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**Senate Committee on Ways and Means  
Budget Briefing  
January 12, 2009**

**NARRATIVE**

The 20% reduction for FY10 will have a substantial impact on our department. Although we recognize the seriousness of the current financial situation, we are hopeful that no additional position cuts will be required, so that we can continue to provide essential services to the public and to our clients throughout the Executive branch, the Legislature, and the Judiciary.

The Legal Services program (ATG100) protects the rights and interests of the people of Hawaii. Additionally, our attorneys and support staff recover millions of dollars in money owed to the State, provide essential legal counsel to protect the State from costly lawsuits, and vigorously defend the State in litigation where millions of dollars may be at issue.

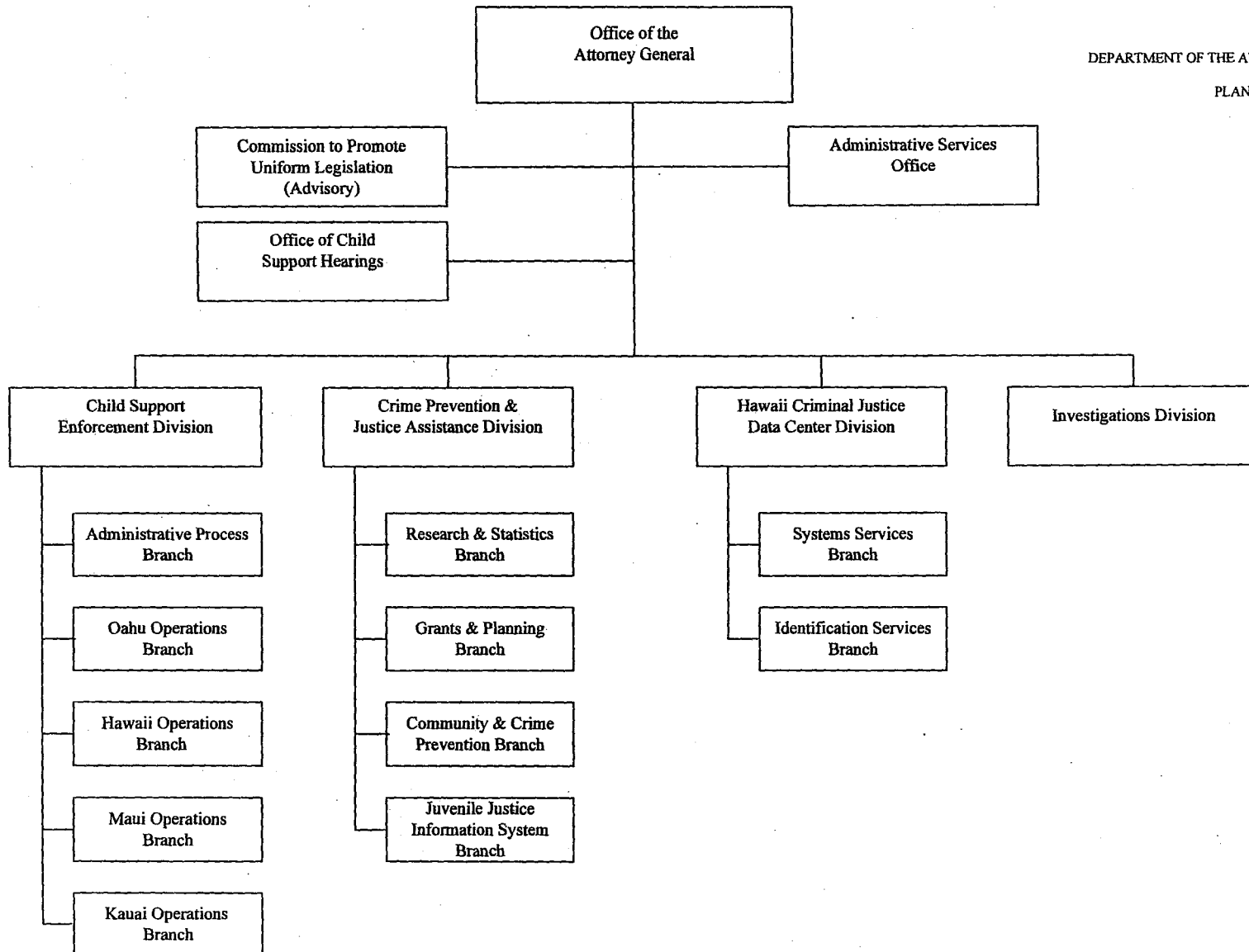
In the past two fiscal years, the Legal Services program has experienced budget restrictions and reductions amounting to \$6 million, or more than 32.5% of its FY07 general fund budget. Because the program budget is 67% payroll, this has meant a continuing requirement to hold positions vacant by delaying replacement hiring.

The Hawaii Criminal Justice Data Center (ATG231) provides essential public safety services to law enforcement agencies in Hawaii as well as the mainland. These services help ensure that organizations serving vulnerable groups (such as children, the elderly, and disabled) are able to conduct background checks of their staff; that police and other law enforcement officers are able to identify arrestees at any time of day or night; and that the public has access to current information regarding registered sex offenders.

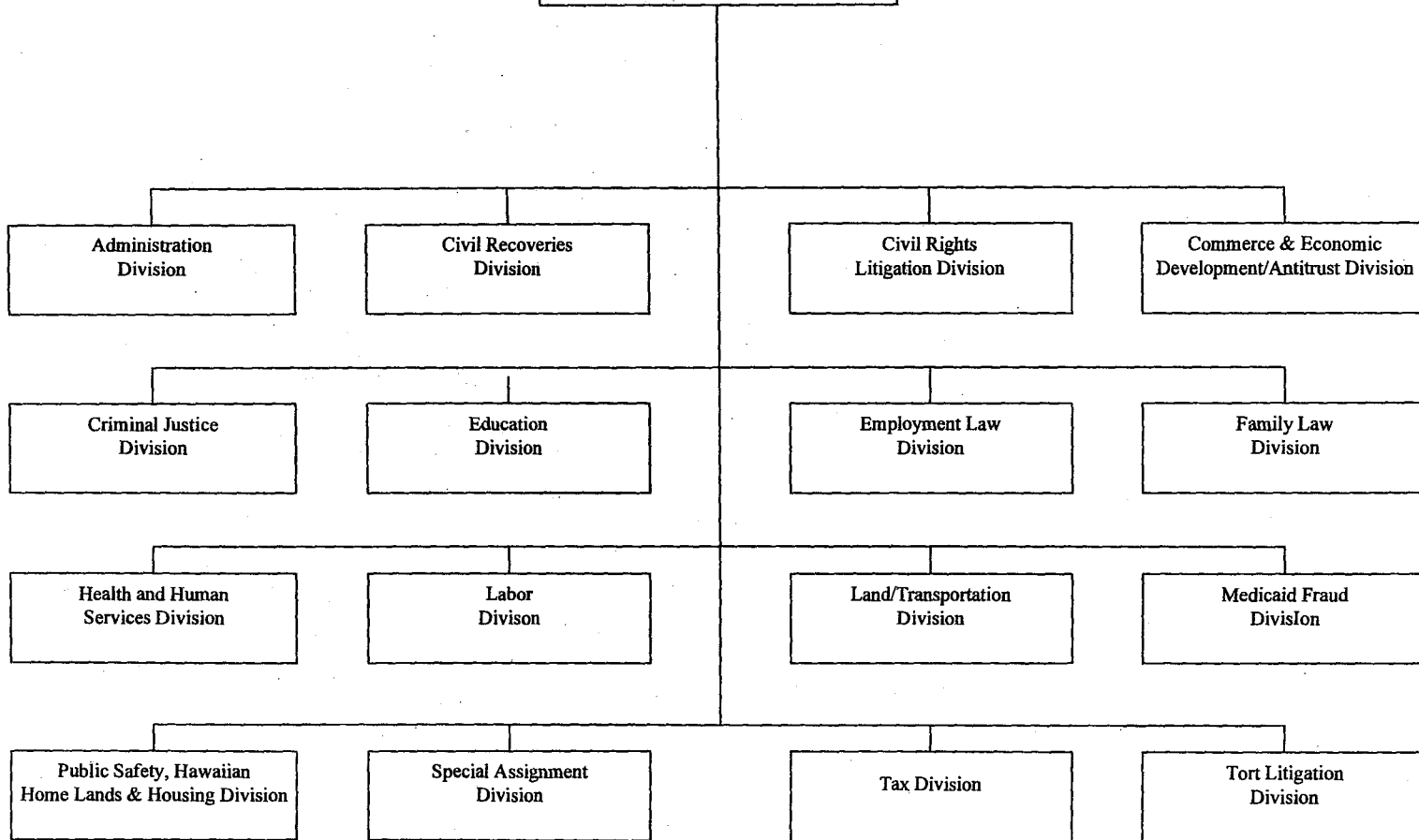
The Child Support Enforcement Agency (ATG500) ensures that children receive financial support from their non-custodial parents. Every State dollar spent on this program is matched two-to-one by federal funds.

