 are awaiting trial. Approximately 2,400 sex offenders are registered statewide, of which 22% non-compliant.
- Sex Offender Administrative Automation: We are developing a Sex Offender Administrative application, which will include a document management system to support scanning and image storage of paper documents as well as creation, update, and retrieval of electronic documents. This application will allow authorized users to view and print registered sex offender histories and documents online without the need for manual intervention by Sex Offender Registration Unit personnel.

4. Criminal Identification/Automated Fingerprint Identification System (AFIS)

- Integrated Arrest/Booking: The “Green Box” pilot project which was so successful in Hawaii County, integrated the front-end arrest/booking process to automate the capture of arrest information, mugphotos and fingerprints, and send data to CJIS-Hawaii, the State AFIS, and the FBI IAFIS, all electronically. This process has been expanded to include Kauai Police Department and the Honolulu Sheriff’s office. The Honolulu Police Department is currently submitting all arrests and fingerprints electronically. It is anticipated that Maui County Police Department will be electronically integrated in FY 2008. Completion of this last phase will make this a statewide standard that improves the accuracy and timeliness of arrest information sharing.
- MetaMorpho Implementation: The State’s AFIS system has been upgraded to MetaMorpho technology and has been operational since June 2006. This upgrade is part of the Lights Out project that integrates identification functions between CJIS-Hawaii and AFIS, and allows positive identification of arrested offenders without manual intervention by AFIS operators. Full implementation of Lights Out is targeted for the end of FY 2008.
- Latent Fingerprint Searches: The ability to search against the AFIS database for latent fingerprints found at crime scenes is an important tool for Hawaii’s law enforcement. HCJDC has extended services to other law enforcement agencies, such as those in the military, to assist in processing latent fingerprints. Since July 2006, the State AFIS has the capability to capture, store, and search electronic palm prints, which is another proactive tool in solving crime.

5. **Expungement of Arrest Records** - The technology used in the development of CJIS-Hawaii enabled the modernization of what was previously a primarily manual expungement process with the electronic production of expungement orders and certificates. Expunged records can now be viewed as part of an offender's criminal history by authorized CJIS-Hawaii users.

- **Streamline Processing**: The Criminal History Record Check Sub-unit continues to work on improvements in streamlining the expungement process, which includes updates and changes to CJIS-Hawaii.

6. **Civil Identification**

- **Outreach Events**: Phase II of the newly automated State ID system was implemented in 2005 to include fingerprint searching and remote processing. As a result, the technology available to handle community outreach events was vastly improved. This is clearly demonstrated by the almost 60 outreach events held in 2006 and 2007.

III. **PROBLEMS AND ISSUES**

A. **Discussion of Problems and Issues Encountered if Any**

1. **CJIS-Hawaii System**

The multitude of initiatives underway for CJIS-Hawaii clearly impacts the resources available for HCJDC. New programs, such as the program resulting from the transfer of NCIC to the State, bring major ongoing responsibilities, such as training, auditing, data validation, and much more. The existing staff cannot handle these additional functions without setting aside their current duties. Enhancements to CJIS-Hawaii to reach the goal of a fully integrated criminal justice system include statewide firearms registration, statewide wants/warrants, and a Lights Out interface with AFIS. This will enable Hawaii to be an important contributor to the national systems and federal initiatives being supported by the FBI and to eventually become a participant in the National Fingerprint File.

2. **Business Continuity and Disaster Recovery**

Given the high need for availability of the services that HCJDC provides to users in the law enforcement and criminal justice community, it is imperative that plans and systems be in place to provide for business continuity in the event of a natural disaster or terrorist event that impacts our primary operations. Because HCJDC's systems are critical for the State, we are moving forward to secure the systems in the event of an emergency.

3. Sex Offender Registration

The Adam Walsh Child Protection and Safety Act of 2006 will have major implications for Hawaii. More personnel resources will be required to implement and maintain the new mandates, but must be implemented by July 27, 2009.

4. Civil Identification

The Real ID Act in 2005 will have a significant impact on Hawaii's driver's license and State ID Programs. The Real ID Act provides minimum standards for document requirements and the processing and issuance of these forms of identification. It mandates that all state-issued driver's licenses and State ID cards must conform to these new regulations by May 2008, in order for these cards to be recognized by the federal government. Some of the more onerous requirements include reissuance of all IDs after presenting all source documents and verifying those source documents with the issuing agency, wherever that may be; use of social security numbers as a key piece of identifying information; and scanning and storing all documents electronically for seven years. Hawaii is at a disadvantage in complying with the Real ID Act because it is the only state in the nation where drivers licenses and state ID cards are issued by two different agencies. The State asked the Department of Homeland Security (DHS) for an extension of the deadline to comply with the Real ID Act; however, in anticipation of the release of the final rules, DHS has asked states to refile extension requests by February 10, 2008. DHS delivered its final rules to the Office of Management and Budget (OMB) for review on November 27, 2007. OMB must issue its report on the rules within 90 days.