**MISSION STATEMENT**

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



Office of the  
Attorney General



Worksheet  
Funding levels for divisions/branches

<u>Division or Branch Name</u>	<u>FY09 Pos</u>	<u>FY09 \$\$\$</u>	<u>FY10 Pos</u>	<u>FY10 \$\$\$</u>	<u>MOF</u>
Legal Services	293.78	22,316,113	283.78	20,052,826	A
	22.00	1,889,738	26.00	2,346,782	B
	28.52	8,550,183	28.52	8,616,059	N
	-	3,918,000	-	3,918,000	T
	131.70	7,976,110	131.70	8,675,374	U
	5.00	3,124,819	5.00	3,070,435	W
<b>Total Legal Services</b>	<b>481.00</b>	<b>47,774,963</b>	<b>475.00</b>	<b>46,679,476</b>	
Hawaii Criminal Justice Data Center	31.50	1,772,786	25.50	1,521,154	A
	-	1,757,594	-	1,757,594	N
	29.50	2,755,457	29.50	3,890,025	W
<b>Total Hawaii Criminal Justice Data Center</b>	<b>61.00</b>	<b>6,285,837</b>	<b>55.00</b>	<b>7,168,773</b>	
Child Support Enforcement Agency	85.00	4,177,824	85.00	3,689,179	A
	165.00	15,440,933	165.00	14,743,699	N
	-	2,149,383	-	2,203,421	T
<b>Total Child Support Enforcement Agency</b>	<b>250.00</b>	<b>21,768,140</b>	<b>250.00</b>	<b>20,636,299</b>	

Table 1  
Priority List of Functions

Priority #	Description of Function	Performance Measures	Statutory Reference (HRS, PL, etc.)
1	Represents the State in civil litigation in which the State is a party.	Number of cases completed and the outcomes.	HRS§28-1
2	Provides legal services to State agencies and employees; drafts and approves as to form the legality of various documents.	Number of legal opinions and advice issued and number of contracts and legislative bills reviewed.	HRS§28-1, §28-3, & §28-4
3	Prosecutes criminal offenses, such as Medicaid fraud, elder abuse, welfare fraud, tax fraud, unemployment fraud, organized crimes, and other crime against the public order; initiates, develops, and performs or coordinates programs and activities on the subject of crime.	Number of cases and investigations completed and the amount of judgments collected for the State.	§28-91
4	Administers the Child Support Enforcement Program, which involves initiating legal or administrative actions required to secure financial support for children.	Number of cases establishing paternity and support orders established, plus percentage of current support collections and delinquent support collected.	HRS§576D
5	Responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Fingerprint Identification System (AFIS), Sex Offender Registration, National Crime Information Center (NCIC), Expungements, and State Identification card.	Average number of days to enter disposition data and complete expungements; percentage of complete a disposition, State ID applicants served, crime scene hits, and registered and compliant sex offenders; average number of days to complete criminal history record checks and submission of fingerprint records to the FBI.	HRS§846, HRS 846E, HRS Section 831-3.2
6	Conducts civil, criminal, and administrative investigations.	Number of investigations completed.	HRS§28-11, §28-2.5
7	Recovers money owed to the State.	Amount of money recovered.	HRS§40-82, §128D-.5, §480-14 & §231-9

Table 2  
Program ID Listing of Major Activities

Prog ID/Org	Major Activity or Activities performed	Priority #	Pos (P)	Pos (T)	PS \$\$\$\$	Other \$\$\$\$	MOF	
ATG100AA*	Legal Services - Represent the State in civil litigations, provide legal services to state agencies and employees, draft documents and approve as to legality and oversee the actions of trustees of charitable trusts.	1	213.15	34.65	\$11,895,905	\$3,939,858	A	
			5.00	0.00	\$399,167	\$59,800	B	
				0.00	0.00	\$0	\$3,918,000	T
				53.35	56.35	\$7,334,897	\$8,554	U
				4.00	1.00	\$302,166	\$2,768,269	W
ATG100AI*	Legal Services, Investigations - Conducts investigations into various crimes.	1A	9.78	2.22	\$538,735	\$67,734	A	
			1.00	10.50	\$74,654	\$3,330	N	
ATG100AB	Medicaid Fraud Unit - Prosecutes criminal offenses and fraud relating to Medicaid, welfare, taxes, and elder abuse.	2	4.00	0.00	\$335,032	\$248,225	B	
				12.00	0.00	\$778,824	\$539,617	N
ATG100AC	Justice Assistance - Seeks and applies for federal grants; administers federal and state grants to improve criminal and juvenile justice systems; facilitates planning related to crimes and victims.	3	2.00	4.98	\$419,620	\$1,627,693	A	
				0.00	4.02	\$328,065	\$6,662,788	N
ATG100AD	Juvenile Justice Information System - Develops and maintains a statewide, computerized juvenile offender information system; provides research on juvenile crime issues.	3A	6.00	2.00	\$434,720	\$175,014	A	
				0.00	1.00	\$53,630	\$124,579	N
ATG100CJ	Research and Prevention - Collects crime statistics, conducts crime research, develops and implements public education on crime prevention issues.	3B	1.00	7.00	\$399,535	\$41,489	A	
				0.00	0.00	\$0	\$50,572	N
ATG100CU	Collections Unit - Collection of funds on behalf of the State and its various departments.	4	6.00	5.00	\$458,741	\$1,782	A	
				2.00	20.00	\$1,273,774	\$58,149	U
ATG100AE	Tobacco Tax Unit - Diligently enforce the Master Settlement Agreement and monitor retail tobacco permitting.	5	13.00	0.00	\$925,240	\$379,318	B	
ATG100EA	Commission on Uniform Legislation	6	0.00	0.00	\$0	\$52,000	A	
<p>* Note: ATG100AA and ATG100AI represent total of basic Legal Services, including Investigations. ATG100AI was created because the BJ summaries could not handle more than five Means of Financing. Some of the Investigators were brought on with the use of Federal funds.</p>								

Table 2  
Program ID Listing of Major Activities

ATG231/BC	CJIS-Hawaii, Criminal Records Clearance, Sex Offender Registration, Expungement of Arrest Records - Operation of the automated statewide information system that collects, maintains, and disseminates criminal history information for those arrested and fingerprinted. Also includes a statewide database of sex offender registration information, temporary restraining and protection orders, and a DNA tracking application.	1	27.50	0.00	\$1,007,771	\$122,122	A
			0.00	0.00	\$0	\$1,757,594	N
			14.50	0.00	\$612,917	\$1,081,255	W
ATG231/BA	Criminal Identification/Automated Fingerprint ID System (AFIS) - Management of the statewide criminal fingerprint identification system of adult and certain juvenile offenders arrested, and other records, including crime scene fingerprints (latents) received from law enforcement, custodial, and judicial agencies in the state.	2	4.00	0.00	\$146,287	\$244,974	A
			3.00	0.00	\$44,813	\$75,000	W
ATG231/BB	Civil Identification - Issuing certificates of identification to all persons applying for such certification with the proper documentation.	3	12.00	0.00	\$417,762	\$1,658,278	W
ATG500/GA	Child Support Enforcement - Oahu: Locate parents, establish paternity, establish and enforce financial and medical support orders, collect and disburse child support, and provide customer service.	1	68.00	0.00	\$2,631,281	\$306,786	A
			132.00	0.00	\$6,663,315	\$5,702,255	N
			0.00	0.00	\$54,038	\$1,721,988	T
ATG500/GB	Office of Child Support Hearings - Conducts fair hearings, reviews non-hearing proceedings, and issues orders for cases processed through the CSEA.	2	3.06	0.00	\$182,805	\$4,892	A
			5.94	0.00	\$443,058	\$9,989	N
ATG500/GC	Maui Family Support Unit - Provides CSEA services on Maui.	3	3.06	0.00	\$152,502	\$0	A
			5.94	0.00	\$371,473	\$0	N
ATG500/GD	Maui CSEA - Provides CSEA services on Maui	4	3.74	0.00	\$133,018	\$7,877	A
			7.26	0.00	\$317,582	\$223,748	N
			0.00	0.00	\$0	\$150,929	T
ATG500/GE	Lihue CSEA - Provides CSEA services on Kauai.	5	3.06	0.00	\$84,393	\$7,006	A
			5.94	0.00	\$210,584	\$149,848	N
			0.00	0.00	\$0	\$112,681	T
ATG500/GF	Hilo CSEA - Provides CSEA services on the island of Hawaii.	6	4.08	0.00	\$170,955	\$7,564	A
			7.92	0.00	\$403,202	\$248,645	N
			0.00	0.00	\$0	\$163,775	T

Table 3  
Biennium Budget Reductions

#	Description of Reduction	Impact of Reduction	Prog ID/Org	Pos	\$\$\$\$	MOF
1	Increase vacancy savings due to hiring freeze, eliminate 8.00 permanent and 2.00 Temporary positions, and reduce Other Current Expenditures.	Case loads will increase where there is a delay in hiring.	ATG100			
				8.50	\$3,364,475	A
				1.50	\$42,876	N
2	Increase vacancy savings due to hiring freeze, eliminate 6.00 permanent positions, and reduce Other Current Expenditures.	Certain projects and systems maintenance will be delayed.	ATG231			
				6.00	\$354,557	A
3	Reduction in various Other Current Expenditures	A decrease in State funding will result in a two-to-one decrease in federal funds.	ATG500	0.00	\$417,782	A
				0.00	\$810,989	N



Table 4  
Biennium Budget Additions

<u>Description of Addition</u>	<u>Prog ID/Org</u>	<u>Pos</u>	<u>\$\$\$</u>	<u>MOF</u>	
Increase ceiling for DNA Registry Special Fund	ATG100	0.00	\$40,000	B	
Increase ceiling for Solicitation of Funds for Charitable Purposes Special Fund	ATG100	4.00	\$339,102	B	
Replace State ID System	ATG231	0.00	\$1,000,000	W	Non-recurring one time cost.
Relocate State ID service center to outside lease space	ATG231	0.00	\$81,900	W	\$3,500 is non-recurring

Table 5  
Current Year (FY09) Restrictions

Prog ID	MOF	FY09 \$\$\$	Impact	FY10 \$\$\$	FY11 \$\$\$
ATG100	A	\$892,652	Case loads will increase where there is a delay in hiring.	0	0
ATG231	A	\$70,911	We implemented delayed hiring to meet the restriction. Certain projects are being delayed.	0	0
ATG500	A	\$167,113	The restriction caused a delay in the KEIKI system update.	0	0
	N	\$491,509		0	0