B. Program Change Recommendations to Remedy Problems

1. CJIS-Hawaii System

Nationally, demand for the types of services provided by HCJDC, such as criminal history record checks, fingerprint analysis, civil identification, and sex offender registration, is at an all time high in all states. New federal legislation such as the Adam Walsh Act and the Real ID Act will have a significant impact on these programs, and the timeframe for compliance is tight. New initiatives, at both the state and national level continue to impact the program's priorities and direction, and make imperative efforts to use technology to its fullest extent to streamline HCJDC's growing business functions.

Increasing demands for state-related criminal justice and non-criminal justice services have had a significant impact on HCJDC's programs and priorities and on its ability to respond at the quality level these programs mandate and in the timeframes required. Many of the solutions involve our ability to leverage our IT expertise, as opposed to manpower-driven solutions.

The Hawaii Integrated Justice Information Sharing (HLJIS) program is a significant statewide, cross-jurisdictional initiative, involving the participation of state, county, and federal

criminal justice and non-criminal justice agencies. HLJIS envisions statewide services sharing appropriate information, both locally and nationally, and for justice and non-justice purposes, for improved public safety and homeland security while respecting the privacy of citizens. A strategic plan has been drafted and will be published in January 2008, and will form the foundation for this effort for the next decade. This HLJIS strategic plan is closely aligned with the *National Strategy for Information Sharing*, which outlines a strategy for sharing data with other jurisdictions across the nation.

2. Business Continuity and Disaster Recovery

Plans are in development for all HCJDC systems to address business continuity and disaster recovery by providing improved redundancy (e.g. other locations from which to operate, additional hardware, and virtualization), identifying personnel resources required, and searching for alternative methods to deliver critical information to the criminal justice community.

3. Sex Offender Registration

With the passage of the Adam Walsh Child Protection and Safety Act, HCJDC's existing staff will face significant challenges in keeping up with the demands of this program's intensive data capture and retention requirements, in addition to tracking non-compliant, delinquent, and unregistered sex offenders. This continues to be an important concern, and HCJDC plans to once again leverage its IT expertise to automate many of the processes to make them more efficient and effective.

4. Civil Identification

The Real ID Act will have a significant impact on Hawaii. When the federal rules are issued, Hawaii must move toward compliance.

IV. EXPENDITURES FOR FISCAL YEAR 2008:

	Act 213 SLH 2007 FY 08	Collective Bargaining	Restriction	Net Allocation	Estimated Total Expenditures
(Position Count)	(58.00)			(58.00)	(58.00)
Personal Services	2,061,639	70,768		2,132,407	2,132,407
Current Expenses	4,179,483			4,179,483	4,179,483
Equipment	4,000			4,000	4,000
Motor Vehicles					
Lease Payments					
Total	6,245,122	70,768		6,315,890	6,315,890
	(1.00)			(1.00)	(1.00)
Less: Federal	1,784,282	1,271		1,785,553	1,785,553
	(27.50)			(27.50)	(27.50)
Revolving	2,721,519	28,135		2,749,654	2,749,654
(Position Count)	(29.50)			(29.50)	(29.50)
General Fund	1,739,321	41,362		1,780,683	1,780,683

A. Explain all Transfers within the Program I.D. and the Impact on the Program.

None.

B. Explain all Transfers Between Program I.D.'s and the Impact on the Program.

None.

C. Explain all Restrictions and the Impact on the Program

None.

V. SUPPLEMENTAL BUDGET REQUESTS FOR FISCAL YEAR 2009:

	Budget Adjustments
(Position Count)	(3.00)
Personal Services	60,779
Current Expenses	61,624
Equipment	15,000
Motor Vehicles	
Lease Payments	0
Total	137,403
Less:	
	(-1.00)
Federal	(26,688)
	(2.00)
Revolving	33,938
(Position Count)	(2.00)
General Fund	130,153

A. Workload or Program Request

1. A brief description of the request, the reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.

- a. Funding to support the sex offender registration program and implementation of the Adam Walsh Child Protection and Safety Act of 2006.

The Sex Offender Registration and Notification Act (SORNA), which is part of the Adam Walsh Child Protection and Safety Act of 2006, provides a new comprehensive set of minimum standards for sex offender registration and notification in the U.S. Actively tracking the registrants, ensuring the information provided is accurate and complete, and actively enforcing the new provisions are essential to the effectiveness of the program and public safety. The existing staff in the Sex Offender Registration Unit is already overwhelmed with maintaining the registry under the current requirements. With the additional requirements

imposed by SORNA, they will be stretched beyond their capacity. Two additional Clerk Typist III positions essential to maintain the accuracy and completeness of the registry and enforce the registry requirements.

In addition to new reporting and registration requirements, SORNA also imposes new mandates on sex offender websites. SORNA requires sex offender websites to allow searches by name, county, and city or town, as well as by zip code and geographic radius. To meet these requirements, it will be necessary to geocode all addresses captured as part of the registration requirements, and to map these addresses accordingly. Funds for consultant services, hardware, and software are crucial to comply with these federal requirements.

b. The following housekeeping items are also being requested:

- Transfer the position count of the temporary Data Processing User Support Technician (DPUST) position to a permanent position. This position is already being funded by ATG-231/BB and is essential to supporting the operational requirements of the State ID System. As such, it is more appropriate for this position to be permanent.
- Transfer funding for the Clerk IV position from MOF:N to MOF:W. Currently, this position is funded by a federal grant, which makes recruitment difficult because the position is contingent on the availability of grant funds. This is a critical position because it will support Hawaii's participation in the FBI's National Crime Information Center (NCIC). This position will be responsible for all validation responsibilities mandated by the FBI when contributing local state data to the national files.

2. A listing/description of the positions requested, and funding requirements by cost category and source of funding.

2.0 (A) Clerk-Typist III	\$56,000
1.0 (W) DPUST	\$0
1.0 (W) Clerk IV	\$26,688

B. For all position count reductions, please specify whether the positions were new, filled or vacant.

None.

**VI. IDENTIFY RESTRICTIONS CARRIED OVER FROM FY 2007 AS WELL AS
ADDITIONAL REDUCTIONS DUE TO THE DEPARTMENT OF BUDGET AND
FINANCE BUDGET CEILING FOR FY 2008 AND FY 2009.**

None.

VII. CAPITAL IMPROVEMENT REQUESTS FOR FISCAL YEARS 2008 and 2009:

None.

VIII. PROPOSED LAPSES OF CAPITAL IMPROVEMENTS PROGRAM PROJECTS:

None.

**TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS**

January 2008

ATG-500

Child Support Enforcement Services

TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL
BUDGET BRIEFING PRESENTED TO
HOUSE COMMITTEE ON FINANCE
SENATE COMMITTEE ON WAYS AND MEANS

January 2008

PROGRAM I.D. AND TITLE:
ATG 500, CHILD SUPPORT ENFORCEMENT SERVICES

I. INTRODUCTION:

A. Summary of Program Objectives:

Established in 1975 as Title IV-D of the Social Security Act, the Child Support Enforcement program is a federal/state/local partnership to collect support from parents who are legally obligated to pay. The major goals of the program are to ensure that children have the financial support of both parents, to foster responsible behavior towards children, and to reduce costs of welfare to the taxpayer.

A main objective of the Child Support Enforcement program is to ensure that child support payments are made timely and in the correct amount. While many non-custodial parents are involved in their children's lives and are willing to pay child support, lapses of payment do occur. When they do, a family's budget can be quickly and seriously threatened, and the anxiety the custodial parent feels can easily disrupt the family's life. The mission of the State of Hawaii Child Support Enforcement Agency (CSEA), then, is to assist children and families in obtaining financial support through locating parents and their assets, establishing paternity and support obligations, and enforcing those obligations. It is the intent of CSEA to provide more timely and efficient child support services while maximizing federal incentive funding to become less dependent on state general funding for operational costs.

For FFY 2006, preliminary data show that CSEA has improved performance on three of the five required performance measures. They include: Paternity Establishment (from 17th to 10th); Current Collections (from 37th to 31st); and Cost Effectiveness Ratio from 34th to 24th) in the nation.

B. Description of Program Objectives:

Maximize Federal Incentive Payments of the Hawaii Title IV-D Program

Under the provisions of Section 458A of the Social Security Act, the CSEA is funded via Federal Financial Participation (FFP) and the state general funds at the rate of 66% federal matching funds for its operating costs and requires 34% of these costs to be paid through the State's general funds.

In addition to the federal matching funds, the Agency is eligible to receive child support Incentive Payments via the federal performance-based incentive system effective in federal fiscal year 2000. Incentive payments are made to states each fiscal year based on their collections and their performance levels on five statutory performance measures: paternity establishment; establishment of support orders; collections for current support; case collections for child support arrearage; and cost-effectiveness. Statutorily set percentages based on performance levels must be attained in order to reach the maximum incentive payments.

Continue to Improve on the Quality of Customer Service

CSEA considers customer service to be one of the most important aspects of dealing positively with Agency Case Participants. Customer service, including taking telephone calls, walk-ins, or e-mail/correspondence is provided by employees in all parts of the agency.