Table 6  
Program Performance Results

#	Measures of Effectiveness	Direction of Success (increase/decrease)	FY07 Result	FY08 Result	FY09 Plan	FY10 Plan
<b>Legal Services</b>						
1	Number of cases settled, tried, or decided (see note #1)	N/A	8649	12505	13000	13000
2	Number of investigations completed (see note #2)	N/A	3993	4041	4300	4300
3	Number of legal opinions and advice issued	N/A	2648	3224	3200	3200
4	Number of contracts, rules reviewed and/or approved	N/A	6618	5982	6400	6400
5	Number of legislative bills reviewed	N/A	8125	11228	7100	7100
6	Dollar amount of judgments collected for the State	increase	\$23,232,000	\$21,682,000	\$31,000,000	\$31,000,000
7	Civil Recoveries Div. effectiveness rating: \$ collected over expenses %	increase	9.0	8.0	10.0	10.0
<b>Hawaii Criminal Justice Data Center</b>						
1	% of State ID applicants serviced per month at the main office vs. at outreach events and liaison offices	decrease	79	76	75	75
2	Average # days required to complete expungement request	decrease	114	114	110	110
3	Average # days to enter disposition data per segment	decrease	28	10	10	10
4	% complete dispositions on CJIS-Hawaii	increase	93	93	93	93
5	% of eligible sex offenders who registered	increase	40	40	60	70
6	% of registered sex offenders who comply with verification process	increase	76	75	75	75
7	Average # days to complete criminal history record check requests	decrease	5	5	5	5
8	Average # days for criminal fingerprints to be received by FBI	decrease	26	10	1	1
9	% monthly latent fingerprint/palmprint hits	increase	NO DATA	35	35	35

**Child Support Enforcement Agency**

1	Percentage of cases with paternity established	increase	99.6	98	98	98
2	Percentage of cases with support orders established	increase	61.9	63	65	70
3	Percentage of current support collected	increase	58.8	60	62	65
4	Percentage of delinquent support collected	increase	42	45	47	50
5	Dollars collected per \$1 expended	increase	5.4	5	5	5

Note #1: In the past, the case counts for this item have included approximately 10,000 to 12,000 hearings. Numbers presented above exclude the hearings and include only cases closed, tried, or decided. This will be corrected in the next Variance Report.

Note #2: In the past, investigation counts included service of subpoenas and other legal documents. This will be corrected in the next Variance Report.

## OPERATIONAL BUDGET – ATG100 Legal Services

### **Program Objectives**

To facilitate the compliance with and enforcement of state and federal laws by (1) providing legal advice and advisory opinions, (2) conducting investigations, and (3) seeking enforcement action in court and before administrative agencies; and to safeguard the rights and interests of the people by undertaking legal or judicial actions on their behalf.

### **Program Performance Results**

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

- In 2008, the department reviewed for constitutionality and legality the 5 bills introduced during the second special session of 2007 and the 2,748 bills introduced during the regular session of 2008 and monitored and further reviewed as necessary the 3,634 bills introduced during the regular session of 2007 that carried over to the regular session of 2008.
- In fiscal year 2008, assisted in the issuance of bonds in the amount of \$513,430,000, as follows:

General Obligation Bonds	\$429,010,000
Revenue Bonds	\$ 64,420,000
Special Purpose Revenue Bonds	\$ 20,000,000

- In *Ko Olina Community Association v. Land Use Commission*, successfully defended the Land Use Commission's extension of a special permit issued to the County of Honolulu for the operation of the Waimanalo Gulch landfill facility.
- Secured a reversal in the Hawaii Supreme Court of an award of \$4.2 million against the Department of Human Services (DHS) based on its implementation of the Randolph-Sheppard Vending Stand Act, and successfully defeated a petition to challenge that decision before the United States Supreme Court.
- Defeated in the Ninth Circuit Court of Appeals a challenge to the constitutionality of Office of Hawaiian Affairs (OHA) and Department of Hawaiian Home Lands (DHHL) programs benefiting Native Hawaiians on the ground that the taxpayer status of plaintiffs was insufficient to provide them with standing to bring their challenge.
- Successfully defended the Department of Education (DOE) against a Maui teacher's age discrimination and retaliation claims in both the Intermediate Court of Appeals and the Hawaii Supreme Court.

- Defeated on procedural grounds the *Kuroiwa* suit in federal district court challenging the constitutionality of programs for Native Hawaiians. Non-Hawaiian plaintiffs sought to enjoin OHA from spending any public moneys on OHA programs for Native Hawaiians, and from lobbying for the Akaka Bill or supporting *Kau Inoa*, and sought to enjoin the state defendants from spending public moneys for those purposes, or from transferring public moneys or property to or for OHA. The court ruled in the State's and OHA's favor, dismissing the case entirely.
- Obtained a favorable published opinion in the Ninth Circuit Court of Appeals that the State did not waive its Eleventh Amendment immunity merely by participating in the filing of a third-party complaint.
- Successfully defended the State against discrimination claims in the Ninth Circuit Court of Appeals.
- Handled a state court appeal defending a conviction under the electronic enticement statute, which criminalizes using the Internet to lure minors into illegal activity, including illicit sexual encounters.
- Filed an appeal in a case seeking reversal of the circuit court's ruling finding state law to effect an unconstitutional uncompensated taking of accreted beach land.
- Defended the Insurance Commissioner's collection of regulatory assessments from insurance companies doing business in Hawaii, with partial success.
- Defended the constitutionality and efficacy of Hawaii's extended term sentencing laws, with partial success.
- Successfully defended the Department of Health (DOH) from a citizen's suit filed under the Resource Conservation and Recovery Act.
- Defended the State's right to prosecute a criminal defendant for the theft of Native Hawaiian artifacts against constitutional and statutory double jeopardy challenges.
- Vigorously defended a second-degree murder conviction before the Intermediate Court of Appeals in a "cold case" prosecution where no body was found.
- Advocated for the State's interest in the new pilot project concerning Child Protective Act appeals.
- Successfully defended multiple driver's license revocation proceedings against drivers convicted of DUI in both the Intermediate Court of Appeals and the Hawaii Supreme Court.

- Successfully defended the conviction and sentence of imprisonment for a person who prepared false tax returns for numerous clients based upon frivolous and discredited tax theories.
- In FY 2007- 2008, collected \$14,837,303 owed to various State agencies, including:
  - \$5,766,774 in delinquent accounts for the Hawaii Health Systems Corporation (HHSC).
  - \$1,095,528 in child support obligations for the Child Support Enforcement Agency (CSEA).
  - \$1,590,751 for DOT for delinquent lease rents, salary overpayments, and property damage claims.
  - \$4,878,312 for DHS.
  - \$138,951 for party workers' compensation reimbursements.
  - \$1,153,572 in delinquent taxes.
  - \$57,331 in delinquent loans for the Department of Agriculture and the Department of Business, Economic Development, and Tourism (DBEDT).
  - \$156,084 in miscellaneous claims.
- Successfully defended the State in *Leialoha v. MacDonald*, where civil rights violations and negligence were alleged. A Hawaii Community Correctional Center (HCCC) inmate was killed by an adult corrections officer (ACO) during an attempt to escape from a transport van. The inmate struggled with a transporting ACO, pushed the ACO to the ground, and fled. After issuing a warning to stop, the ACO fired one shot at the inmate.
- Successfully defended the State in *Williamson v. Basco*, where the plaintiff alleged that he suffered constitutional violations and state torts during his divorce proceedings. The plaintiff challenged as unconstitutional Hawaii state laws regarding domestic abuse protective orders, temporary restraining orders and child custody determinations.
- Successfully defended the State in *Young v. State of Hawaii, et al.*, where the plaintiff sued the State, the County of Hawaii, and several State and County employees. The plaintiff challenged the constitutional validity of certain Hawaii statutes, claiming that his constitutional rights under Article I of the United States Constitution and Second, Fifth, Ninth and Fourteenth Amendments were violated.

- Successfully defended the State in *Pimental v. State of Hawaii*, where an adult corrections officer alleged due process and equal protection deprivations arising from his disciplinary investigation and hearing.
- Successfully defended the State in *Temblor v. Lopez*, where the plaintiff alleged that he had been overdetailed in prison and asserted violations under the Eighth and Fourteenth Amendments, false imprisonment, and negligence.
- Worked closely with the Judiciary, Office of the Public Defender, DOH, PSD, and other agencies in ensuring compliance with the *Clark* injunction, which requires that certain persons found incompetent to proceed or acquitted of criminal charges by reason of insanity are transferred from correctional custody to DOH within a very short time. Provided training to judges and others on the mandates of this federal court injunction.
- Successfully prosecuted a significant number of child pornography cases and Internet crimes against children. The Department of the Attorney General is presently the only agency in Hawaii with a unit dedicated to investigating and prosecuting crimes in this area full-time.
- Prosecuted more than 30 tax fraud cases in fiscal year 2007-2008, which amounted to \$1,939,171 in fraud. In fiscal year 2006-2007, prosecuted more than 40 tax fraud cases, which amounted to \$2,047,157 in fraud.
- In fiscal year 2007-2008, handled more than 70 welfare fraud cases and successfully prosecuted 54 defendants, which amounted to \$1,525,000 in fraud. In fiscal year 2006-2007, handled more than 70 welfare fraud cases and successfully prosecuted 37 defendants, which amounted to \$1,667,903 in fraud.
- Successfully prosecuted three Kauai police officers for felony theft and tampering with government records. The officers flew to Maui to attend a training seminar hosted by the Maui Police Department and partially funded by federal grant money. The officers stayed in a Maui hotel, but never reported to the training. Two of the officers were convicted of Theft in the Second Degree for taking salary from the County of Kauai and taking funds from a federal grant program for airfare and per diem. The third officer was convicted of Theft in the Second Degree for taking salary from the County of Kauai, and Attempted Theft in the Second Degree for attempting to obtain funds from a federal grant program for airfare, rental car and per diem. All three officers were convicted of Tampering with a Government Record.
- Successfully prosecuted a Florida resident for securities fraud. The defendant was the head of a marketing group that attempted to find investors to fund the start-up of a satellite TV installation firm in Florida. The promotional material used to attract investors contained false promises regarding the use of the money that

was invested and the safety of the investment. Neither the defendant nor his marketing agent in Hawaii was registered to sell securities in Hawaii. Twenty-six Hawaii investors, the majority of whom were elderly and who had invested a substantial part of their anticipated retirement income in the scheme, lost a combined total of \$1,087,500. The defendant was sentenced to serve two concurrent twenty-year prison terms.

- 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 of 25 state, county, and federal law enforcement agencies in Hawaii, as well as 12 agencies in Guam. The task force coordinates investigations and prosecutions and maximizes technological and investigative expertise, training, education, and forensics.
  - Maintaining a fully-equipped and operational computer forensics lab to recover, process, and examine digital evidence in criminal cases. The task force has completed approximately 100 forensic examinations, and provided technical support on approximately 92 occasions in the last year.
  - Identifying, importing, and hosting approximately 45 trainings to increase, develop, and advance task force participants' investigative, forensic, and prosecutorial capabilities.
  - Participating in the United States Department of Justice's Project Safe Childhood, the FBI's Innocent Lost Task Force, the Child Sex Abuse Response Task Force, the Hawaii Identity Theft and Fraud Task Force, the National ICAC Task Force, and the National Association of Attorneys General Multistate Working Group regarding MySpace and other social networking sites.
  - Giving approximately 60 presentations across the state each year to inform the public regarding Internet safety and identity theft. A Web site for Internet safety is available at [www.hicac.com](http://www.hicac.com), and a site for technology crimes is available at [www.hitechcrimes.com](http://www.hitechcrimes.com).
- Successfully defended the State in a four-and-a-half week jury trial, where parents of a disabled student alleged that DOE failed to provide reasonable access to a meaningful education to the student and had retaliated against the parents for advocating to obtain services. The plaintiffs sought \$9.5 million in



damages. The jury determined that DOE did not fail to provide reasonable access to a meaningful education to the student and did not retaliate against the parents, and awarded no damages.

- Represented the State in *Comeaux v. State Department of Education*, where the plaintiff alleged discrimination on the basis of her national origin because she was not given more substitute work although she had more seniority than other substitute employees. The parties settled the case for a nominal amount.
- Represented the State in *De Costa v. State of Hawaii, et al.*, where the plaintiff alleged that DOE discriminated against her on the basis of race by failing to promote her to a Principal IV. The federal court granted the State defendants' motion for summary judgment.
- Represented the State in *Hernando v. Department of Education, Department of Human Resources Development*, where the plaintiff challenged, in both federal and state courts, the validity and constitutionality of the rule which permitted the DOE, in its hiring process, to choose not to re-interview an applicant if the applicant had been interviewed for the position within the preceding six months. Both the federal and state courts granted the defendants' motions for summary judgment.
- Represented the State in *Layne v. Department of Education*, where a substitute teacher alleged that DOE discriminated against him on the basis of his race when the Hawaii Teachers Standards Board declined to grant him a teaching license. The federal court granted the defendant's motion for summary judgment.
- Represented the State in *HGEA v. Casupang (DOT)*, where HGEA filed a prohibited practice complaint with the Hawaii Labor Relations Board (HLRB) regarding the prohibition of posting campaign materials on union bulletin boards in State office buildings. The complaint was dismissed.
- Represented the State in *Sugano v. Merit Appeals Board, State of Hawaii*, where the appellant filed an agency appeal in the circuit court, appealing the decision of the Merit Appeals Board (MAB) denying his claim for non-selection for promotion. The circuit court affirmed the MAB's decision denying appellant's appeal.
- Represented the State in *Wai'ala'e School v. UPW*, one of a series of cases involving the school and UPW stemming from the school's privatization of their food services in 2004-05. The arbitrator granted the school's motion to dismiss. UPW appealed, and the appeal was denied.
- Successfully defended at arbitration DOT's discharge of an airport fire fighter who had been discharged following a finding of unsuitability for continued employment based upon threats of harm to himself and others.

- Successfully defended at arbitration PSD's discharge of a sheriff recruit who failed to pass the firearms portion of his recruit training.
- Successfully defended at arbitration DOE's discharge of a school security attendant for making inappropriate comments of a sexual nature to a co-worker, despite having been reprimanded earlier for similar conduct involving another co-worker.
- Successfully defended at arbitration DBEDT's suspensions of an employee who had been suspended several times and later discharged. The employee filed a grievance alleging that the Americans with Disabilities Act precluded his discharge. DBEDT's motion for lack of arbitrability on discharge was granted.
- Successfully defended at arbitration DOE's discharge of a teacher for use of unjustified and excessive force against a student.
- Successfully defended at arbitration PSD's discharge of an adult corrections officer who had been discharged for adulterating his urine sample during a random drug test.
- Successfully defended at arbitration DAGS's twenty-working-day suspension (progressive discipline) of a grievant for inability to comply with employer rules.
- Successfully defended at arbitration DOT's non-selection of an employee to a Civil Engineer VI position.
- Successfully defended at arbitration DAGS's non-selection of an employee to a computer operator position.
- Prevailed in HGEA's grievance relating to unsuccessful probation by a DOT supervisor.
- Represented the State in *In HSTA v. DOE*, where HSTA petitioned for a declaratory ruling to have HLRB validate HSTA's stated refusal to negotiate procedures for implementing random drug testing applicable to all unit 5 members. DOE's motion to dismiss the petition was granted.
- Represented the State in *Anderson v. Paulino and DOE*, where the complainant alleged that the principal acted in retaliation to a request made by the complainant and discouraged the free exchange of ideas. HLRB granted DOE's motion to dismiss.
- Represented the State in *HSTA v. DOE*, where HSTA attempted to obtain a ruling from HLRB permitting HSTA to proceed with a grievance arbitration and a prohibited practice complaint simultaneously in different forums. DOE's motion

for summary judgment was granted, and HLRB issued a ruling clarifying that once it has elected to assert jurisdiction over both the contractual and prohibited practice elements of a labor dispute, any attendant arbitration shall be stayed.

- Provided legal counsel and prepared the Civil Service Commission's Findings and Conclusions of Law in eight contested appeals hearings before the Honolulu Civil Service Commission; nine contested appeal hearings before the Maui Civil Service Commission; and seven contested appeal hearings before the Hawaii Civil Service Commission.
- Represented the State in *Burdett, Sr. v. DOT*. This matter had a potential exposure for the State of over \$200,000 in back Temporary Total Disability payments. The Labor and Industrial Relations Appeal Board (LIRAB) ruled in favor of the State.
- Represented the State in *Condon v. PSD*. Workers compensation fraud complaints were filed against certain State employees. After a hearing on the merits, all of the allegations were dismissed after the hearing on the merits.
- Represented the State in *Survivors of Stanley Alconcel, Deceased*. Bringing in the Special Compensation Fund (SCF) on appeal and settling the claim with contribution from the SCF resulted in savings of approximately \$160,000 for the State.
- Represented the State in *Survivors of Harvey Moeai v. DHS*. Bringing in the SCF on appeal and settling the claim with contribution from the SCF resulted in savings of approximately \$110,000 for the State.
- As to family law matters, represented the State in more than 11,000 hearings in fiscal year 2007-2008, including:
  - 14 adult protection hearings
  - 4,302 child welfare review hearings
  - 1,246 Family Court Drug Court hearings
  - 297 child welfare case pre-trials
  - 408 child welfare case trials
  - 287 permanent custody motions
  - 14 mediations
  - 53 orders to show cause why parents' rights should not be terminated
  - 257 adoptions
  - 123 child legal guardianships
  - 1,883 juvenile hearings for DOE
  - 229 juvenile hearings for DOH
  - 114 juvenile hearings for DHS
  - 1,431 juvenile hearings involving multiple agencies
  - 129 involuntary hospitalization hearings
  - 30 adult legal guardianship hearings for Office of the Public Guardian

- 73 adult legal guardianship hearings for DOH and DHS
  - 46 hearings where TROs were sought in cases related to child welfare
  - 10 hearings where a permanent plan for LG was recommended
  - 1,500 paternity hearings
- Filed 1432 family law petitions, including:
    - 690 child welfare petitions for DHS and DOE
    - 65 adult protection/Office of Public Guardian petitions
    - 145 truancy petitions for DOE
    - 329 involuntary hospitalization petitions
    - 203 adoption petitions
  - Defended 20 administrative appeals in family law matters.
  - Enforced Child Support Enforcement Agency statutory liens.
  - Established the Deadbeat Parent Unit in January 2008. Since its establishment, the unit has reviewed more than 245 cases and collected more than \$22,700.
  - 75% of Family Law Division deputies' time is spent on child welfare cases. For this work, the Department and the State obtain approximately \$2 million annually in federal reimbursements from the United States Department of Health and Human Services.
  - On behalf of DOH, negotiated information technology contracts with two separate information technology companies. The first contract is for the design and implementation of the Hawaii immunization data registry. By allowing health care providers to identify more comprehensively those of their child patients who have not received all required immunizations, the registry will assist in maintaining high immunization rates to prevent the spread of disease. The second is for the design and implementation of the initial phases of the Hawaii Health Emergency Surveillance System (HHESS). As a syndromic surveillance system, HHESS will allow for earlier detection of environmental health issues and of diseases that are dangerous to public health. HHESS will also allow DOH to take measures earlier to protect the public.
  - On behalf of DOH, participated in negotiations with EPA and the City and County of Honolulu (CCH) over the many wastewater spills from CCH's sewer system in violation of the Clean Water Act.
  - Assisted DOH in exercising its public health emergency powers to ensure that essential drinking water and wastewater services continue to be provided on West Molokai for at least ninety days, after Molokai Ranch threatened to shut down service. Following an administrative hearing, DOH's orders (against Molokai Ranch and its three utility subsidiaries and to the County of Maui) were largely upheld by a hearing officer.