Often participant inquiries can be difficult interactions. The agency continues to strive to give staff the tools they require to properly interact with our customers. The agency still receives almost 1,700 calls per day through the Interactive Voice Response (IVR) Unit. Of that number, approximately 540 calls per day are handled directly by staff.

The agency continues to plan for additional staffing in the future to allow more workers to handle cases from start to finish. By doing so, cases will be dealt with more completely, and staff will be able to review cases to ensure that enforcement actions are proper and timely.

Continue to Improve Financial Control of Child Support Payment through Electronic Transfers and Timely Bank Reconciliations

The processing of child support payments electronically is federally mandated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Currently, the program at CSEA allows employers of obligors to transmit child support payments electronically. Interstate payments are also a current part of the Hawaii program. Expanding electronic child support payments to be received from individual obligors and disbursed to obligees will provide for a more timely and accurate settlement of child support obligations. Maintaining bank account reconciliations on a month-by-month basis is a necessary process in substantiating the accuracy of all collections and disbursements of child support payments.

Improve Staff Efficiency and Knowledge of the Child Support Enforcement Programs

The agency is currently undergoing reorganization to better improve the delivery of services to our customers. This change primarily implements a Case Management approach so that there is greater case-based accountability.

In addition, formal and recurrent training is vital to the performance levels that must be attained by CSEA and to the service that CSEA provides to its customers, the custodial and non-custodial parents. Policies and procedures are being written to guide staff effort and to improve overall agency performance. Changes in Federal and State law mandate the need for a well-designed training program that is both timely and consistent.

C. Program to Meet Objectives:

Maximize Incentive Payments

To meet this objective, CSEA intends to take the following actions as reported in the Agency Implementation Plan:

- 1) Ensure that the number of Paternities established meets the targeted performance level of 95+% by September 30, 2008.

Current Status: The performance levels achieved by CSEA for paternity establishment are 91% for federal fiscal year 2006 (final) and 99.4% for federal fiscal year 2007 (subject to audit). The 2007 performance surpasses the federal required performance level of 80% as a condition of receiving 100% of the allotment of federal incentive payments for this measure. The minimum performance level by which incentive allotments are received for the establishment of paternity is 50% and CSEA continues to achieve the maximum incentives for this category.

CSEA decided in 2003 that Hawaii would switch to using data regarding (all) children born in Hawaii, as opposed to only children in CSEA's caseload. These data were found to be more reliable than those used by CSEA for previous years. The continued use of statewide paternity data, however, requires emphasis on statewide programs to establish paternity. The least costly method for establishing paternity is through the voluntary establishment process. Parents may voluntarily do this at the birthing hospital or at the Department of Health. CSEA was awarded a federal grant effective August 2005 to further support the voluntary establishment of paternity process through promoting non-adversarial processes for establishing paternity and collecting child support.

- 2) Ensure that the number of Support Orders established increases by 10% or an aggregate performance of 68% (over the performance level achieved in FY 2007) by September 30, 2008.

Current Status: The performance levels achieved for support order establishment were 58.52% for federal fiscal year 2006 (final) and 61.9% for federal fiscal year 2007 (subject to audit), thereby achieving 69% and 68% incentive performances, respectively. The minimum performance level by

which incentive allotments are received for the establishment of support orders is 50% and CSEA continues to exceed this minimum requirement. The performance level to achieve the maximum (100%) allotment of federal incentive payments for this measure is 80%.

To improve these rates, CSEA plans to use privatized locate facilities in addition to using the federal and state mandated programs to help assist in finding current addresses for non-custodial parents. CSEA will need to dedicate resources to clean up old cases as well as to handle the numerous case-load awaiting order establishment actions.

- 3) Increase the amount of collections and distributions of Current Support payments to increase the performance level by 5% or an aggregate performance level of 61.7% (over FY 2007 performance) by September 30, 2008.

Current Status: The performance levels achieved for collection of current support are 56.93% for federal fiscal year 2006 (final) and 58.8% for federal fiscal year 2007 (subject to audit), thereby achieving 61% and 62% incentive performances, respectively. The minimum performance level by which incentive allotments are received for the collection of current support payments is 40% and CSEA continues to exceed this minimum requirement. The performance level to achieve the maximum (100%) allotment of federal incentive payments for this measure is 80%.

To improve this rate, CSEA plans to continue to expand the Electronic Fund Transfer (EFT) program currently available to include the electronic collection of payment from non-custodial parents. The expansion effort will include soliciting payroll processors to participate in the EFT program. CSEA will also need to dedicate resources to actively manage open cases in search of means to make sure that non-custodial parents will fulfill their obligations in full and on time. In addition, CSEA will continue its efforts on handling the processing of Orders of Income Withholding of non-custodial parents who are currently employed and seek to broaden the Financial Institution Data Match (FIDM) Program to be largely an administrative process which will increase efficiency.