- Obtained court orders for involuntary treatment of approximately sixty residents of the Hawaii State Hospital who required medication for their own safety or that of others but refused to take it.
- Successfully appealed an administrative hearing officer's finding that an employee of a long-term care facility was not a perpetrator of dependent adult abuse. The victim had suffered a stroke, which left her unable to speak. The administrative hearing officer found that because of the victim's limited ability to communicate, she did not provide a positive verbal statement identifying the male employee as the perpetrator. We appealed to the circuit court, arguing that although the victim could not speak, she was able to communicate and she did positively identify the male employee as the perpetrator by hand and head gestures, voicing sounds, and facial expressions. The circuit court reversed the hearing officer's decision, and the Intermediate Court of Appeals affirmed the lower court's decision in favor of DHS.
- In conjunction with our roles both as facilitator of the Compact of Free Association task force and as legal counsel for DOH, participated in a DOH-led forum for health care agencies to address a recent outbreak of multidrug-resistant tuberculosis in the Federated States of Micronesia (FSM) that had implications for health care providers in Hawaii. We presented information on the legal aspects of quarantine and isolation in Hawaii and the FSM to assist the participants in planning possible responses.
- Obtained the dismissal of a lawsuit challenging the award of a managed care contract under DHS's new program providing medical services to the aged, blind, and disabled Medicaid population, QUEST Expanded Access (QExA). AlohaCare, a managed care entity, protested the failure of DHS to award it a contract in the recent procurement. The director of DHS affirmed the award, and AlohaCare filed a request for reconsideration of that decision with the Chief Procurement Officer (CPO). The CPO upheld the decision. Before the CPO's decision was issued, however, AlohaCare had filed a complaint for declaratory and injunctive relief in the United States District Court. The complaint claimed that DHS's award of the contract to other entities constituted retaliation for AlohaCare's having sued DHS earlier over capitation rates, that it violated AlohaCare's property rights, and that it violated federal Medicaid law. We succeeded in having the case dismissed with prejudice.
- Obtained dismissal of a related lawsuit in the United States District Court, *Hawaii Coalition for Health v. State of Hawaii*, that attempted to halt implementation of the QExA Medicaid program entirely. The program is now scheduled to begin in February 2009.
- Provided substantial assistance to DHS in developing administrative rules that will govern the new QExA Medicaid program.

- Prepared and presented training on contract drafting and review to DHS programs.
- Provided ongoing legal support to the Hawaii Youth Correctional Facility in its work on compliance with the provisions of the February 2006 settlement agreement with the United States Department of Justice.
- Obtained a decision from the United States District Court for the District of Hawaii that the blind vendor priority established by the Randolph-Sheppard Act, 20 U.S.C. 107 through 107f, cannot be circumvented by leasing federal property to a private entity. The Navy leased federal government property to a private company and permitted that company to operate a vending facility that directly competed with an adjacent blind vending facility. Although the blind vending facility was subsequently closed, the blind vendors licensed by the State and authorized by the State to operate the facility suffered a significant amount of lost sales to the Navy's concessionaires. The Navy also permitted private entities to establish cafeterias at the Pacific Aviation Museum and at the USS Bowfin on Ford Island without complying with the Randolph-Sheppard Act. An arbitration panel found in favor of the Navy. On appeal to the District Court, the court ruled that the Act does apply to federal property that is leased out to private entities. However, it also found that the Act does not waive sovereign immunity and that the arbitration panel would not have been authorized to award damages against the Navy.
- Collected \$159,385.69 on behalf of various programs of the Department of Labor and Industrial Relations (DLIR).
- 234 workers' compensation cases were opened and 167 were closed as a result of a settlement or hearing.
- Reviewed 323 workers' compensation settlement documents for cases pending appeal.
- Reviewed 218 contracts related to DLIR.
- Assisted DLIR in developing forms for employers to use to meet the requirements of a law adding an exemption from workers' compensation, temporary disability, prepaid health care, and unemployment insurance.
- Worked with DLIR employees to collect more than \$100,000 in back wages for employees who worked for a security company contracted by the City and County of Honolulu and the University of Hawaii - Hilo.

- In fiscal year 2007-2008, reviewed for legality 366 contracts, 926 other documents, and 17 sets of new or amended administrative rules related to DOT or the Department of Land and Natural Resources (DLNR).
- Issued 174 legal advice letters for DOT or DLNR.
- Handled 55 new cases filed against State agencies or officials in matters related to DOT or DLNR, and closed three eminent domain cases.
- Handled numerous contested cases pending before the Board of Land and Natural Resources (BLNR).
- Represented the State in *Kewalo Ocean Activities and Kahala Catamarans vs. Ching et al.*, where plaintiffs asserted that DOT, not the Hawaii Community Development Authority (HCDA), had jurisdiction under chapter 206E, HRS, to make rules for Kewalo Basin. The court ruled in favor of the State's position that HCDA had jurisdiction to make the rules.
- Worked with the Commission on Water Resource Management on West Maui streams issues, including the establishment of instream flow standards and the issuance of water use permits.
- The Commission on Water Resources Management amended the interim instream flow standards of eight streams in East Maui. We assisted in this process.
- Beginning in 2003, 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. BLNR assessed a fine of \$4,032,996 for penalties and damage to state land. The fine and penalty were upheld on appeal to the Circuit Court.
- Represented the State in *UFO Chuting of Hawaii Inc. v. Young*, where the State was sued in the United States 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 Court of Appeals affirmed the decision in all respects. A certiorari petition is pending.

- Represented the State in a case involving *Kai Anela*, a boat engaged in taking tourists to the rich coral beds at the Molokini Shoal Marine Life Conservation District. In September 2006, *Kai Anela* sank atop the coral reef at Molokini. The initial impact and salvage efforts ended up damaging or destroying some 192 square meters of dense and valuable coral. The Division of Aquatic Resources (DAR) initiated an enforcement action seeking up to \$672,000 in fines and penalties. We assisted DAR in settling the claim for payments totaling \$386,000. This an innovative, precedent setting, and favorable result for a number of reasons, including: we avoided a contested case and a possible adverse outcome; we avoided issues as to whether any fine could have been collected because a large portion of the amount was voluntarily paid up front, the money was able to be directed to a special fund for the direct benefit of the resource and other aquatic programs; and the amount was one of the largest ever realized.
- Successfully represented DOT in a case involving requirements for motor vehicle safety inspections. The Hawaii Supreme Court ruled in favor of DOT.
- Successfully represented the State in two cases in circuit court challenging the State's right to enforce a rule and a permit condition that prohibit the rental of residences as vacation accommodations.
- Assisted DAGS and the Judiciary in their acquisition of land adjacent to the Kapolei Judiciary Complex that is slated for further expansion.
- Obtained dismissal of an action brought against BLNR for the denial of a conservation district use permit. The dismissal was affirmed by the Ninth Circuit Court of Appeals.
- Assisted the Hawaii Housing Finance and Development Corporation (HHFDC) in supporting the development of approximately 1,500 new affordable units.
- Represented HHFDC in a foreclosure caseload which has grown by approximately 300 percent in the past year.
- Assisted HPHA in implementing a new system for judicial evictions, and represented HPHA in judicial eviction cases.
- Temporarily represented HPHA through its administrative evictions process during the vacancy of the agency's evictions hearings officer.
- Assisted DHHL in issuing homestead leases to 300 beneficiaries.
- Represented DHHL in a development agreement for a shopping center designed for Kapolei.



- Represented HCDA in a development agreement for the UH Medical School Cancer Research Center.
- Reviewed 3,035 contracts, conveyances, and other agreements for PSD, DHHL, HHFDC, HPHA, and HCDA.
- Processed 15 extraditions.
- Provided legal support to HHFDC for the successful closing of the Kukui Gardens purchase.
- As to tax law matters, closed 509 legal matters, as follows:
  - 6 appeals
  - 245 bankruptcies
  - 1 contract
  - 226 foreclosures
  - 5 opinions
  - 3 quiet title
  - 4 subpoenas
  - 19 miscellaneous
- Processed 68 professional solicitor registrations.
- Processed 191 fundraising counsel registrations.
- Processed 214 end-of-solicitation-campaign financial reports.
- Collected \$44,070 in registration fees for the Solicitation of Funds for Charitable Purposes Special Fund, including \$3,670 in fines imposed on solicitors or professional fundraising counsels for violations of the law, as well as late filing fees.
- Reviewed 234 private foundation tax returns and audits for potential insider transactions and other irregularities.
- Served as *parens patriae* in 20 trust proceedings in the probate court.
- Collected \$694,821 in tax appeals.
- Collected \$43,490 in foreclosures.
- Collected \$1,015,273 in bankruptcies.
- Represented the Department of Taxation (DoTAX) in *In the Matter of the Tax Appeal of the Director of Taxation v. ATM Cash Systems, LLC*. Taxpayer paid franchise taxes on the income from an automated teller machine provider

service. DoTAX asserted that Taxpayer should have paid general excise taxes and made assessments on the difference. The case was settled and the tax appeal dismissed.

- Represented DoTAX in *In the Matter of the Tax Appeal of Gold Key Lease*. Based on the amounts reported in Taxpayer's income tax returns, DoTAX assessed Taxpayer for general excise tax on its motor vehicle leasing business. Taxpayer claimed that the assessments were incorrect because the auditor inappropriately relied on the amounts reported in its income tax returns as opposed to the worksheets it provided to the auditor. The case was settled and the tax appeal dismissed.
- Represented DoTAX in *In the Matter of the Tax Appeal of Pacific Marine & Supply Co. Ltd., and Subsidiaries*. Taxpayer filed a refund claim for research credits under section 235-110.91, Hawaii Revised Statutes. DoTAX asserted that Taxpayer claimed the credit for inappropriate cost items and disallowed the bulk of the refund claim. The dispute was settled and the tax appeal dismissed.
- Represented DoTAX in *In the Matter of the Tax Appeal of Parsons-UXB Joint Venture*. DoTAX assessed Taxpayer additional general excise taxes, asserting that Taxpayer improperly claimed the subcontractor deduction for services other than contracting. The case was settled and the tax appeal dismissed.
- Represented DoTAX in *In the Matter of the Appeal of Pihana Pacific, Inc., nka Equinix Pacific Inc., fka Pacific Internet Exchange, Inc.* Taxpayer filed a Notice of Appeal from the Board of Review's decision in favor of DoTAX that the research activities tax credits and capital good credits for tax years 2000 and 2001 were incorrect. Taxpayer argued that it conducted qualified research in Hawaii and purchased qualified property to claim the respective credits. DoTAX found that one project qualified for the research activities tax credit and disallowed the other projects. The case was settled and the tax appeal dismissed.
- Represented DoTAX in *In the Matter of the Tax Appeal of Henry F. Johnson and International Resource Recovery, Inc.* After Taxpayer received an unfavorable ruling from the Board of Review, he did not prepay his net income taxes earned from his S corporation that performed federal rubbish removal work in Hawaii. The case was dismissed.
- Represented DoTAX in *In the Matter of the Tax Appeal of Kulakane Rental, Inc., and In the Matter of the Tax Appeal of Polynesian Shores Rental Association*. DoTAX filed motions to dismiss for lack of jurisdiction based on Taxpayers' failure to pay the amounts in controversy prior to filing their appeals. Both cases were dismissed.
- In *Michael R. Marsoun v. USA, et al.*, Taxpayer sued the United States and named as defendants two DoTAX employees in their individual capacities. The

case was dismissed upon motion of the special deputy attorney general.