- 4) Increase the amount of case collection of arrears to increase performance by 10% or an aggregate performance level of 46% (over FY 2007 performance) by September 30, 2008.

Current Status: The performance levels achieved for case collection of arrears due are 41.01% (final) for federal fiscal year 2006 and 42% for federal fiscal 2007 (subject to audit), thereby achieving 50% and 51% incentive performance, respectively. The minimum performance level by which

incentive allotments are received for collecting on cases with arrears is 40% and CSEA has exceeded this minimum requirement. The performance level to achieve the maximum (100%) allotment for federal incentive payments for this measure is 80%.

To improve this rate, CSEA is implementing the Orders of Income Withholding continuation process which applies after the termination of non-custodial parents' current obligations to further collect on any arrearages owed. CSEA will also continue to process employer withholdings and include such withholdings with additional "tack-on" payments to collect on cases with delinquent balances. CSEA plans to embark on a federally encouraged debt forgiveness program to decrease the amount of cases with assistance arrears balances and increase the amount of current support collected.

- 5) Continue to maintain CSEA's Ratio-of-Cost-Effectiveness to meet the maximum performance level of 5.0 by September 30, 2008.

Current Status: CSEA's Ratios-of-Cost-Effectiveness are \$5 (final) for federal fiscal year 2006 and approximately \$5.40 (subject to audit) for federal fiscal year 2007, thereby exceeding the maximum rate of \$5.00 for 100% incentive performance, respectively. (The ratio-of-cost-effectiveness is translated to mean that for every \$5.00 collected, only \$1.00 is expended.) The minimum performance level by which incentive allotments are received for cost-effectiveness is \$2.00 and CSEA continues to achieve the maximum incentives for this category.

CSEA intends to continue to achieve maximum performance by increasing collections and maintaining efficiency in spending.

Continue to Improve on the Quality of Customer Service

To meet this objective, CSEA intends to implement the following action plan:

- 1) Provide more effective and timely customer services by increasing CSEA's response rate to 95% and by improving Call Center Operations by implementing on-going training sessions to employees who are assigned to customer service duties.
- 2) Implement a document imaging technology to make case files available electronically to all CSEA staff. This will improve the accuracy and response time in dealing with customer inquiries.
- 3) Provide access to forms, documents, and case payment and disbursement information through CSEA's web site.

Continue to Improve Financial Controls through Electronic Funds Transfers and Bank Reconciliations

To meet this objective, the CSEA intends to continue pursuit of the following action plan:

- 1) The direct deposit system for child support (payment) disbursement to participating custodial parents is implemented and the solicitation process will be continued. At present, CSEA receives about 30% of the payments electronically from employers, and about 30% of the custodial parents receive their payments electronically through direct deposit. CSEA will also continue to look at the eOIW technology and system that is being developed in certain mainland states.
- 2) Continue to explore the application of Electronic Benefit Transfer (EBT) to proliferate electronic disbursements and to expedite payments to custodial parents.
- 3) Continue to maintain monthly reconciliation of bank accounts using designated accounting staff and enforcing the existing accounting procedures to effectively audit and verify correct support obligation payments and disbursements by interfacing the child support automated system with bank information.

Improve Staff Efficiency and Knowledge

To meet this objective, CSEA intends to implement the following action plan:

- 1) Recruit an experienced trainer to fill an existing vacancy.
- 2) Create agency wide policies and procedures to guide staff actions. This will create more consistency and result in a higher standard of employee performance.
- 3) Solicit training programs from other state agencies and implement best practices in child support enforcement issued by federal agencies.

II. PROGRAM PERFORMANCE RESULTS:

A. Performance Results Achieved by the Program in FY2006 and FY2007:

1. **Collections of Child Support Payments:** Total collections for state fiscal year 2006 and state fiscal year 2007 were approximately \$110 million and \$114 million, respectively; the numbers have shown an upward trend annually. With the enhanced methods of collections brought about by electronic funds transfers, accessing privatized locate facilities, as well as utilizing enforcement tools implemented over the past four years, it is projected that the collection rate will continue in its upward trend.
2. **Establishing Paternity Using Statewide Data:** The use of data maintained by the Department of Health meant using data regarding

all children born in the State, as opposed to only children with child support cases established. The data were found to be more reliable than those used by CSEA for prior years. Once Hawaii succeeded in satisfying data reliability requirements for federal fiscal year 2003, performance data were then considered valid for use in calculating incentive funding levels for establishing paternity. In fact, Hawaii had a performance level of 91% for the paternity establishment measure for the federal fiscal year 2006. With the 1115 grant project in place and streamlining the collaboration between CSEA and the Department of Health, CSEA is confident that the paternity establishment rate should continue doing well.

B. Results as they Relate to Objectives:

Agency results relate directly to the outcomes that must be performed under federal law. The success of the agency in achieving these objectives better supports children and their families. These results also improve the agency performance compared to other states across the nation.

For FFY 2006, preliminary data show that CSEA has improved performance on three of the five required performance measures. They include: Paternity Establishment (from 17th to 10th); Current Collections (from 37th to 31st); and Cost Effectiveness Ratio from 34th to 24th) in the nation.

These improvements in agency performance are just the beginning. As additional resources are acquired and projects are implemented to improve performance, we believe that the Child Support Program will improve significantly.

C. Measures of Effectiveness:

Effectiveness is measured as follows: (1) the proportion of children who have paternity established state-wide compared to the number of children born out-of-wedlock; (2) the proportion of cases which require Orders that have Orders established for the case; (3) the proportion of cases which are up-to-date in current collections; (4) the proportion of cases in which there is collection on arrearages; and (5) the extent to which the Child Support customer feels that they were treated with respect and they received help on their case.

D. Actions to Improve Performance Results:

Actions to improve performance results are focused on three areas. The first area of focus is to increase the number of cases that have financial and medical orders in place as required by law. To accomplish this we are focusing on processing default orders and a new requirement that TANF cases need to be reviewed every three years.

The second area of focus is current collections. Even though the state has improved its performance in current collections, this amounts to about 57% of all current collections.

Finally, the third area of focus is on collection of arrearages. The State is 54th in the nation on this measure and new approaches will be tried to increase collections.

III. PROBLEMS AND ISSUES:

A. Problems and Issues Encountered:

1. Order Processing

The orders processing function within CSEA is in need of additional resources to address a growing caseload that requires orders to be processed. There is currently a backlog of default order cases for establishment, modification, and termination. There simply are not enough staff to process the cases in a timely way.

In addition, beginning October 1, 2007 the State is now required to review TANF cases for modification or termination at least once every three years. This will add thousands of cases to the proposed order process and is expected to result in some delay in order issuance.

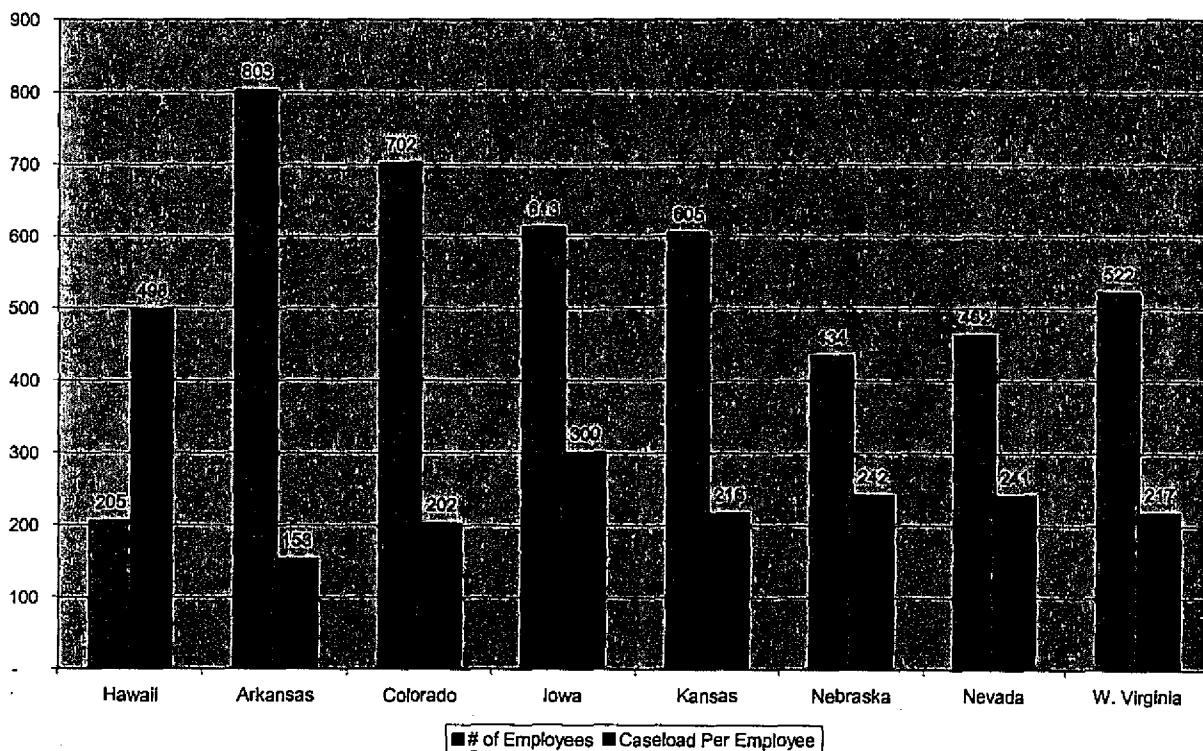
The combination of these two areas presents a major challenge to CSEA. Workloads need to be examined to look for new ways to prioritize and process orders. Without additional resources or new ways of processing orders, it will be difficult to get orders processing under control.