- Prevailed in *Kaliko, et al. v. Chambliss*, involving a fatal motor vehicle accident on Kauai. The plaintiffs alleged that the State negligently designed, constructed, operated, and maintained the highway. The court granted the State's motion for summary judgment.
- Prevailed in *Kalai v. State of Hawaii*, where the plaintiff sued HPHA for violations of the Fair Housing Act. The court granted the State's motion for summary judgment. The State also prevailed on motions for summary judgment in *Camara v. State of Hawaii*, and *Nobriga v. Vasconcellos*.
- Prevailed in *Twyman v. State of Hawaii*, where the plaintiff tripped and fell over an uneven patch in the sidewalk and alleged injuries. The State argued that the case failed as a matter of law. The court dismissed the case.
- Prevailed in *Alan Goto, etc., et al. v. Henderson, et al., Georgie Goto, etc., et al. v. Henderson, et al., Lon Williams, etc., et al. v. Henderson, et al. and Karin Williams v. Henderson, et al.* This case involved a multiple vehicle accident on Farrington Highway. The court found that negligence of the State was not a factor in causing the accident.
- Prevailed before the Medical Claims Conciliation Panel in *Gomes v. Department of Public Safety* and *Torres v. Department of Health*.
- Prevailed on liability in arbitration in *Akina v. State of Hawaii, Hernandez v. State of Hawaii, Sigafuss v. State of Hawaii, Patton v. State of Hawaii, Kahumoku v. Espinda, et al., Reed v. State of Hawaii, and Hartford Underwriters Insurance Company v. State of Hawaii, et al.*
- Applied for and received \$4,810,079 in federal funds to carry out programs that address crime and victim issues. There were a total of 117 subgrants for both federal and state crime funds.
- Sponsored and conducted 86 workshops and presentations for more than 3,155 participants. Topics included identity theft, underage drinking, Internet sex crimes, evidence-based assessments and program elements, preventing criminal activities in residential areas, and use of the Juvenile Justice Information System (JJIS).
- Held 47 community outreach and education events on crime prevention and safety issues for approximately 32,817 participants.
- Conducted research and compiled statistics on crime, and disseminated this information in reports, on the Internet, and in response to inquiries from the media and members of the public.

- Produced reports on topics including identity theft, victimization, hate crimes, and use of offender assessment instruments.
- Coordinated the crime prevention efforts of various agencies. Facilitated 57 meetings attended by 311 agency representatives for groups including the McGruff Truck Coalition, the Violence Against Women Act Advisory Committee, the Juvenile Justice Information Committee and Subcommittees, Victim Witness Coordinators, community prosecutors, forensic laboratories, and the Visitation Center Network. Participated in 16 multi-agency groups (composed of 159 agencies), including domestic violence implementation strategy, sexual assault prevention, sex offender registration, police and prosecutor training, and juvenile minority issues.
- Produced *Your Identity is Your Kuleana*, a 175-page identity theft prevention training manual that includes a speaker PowerPoint presentation, Hawaii laws, national and state resources, and camera-ready handout materials. The manual has been used to train 180 professionals in law enforcement agencies, financial institutions, non-profit organizations, and private security organizations. In turn, these trained individuals provided identity theft information and training to 32,817 citizens by the end of fiscal year 2008.
- Collaborated with seven other agencies in the Criminal Justice Interdisciplinary (CJIT) Task Force. CJIT coordinates resources to educate law enforcement, probation, and other safety and security professionals regarding sex assault, including child pornography and enticement/grooming of youth for sexual exploitation. By pooling five funding resources, CJIT was able to train 440 professionals on these emerging crime issues.
- Worked with DOH 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.
- Facilitated multi-agency efforts to establish the Automated Victim Notification System to inform crime victims regarding the change of status of offenders (for example, release from prison or parole hearings), or their own safety. Assisted PSD in planning and applying for a large federal grant for this program, and provided advice and technical assistance regarding the budget, training opportunities, and collaboration with essential stakeholders. PSD received a federal grant of \$700,000 to implement the system.
- Compiled and analyzed data related to the reduction of recidivism among offenders in the criminal justice system, and provided analysis for the Interagency Council on Intermediate Sanctions (ICIS) and member agencies. Five reports for the year are accessible on the ICIS website.

- In connection with the Correctional Program Checklist program, coordinated two mandatory trainings for 246 representatives of 67 state-funded programs that provide services to offenders. Participants were trained on evidence-based programs to reduce recidivism and risk assessment instruments. Four groups of service providers were convened to provide input regarding evidence-based programs.
- Assisted the Judiciary in compiling and analyzing data related to the Hawaii Opportunity Probation with Enforcement (HOPE) program in the First Circuit Court. The HOPE program uses quick attention and sanctions for probationers who fail to meet probation requirements. The First Circuit expanded the program, and another circuit is considering its use.
- The *Crime and Justice in Hawaii: Household Survey* was conducted in 1994 and 1998 to provide useful information to agencies regarding criminal victimization, fear of crime, and satisfaction with the response of the justice system. The survey was conducted again this year to assess changes in these areas. The survey report includes public opinions on new issues such as terrorism and identity theft, and information regarding public knowledge and use of various resources available to crime victims.
- The Juvenile Justice Information Committee adopted a strategic plan to guide the development of the "Next Generation JJIS," a web-based system. Combining resources with other agencies made it possible for more state IT personnel to be trained in the new development methods in Hawaii, rather than out of state.
- There is a federal requirement that runaway and missing children information be entered into the National Crime Information Center (NCIC). Because county police departments found it time-consuming to enter this information in their own systems and again in the federal database, the department created an interface between the JJIS and the NCIC. As a result, after police data is entered in JJIS, it is transmitted electronically to NCIC. This will reduce duplicate data entry and error, and provide standardization among all police departments that enter data on runaway and missing children data.
- The Office of Youth Services (OYS) is required to submit data regarding minority youth contact with the criminal justice system, on a timely basis, to the federal Office of Juvenile Justice and Delinquency Prevention. The data is required in order for OYS to receive annual funding. In the past, OYS had to collect and compile the data manually, and the data was not standardized. Data will now be provided by JJIS, which will reduce OYS staff time.
- Responded to 321 JJIS change requests from member agencies, in addition to data requests.

- In fiscal year 2007-2008, the Office of Child Support Hearings (OCSH) processed 5,749 orders (3,862 hearing orders and 1,887 non-hearing orders).
- In 87 percent of the hearing cases (3,368 of 3,862), OCSH issued final orders or decisions within 30 days of the hearing. In 84 percent of the non-hearing cases (1,592 of 1,887), issued final orders within 7 days of receipt of the uncontested case file.
- In fiscal year 2007-2008, OCSH resolved seven percent of hearing cases prior to the hearing (281 of 3,862).
- A total of 23 appeals were filed with OCSH in fiscal year 2007-2008. The appeal rate remains below one percent.
- Implemented a digital recording system for child support hearings, which eliminated the need to purchase audio cassette tapes, resulting in cost savings and reduction in use of raw materials and waste.
- Held the first of a series of information presentations for child support hearing participants, to provide information on the administrative child support process so participants can make more informed decisions.
- Sent approximately 500 evaluation forms to hearing participants, family law attorneys, and representatives of the Child Support Enforcement Agency. The responses were used as part of ongoing training to improve skills and delivery of services.

#### How measures of effectiveness relate to department's mission and program objectives

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 *Department of the Attorney General Goals and Objectives*, recently submitted to the Legislature.)

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. In 2008, the Office of Child Support Hearings conducted an extensive survey of the hearing participants, attorneys, and Child Support Enforcement Agency personnel, 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.

#### How results of measures of effectiveness affect program activities

The department periodically surveys its clients regarding the quality of legal services provided, encouraging 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. This information is 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.

Modifications to performance measures

None.



## OPERATIONAL BUDGET – ATG231 Hawaii Criminal Justice Data Center

### **Program Objectives**

To improve the administration of criminal justice in the State by assuring relevance, uniformity, reliability, and timeliness in the collection, reporting, and exchange of criminal justice information amongst criminal justice agencies, the public, Executive, Legislative, and Judicial bodies; to provide a statewide fingerprint-based system of civil and criminal identification; and to provide computerized criminal history.

### **Program Performance Results**

#### How measures of effectiveness relate to department's mission and program objectives

The 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.

#### How results of measures of effectiveness affect program activities

##### (1) Criminal Justice Information System (CJIS) - Hawaii

The objective of this program is to improve the administration of criminal justice through the collection, reporting, and exchange of criminal justice information that is accurate, timely, relevant, and complete. We measure the effectiveness of this program by tracking the number of queries 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.

Local responsibility for the National Crime Information Center (NCIC) – the FBI's nationwide computerized information system – was transferred from the Honolulu Police Department to the Department of the Attorney General in October 2007. Until then, Hawaii was the only state in the nation with a county-based criminal justice agency serving as its local NCIC agency. This transfer brings major ongoing responsibilities, such as training, auditing, and data validation. Additionally, the FBI has increased state reporting requirements to include criminal history record information via the Interstate Identification Index, an Integrated Automated Fingerprint Identification System, a National Sex Offender Registry, and Protection Order information.