2. High Caseload to Full Time Equivalent Staff Ratios:

The Hawaii CSEA has one of the highest child support cases per full time equivalent staff ratios in the nation. Using data filed with the federal government by child support enforcement agencies for federal fiscal year 2006, the CSEA has determined that the national average was 262 child support cases per full time equivalent staff, while CSEA's ratio was approximately 500 cases per full time equivalent staff during that fiscal period.

By lowering this ratio, we can expect to better monitor and follow up with case status at various stages so CSEA can proactively increase the establishment of support orders, and increase collections of current and delinquent support payments, by allocating more resources to locating the non-custodial parents, and to contacting obligors who are delinquent in their child support obligations. Increases in the establishment of child support orders, current support payments, and arrears collections will also increase federal incentive revenues to the State.

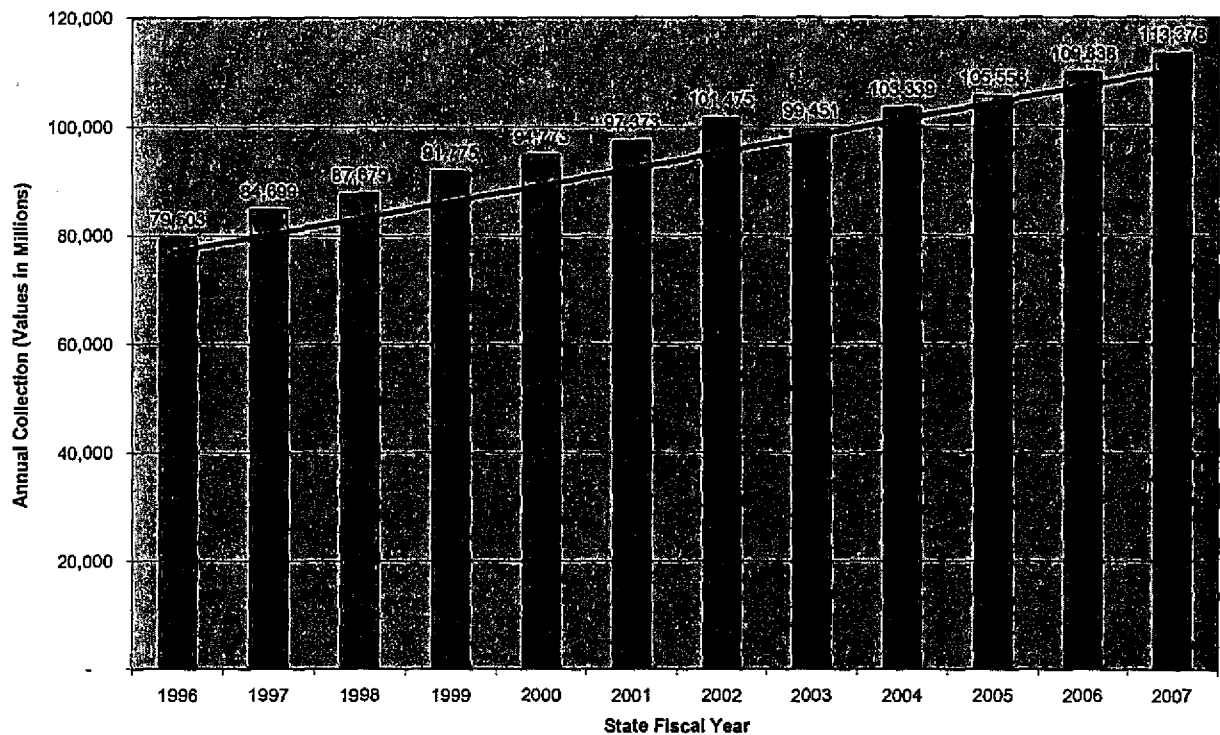
CSEA Caseload Comparison to Similar States



3. **Increases in Child Support Cases and Collections:**

CSEA has experienced an increase in the number of child support cases for the years 1996 through 2007, from 79,503 cases to 113,378 cases. This is an increase of 43% during this 12-year period using 1996 as the base year. Child support collections have also increased from \$79 million to approximately \$113 million during this same period; an increase of over 43%.

CSEA 12 Year Collection



4. **Improving Customer Services**

There are currently nine agency representatives dedicated to answering incoming customer calls and one hiring pending. Calls are also answered when caseworkers have completed their primary tasks and are available to be assigned to the telephones. The combination of these two approaches allows CSEA to answer as many calls as possible.

CSEA receives about 33,581 calls per month. Most callers access their information through the Interactive Voice Response system because the information can be accessed easily. However, approximately 10,000 customers or 30% of the callers ask to speak to a Customer Service Representative. While these statistics improve each year, the challenge remains formidable.

Once all 12 Call Center staff is in place, it is expected that customer service will also improve, along with customer satisfaction. Having adequate Call Center staffing, along with Case Managers, will significantly improve agency response time.

Additional improvement on customer service will occur once case files become electronic. Based on observation of the states of Washington and Utah imaging technology, the electronic file conversion proves to provide major benefits such as: (1) the case workers can have access to the case file right at their fingertips; (2) the customer service staff will be able to respond to customer inquiries more expeditiously; (3) the customer service staff will electronically receive all incoming correspondence from outside parties, including customers at their desktops; (4) the chances of misplacing case files or individual documents is greatly reduced; and (5) concerns of wear and tear on physical files will no longer be of concern.

B. Program Change Recommendation to Remedy Problems:

Increased Resources:

CSEA has identified the Orders Establishment area as one of the priorities to improve the performance. Due to the backlog and increased applications, the agency's Administrative Process Branch responsible for establishing and modifying orders needs additional Legal Assistant positions to handle the workload. With this addition, the Agency will be able to more effectively meet the demands of orders processing and improve the downstream management of the child support cases.. Further, higher performance in the establishment of child support orders will generate higher incentive revenues to the State.

C. Problems Affecting Implementation of Program:

Without increases in staffing, CSEA will not be able to effectively meet the increases in child support cases. Although changes and improvements have been made to automate the Agency's workflow, and new processing programs such as direct deposits to custodial parents are currently being developed, increasing CSEA's federal performance measures such as the establishment of paternity and support orders, current child support collections, and collections on cases with delinquencies, will require additional resources. Achieving higher performance standards provides higher earnings of federal incentive revenues to the State.

IV. EXPENDITURES FOR FISCAL YEAR 2008:

	Act 160 FY 2007	Collective Bargaining	Transfers In/Out	Restriction	Available Resources	Estimated Expenditures
Position Count	248				248	
Personal Services	9,836,105	386,097			10,222,202	10,222,202
Current Expenses	11,790,925				11,790,925	11,790,925
Equipment	20,432				20,432	20,432
Motor Vehicles Lease Payments						
Total	21,647,462	386,097			22,033,559	22,033,559
Means of Financing						
	84.32				84.32	84.32
General	3,840,067	91,702			3,931,769	3,931,769
	163.68				163.68	163.68
Federal	15,548,458	269,078			15,817,536	15,817,536
Trust	2,258,937	25,317			2,284,254	2,284,254
	248				248	248
	21,647,462	386,097			22,033,559	22,033,559

A. Explain all transfer within the program I.D. and the impact on the program.

Not applicable

B. Explain all transfers between program I.D.s and the impact on the program.

Not applicable

C. Explain all restrictions and the impacts on the program.

Not applicable

V. SUPPLEMENTAL BUDGET REQUEST FOR FISCAL YEAR 2009:

	<u>Budget Request FY 2009</u>
Position Count	2.00
Personal Services	1,162,131
Current Expenses	(1,084,319)
Equipment	0
Motor Vehicles	
Lease Payments	
Total	77,812
Means of Financing	
General	20,931
Special	56,881
Federal	
Trust	0
Interdepartmental	
Revolving	0
	77,812

A. Workload or program request:

1. **Transfer from Other Current Expenses to Personal Services for Family Service Divisions** Instead of reimbursing the personnel costs to ATG-100 for employees at Family Service Divisions located in Hawaii County and Honolulu, CSEA will directly process and disburse their payroll from the ATG-500 appropriations of Personal Services for SFY09. Therefore, there is a movement from Other Current Expenses to Personal Services to account for the change.

<u>Personal Services</u>	<u>MOF</u>	<u>Count</u>	<u>FY09</u> <u>\$</u>
Positions from Honolulu & Hawaii FSDs	A		368,668
	N		715,651
Other Current Expenses	A		(368,668)
	N		(715,651)

Summary:

Total change in General Fund	None
Total change in Special (Fed) Fund	None

2. **Establish two Legal Assistant Positions.** These positions will facilitate CSEA's Administrative Process Branch in the order establishment and modification process, as well as the hearing function.

<u>Personal Services</u>	<u>MOF</u>	<u>Count</u>	<u>\$</u>
Legal assistant	A	.68	20,931
	N	1.32	56,881

- B. For all position count reductions, please specify whether the positions were filled or vacant.

Not applicable

VI. PROGRAM RESTRICTIONS:

None

VII. CAPITAL IMPROVEMENT PROGRAM (CIP) REQUESTS FOR FY09:

None.

VIII. PROPOSED LAPSES OF CIP PROJECTS:

None.