The Hawaii Integrated Justice Information Sharing (HIJIS) program is a significant statewide initiative involving state, county, and federal criminal justice and non-criminal justice agencies for improved public safety and

homeland security while respecting the privacy of citizens. A HIJIS strategic plan, published in February 2008 and distributed to the Legislature, will form a foundation for criminal justice agencies over the next decade. The HIJIS program is employing pilot projects with criminal justice agencies to prove concepts before deploying them statewide.

(2) Criminal History Records Clearance

This objective of this program is to disseminate computerized criminal history information as required by state statutes. This program continues to be popular, as more agencies require criminal history record clearances for licensing and employment purposes. In fiscal year 2007-2008, we processed almost 800,000 record checks.

(3) Sex Offender Registration

The objective of this program is to accurately maintain the statewide sex offender registration program under chapter 846E, Hawaii Revised Statutes. We monitor the effectiveness of this program by collecting statistics including the number of offenders requiring registration, the number of offenders requiring quarterly verification, and our proactive research regarding non-compliant registrants. More than 2,500 registered sex offenders reside in Hawaii, and the website has received more than 12 million hits since its establishment.

(4) Expungement of Arrest Records

The objective of this program is to process all eligible expungement requests within the statutory limitation of 120 days. We monitor the effectiveness of this program by tracking the number of requests and the turnaround time for issuing expungement orders.

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

The objective of this program is to provide timely positive identification of arrested offenders through a statewide system of criminal identification based on fingerprints and through the integration of the AFIS system with Justice CJIS-Hawaii. We measure the effectiveness of this program by monitoring the time required to complete the ID process for offenders arrested in Hawaii.

We have implemented automated enhancements to the identification process that have shortened the response time to within five to ten minutes of submission, making it possible for booking officers to positively identify offenders while still in custody, in nearly 85% of cases. Before the program was implemented, the average response time from the FBI was six to eight weeks.

(6) Civil Identification

The objective of this program is to provide quality customer service in the issuance and renewal of fingerprint-based State ID cards to the public. We monitor 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 fiscal year 2007-2008, we issued more than 75,000 cards, and continued our constant efforts to provide excellent public service. For example, in calendar year 2008, we conducted 26 State ID community outreach events, serving more than 3,400 citizens. In fiscal year 2007-2008, we implemented a web-based application system, which substantially expedites the application process – more than 5,000 citizens have been served by this new system. In January 2008, we extended our hours of service until 6:00 pm on Thursdays – more than 900 citizens have been served during the extended service hours.

Modifications to performance measures

None.

## **OPERATIONAL BUDGET – ATG500 Child Support Enforcement Agency**

### **Program Objectives**

The Child Support Enforcement Agency (CSEA) assures child support payments from absent parents and reimburses the State for monies paid to meet the increasing demands of public assistance programs. CSEA also enables children who are deprived of financial support from their absent parents to obtain support through establishment of paternity; establishment of child, spousal, and medical support orders; and enforcement of support orders.

The child support enforcement program is a partnership of federal, State, county, and private resources. In addition to the reimbursement to the State's public assistance programs, the agency also receives 66% federal matching funds for its operating costs and requires only 34% of its operating costs to be paid through the State's general fund.

### **Program Performance Results**

#### **How measures of effectiveness relate to department's mission and program objectives**

All CSEA performance measures relate directly to the program mission and program objectives. Paternity establishment, order establishment, collection of current support, collection of delinquent support, and dollars collected per one dollar expended are all central measures of success in providing financial support for children.

In fiscal year 2007-2008, CSEA collected a total of \$122 million in child support – up from \$113 million in fiscal year 2006-2007. Additionally, CSEA initiated cellular telephone record matching as a locate tool for Child Support Non-Custodial Parents with incorrect addresses. The first match with T-Mobile yielded approximately 1,600 matches out of 10,000 submitted. CSEA also established electronic interface with the DHS Child Welfare Services Branch to transfer foster care cases for enforcement.

#### **How results of measures of effectiveness affect program activities**

All CSEA performance measures are sequentially linked. Establishing paternity results in more orders being established. Establishing orders opens the opportunity to use enforcement measures to collect funds for families and their children. Collecting the maximum amount of money compared to funds expended has the effect of creating an efficient environment for service delivery.

#### **Modifications to performance measures**

None.

### **CAPITAL IMPROVEMENT BUDGET**

None.

Attachment 1  
Department-Wide Summary Information (by MOF)

Fiscal Year (FY) 2009					
Act 158/08 Appropriation (a)		Restriction (b)	Emergency Request (c)	Total FY09 (a)+(b)+(c)	MOF
28,266,723		(1,130,669)		27,136,054	A
1,889,738				1,889,738	B
25,748,710		(491,509)		25,257,201	N
6,067,383				6,067,383	T
7,976,110				7,976,110	U
5,880,276				5,880,276	W
75,828,940		(1,622,178)	-	74,206,762	Total
Fiscal Year (FY) 2010					
Act 158/08 Appropriation (d)	Collective Bargaining (e)	Reduction (f)	Additions (g)	Total FY10 (d)+(e)+(f)+(g)	MOF
28,266,723	1,439,075	(4,442,639)		25,263,159	A
1,889,738	77,942		379,102	2,346,782	B
25,748,710	707,607	(1,338,965)		25,117,352	N
6,067,383	54,038			6,121,421	T
7,976,110	699,264			8,675,374	U
5,880,276	78,284	(80,000)	1,081,900	6,960,460	W
75,828,940	3,056,210	(5,861,604)	1,461,002	74,484,548	Total
Fiscal Year (FY) 2011					
Act 158/08 Appropriation (h)	Collective Bargaining (i)	Reduction (j)	Additions (k)	Total FY11 (h)+(i)+(j)+(k)	MOF
28,266,723	1,439,075	(4,442,639)		25,263,159	A
1,889,738	77,942		379,102	2,346,782	B
25,748,710	707,607	(1,338,965)		25,117,352	N
6,067,383	54,038			6,121,421	T
7,976,110	699,264			8,675,374	U
5,880,276	78,284	(80,000)	78,400	5,956,960	W
75,828,940	3,056,210	(5,861,604)	457,502	73,481,048	Total

Attachment 2  
FY09 Proposed Emergency Requests

<u>Program ID</u>	<u>Description of Emergency Request</u>	<u>FTE</u>	<u>\$\$\$</u>	<u>MOF</u>
	None.	-		

Attachment 3  
Program ID Totals

<u>Prog ID</u>	<u>Title</u>	<u>Pos 10</u>	<u>\$\$\$ 10</u>	<u>Pos 11</u>	<u>\$\$\$ 11</u>	<u>MOF</u>
ATG100	Legal Services	237.93	20,052,826	237.93	20,052,826	A
		23.00	2,346,782	23.00	2,346,782	B
		13.00	8,616,059	13.00	8,616,059	N
		-	3,918,000	-	3,918,000	T
		55.35	8,675,374	55.35	8,675,374	U
		4.00	3,070,435	4.00	3,070,435	W
	Total Legal Services	333.28	46,679,476	333.28	46,679,476	
ATG231	Hawaii Criminal Justice Data Center	25.50	1,521,154	25.50	1,521,154	A
		-	1,757,594	-	1,757,594	N
		29.50	3,890,025	29.50	2,886,525	W
	Total Hawaii Criminal Justice Data Center	55.00	7,168,773	55.00	6,165,273	
ATG500	Child Support Enforcement Agency	85.00	3,689,179	85.00	3,689,179	A
		165.00	14,743,699	165.00	14,743,699	N
		-	2,203,421	-	2,203,421	T
	Total Child Support Enforcement Agency	250.00	20,636,299	250.00	20,636,299	

Attachment 4  
Budget Decisions

Priority	Prog ID/Org	Description	MOF	Dept FY10			Dept FY11			B&F FY10			B&F FY11			Gov FY10			Gov FY11		
				FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$
1	ATG100AB	Federal fund ceiling increase Medicaid Fraud Unit	N	-	-	287,319	-	-	151,821	-	-	-	-	-	-	-	-	-	-	-	-
2	ATG100AA	Special fund increase - DNA Registry	B	-	-	40,000	-	-	40,000	-	-	40,000	-	-	40,000	-	-	40,000	-	-	40,000
3	ATG100AA	Special fund increase - Solicitation of Funds, Charitable Purposes	B	4.00	-	339,102	4.00	-	339,102	4.00	-	339,102	4.00	-	339,102	4.00	-	339,102	4.00	-	339,102
4	ATG231BB	Replacement of State ID System	W	-	-	1,000,000	-	-	-	-	-	1,000,000	-	-	-	-	-	1,000,000	-	-	-
5	ATG231BB	Relocate State ID to outside lease space	W	-	-	81,900	-	-	78,400	-	-	81,900	-	-	78,400	-	-	81,900	-	-	78,400
6	ATG100AA	Relocate Family Law Division & Family support Unit to Kapolei	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	ATG100AA	Vacancy saving, Reduction-in-	A			(3,773,462)			(3,773,462)	(24.00)	(2.00)	(3,741,386)	(24.00)	(2.00)	(3,741,386)	(8.00)		(2,698,469)	(8.00)		(2,698,469)
	ATG100AC	Force, and reductions to	A			(415,000)			(415,000)		(0.50)	(415,000)		(0.50)	(415,000)		(0.50)	(415,000)		(0.50)	(415,000)
	ATG100AC	Other Current Expenditures	N			-			-		(1.50)	(42,876)		(1.50)	(42,876)		(1.50)	(42,876)		(1.50)	(42,876)
	ATG100AD		A			(76,828)			(76,828)			(76,828)			(76,828)			(76,828)			(76,828)
	ATG100CJ		A			(29,292)			(29,292)	(1.00)		(29,292)	(1.00)		(29,292)			(5,538)			(5,538)
	ATG100CU		A			(157,000)			(157,000)			(157,000)			(157,000)			(157,000)			(157,000)
	ATG100EA		A			(11,640)			(11,640)			(11,640)			(11,640)			(11,640)			(11,640)
8	ATG231BA	Vacancy savings and reductions to Other Current Exp.	A			(199,521)			(199,521)	(1.00)		(199,521)	(1.00)		(199,521)	(1.00)		(199,521)	(1.00)		(199,521)
9	ATG231BC	Vacancy savings	A			(155,036)			(155,036)	(5.00)		(155,036)	(5.00)		(155,036)	(5.00)		(155,036)	(5.00)		(155,036)
10	ATG500GA	Other Current Exp.	A			(835,567)			(835,567)			(417,782)			(417,782)			(417,782)			(417,782)
		Reductions	N			(1,621,983)			(1,621,983)			(810,989)			(810,989)			(810,989)			(810,989)



Attachment 5  
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>	<u>Fill by 89-day hire</u>
9/2/2003	Investigator V	6477	N	\$47,448	\$51,312	A	100	N	1
2/1/2007	Chief Special Investigator	6479	N	\$79,935	\$81,195	A	100	N	
4/2/2007	Auditor V	16013	N	\$31,212	\$55,500	A	100	N	1
8/26/2008	Account Clerk III	19613	N	\$26,664	\$30,036	A	100	N	
10/3/2005	Office Assistant III	29623	N	\$53,352	NA	B.25/N.75	100	N	
3/12/2007	Investigator V	31525	N	\$30,156	\$49,332	B.25/N.75	100	N	
9/30/2005	Investigator V	33220	N	\$51,312	\$56,040	B.25/N.75	100	N	1
11/1/2003	Investigator V	33404	N	\$47,448	\$53,376	A	100	N	1
11/16/2007	Investigator V (in MID)	34764	N	\$47,448	\$51,300	B.25/N.75	100	N	
6/28/2007	Legal Assistant III	40554	N	\$29,976	\$42,144	A	100	N	
9/1/2004	Investigator IV (FLD)	40975	N	\$47,448	\$43,860	U	100	N	1
12/22/2007	Personnel Management Specialist V	42782	N	\$53,352	\$57,720	A	100	N	
9/16/2003	Investigator IV (CRD)	49324	N	\$42,144	\$38,976	A	100	N	1
9/16/1997	Investigator V	49338	N	\$47,448	New	A	100	N	1
8/1/2008	Investigator V	50194	N	\$60,024	\$64,896	A	100	N	
5/16/2005	Investigator V (Hawaii State Hospital)	50195	N	\$47,448	\$47,892	A	100	N	1
4/1/2008	Deputy Attorney General	100079	Y	\$75,000	\$79,500	A	100	N	
8/1/2007	Deputy Attorney General	100112	Y	\$88,000	\$92,508	U	100	N	
11/29/2008	Deputy Attorney General	100189	Y	\$74,004	\$82,008	A	100	N	
9/20/2008	Deputy Attorney General	100192	Y	\$76,000	\$85,008	A	100	Y	
6/7/2008	Deputy Attorney General	100315	Y	\$74,000	\$78,000	A	100	Y	
10/29/2008	Deputy Attorney General	100382	Y	\$57,000	\$65,004	A	100	N	
7/1/2008	Deputy Attorney General	101261	Y	\$67,000	\$68,004	U	100	Y	
5/4/2006	Deputy Attorney General	101387	Y	\$58,004	\$58,008	A	100	N	
5/15/2007	Deputy Attorney General	101817	Y	\$50,000	\$50,004	A.63/U.37	100	N	
10/29/2008	Criminal Justice Planning Spec.	101823	Y	\$53,634	\$58,008	A.88/N.12	100	N	
8/1/2008	Deputy Attorney General	101834	Y	\$54,000	\$57,000	U	100	N	
12/1/2007	Deputy Attorney General	102076	Y	\$87,000	\$87,996	A	100	Y	
2/1/2008	Deputy Attorney General	102639	Y	\$83,000	\$88,008	A	100	N	
1/15/2008	Project Researcher	110039	Y	\$49,568	\$51,552	A.25/N.75	100	Y	
3/1/2008	Office Assistant III	110333	N	\$26,664	\$27,732	A	100	Y	1
7/1/2003	Investigator V (Tob. Tax)	111544	N	\$47,448	NA	B	100	N	
7/1/2006	Investigator V (ICAC)	111761	N	\$45,850	\$57,996	N	100	N	1
11/1/2006	Investigator V (Tob. Tax)	111854	N	\$49,332	\$49,332	B	100	N	1
5/1/2008	Investigator V	111856	N	\$53,352	\$55,488	B	100	Y	
7/4/2008	Deputy Attorney General	112402	Y	\$56,000	\$59,004	U	100	N	
5/1/2002	Investigator V (DOT -Air)	112836	N	\$47,448	NA	U	100	N	1
5/1/2002	Investigator V (DOT -Air)	112837	N	\$47,448	NA	U	100	N	1
5/1/2002	Investigator V (DOT -Air)	112838	N	\$47,448	NA	U	100	N	1
11/29/2005	Auditor V	113202	N	\$49,572	\$49,572	B	100	N	

Attachment 5  
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>	<u>Fill by 89-day hire</u>
6/19/2003	Investigator V (DOT -Air)	116407	N	\$47,448	NA	U	100	N	1
6/19/2003	Investigator V (DOT -Air)	116408	N	\$47,448	NA	U	100	N	1
8/13/2008	Legal Assistant III	116418	N	\$36,216	\$40,512	U	100	N	
7/28/2003	Investigator V (DOT - Har)	116441	N	\$47,448	NA	U	100	N	1
11/1/2004	Investigator V (Nuis. Abatement Unit)	116465	N	\$47,448	NA	A	100	N	1
8/22/2003	Investigator V (Nuis. Abatement Unit)	116466	N	\$47,448	NA	A	100	N	1
9/2/2003	Investigator V (DOT- High)	116482	N	\$47,448	NA	U	100	N	1
1/27/2004	Investigator V (DHS-OYS)	116698	N	\$47,448	NA	U	100	N	1
5/9/2007	Investigator V (DOH - Envmt'l Crimes)	116785	N	\$53,352	\$53,352	U	100	N	
3/1/2004	Investigator V (DOH - Envmt'l Crimes)	116786	N	\$47,448	NA	U	100	N	
8/24/2005	Admin. Services Manager	116788	Y	\$88,000	\$75,000	A	100	N	1
10/1/2004	Investigator V (Cold Case)	117188	N	\$47,448	NA	N	100	N	1
10/1/2004	Investigator V (Cold Case)	117189	N	\$47,448	NA	N	100	N	1
4/1/2005	Investigator V (PSD)	117351	N	\$47,448	NA	U	100	N	1
6/16/2005	Investigator V (ICAC)	117420	N	\$45,840	NA	N	100	N	1
7/14/2005	Deputy Attorney General	117521	Y	\$66,000	New	U	100	N	
8/10/2005	Investigator V (DNA)	117552	N	\$47,448	NA	N	100	N	1
8/10/2005	Investigator V	117553	N	\$47,488	NA	N	100	N	1
1/2/2007	Juv. Just. Project Mgr.	117635	Y	\$53,630	\$53,630	N	100	N	
10/12/2005	Investigator V (Tob. Tax)	117668	N	\$47,448	NA	B	100	N	1
7/1/2006	Investigator V (DOH - Adult Mntl Health)	117825	N	\$47,448	NA	N	100	N	1
7/1/2006	Investigator V (Sex Offender Unit)	117837	N	\$47,448	NA	A	100	N	1
2/10/2006	Investigator V (Sex Offender Unit)	117838	N	\$23,724	NA	A	100	N	1
12/1/2006	Investigator V (HI Hi-Tech)	117946	N	\$47,448	NA	A	100	N	1
7/20/2006	Investigator V	118089	N	\$47,448	NA	A	100	N	1
7/20/2006	Investigator V (DNA Registry Unit)	118091	N	\$47,448	NA	A	100	N	
7/20/2006	Investigator V (DNA Registry Unit)	118092	N	\$47,448	NA	A	100	N	1
7/20/2006	Investigator V (DNA Registry Unit)	118093	N	\$47,448	NA	A	100	N	1
8/1/2006	Investigator V (Sex Offender Unit)	118101	N	\$23,724	NA	A	100	N	1
Est.	Office Assistant IV	118262	N	\$26,830	NA	A	100	N	1
Est.	Investigator V (Cold Case Unit)	118369	N	\$47,448	NA	A	100	N	1
Est. 2/21/07	Investigator V (Sex Offender Unit)	118374	N	\$23,724	NA	A	100	N	1
9/14/2007	Legal Clerk	118485	N	\$36,512	New	A.34/N.66	100	N	1
9/14/2007	Investigator III	118601	N	\$38,952	New	A.34/N.66	100	N	
12/6/2008	Deputy Attorney General	118620	Y	\$50,000	\$53,004	A.5/U.5	100	N	
10/2/2007	Program Bud. Analyst IV	118763	N	\$47,448	New	A	100	N	
11/17/2007	Investigator V	118774	N	\$50,000	NA	A	100	N	1
11/17/2007	Investigator V (FTE 50%)	118775	N	\$24,019	NA	A	100	N	1
10/12/2007	Office Assistant III	118776	N	\$27,756	NA	A	100	N	
11/30/2007	Deputy Attorney General	118835	Y	\$67,500	New	A	100	N	

Attachment 5  
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>	<u>Fill by 89-day hire</u>
Establishing	Legal Assistant	296055	N	\$42,144	New	U	100	Y	
5/1/2008	Office Assistant III	11219	N	\$24,684	\$26,688	W	231	Y	
10/15/2008	Office Assistant III	39019	A	\$27,768	\$31,212	A	231	N	
12/29/2007	Office Assistant III	47584	N	\$29,976	\$31,176	W	231	Y	1
8/1/2008	Office Assistant IV	47756	N	\$31,212	\$35,064	W	231	Y	
6/15/2008	Information Technology Specialist IV	47829	N	\$45,612	\$49,344	A	231	Y	
4/24/2006	Office Assistant IV	48593	N	\$25,656	\$32,616	A	231	N	
11/1/2008	Criminal ID Supervisor	48790	N	\$54,036	\$60,744	A	231	N	
11/8/2008	Clerical Supervisor IV	118631	N	\$39,000	\$35,064	W	231	N	
12/20/2007	Office Assistant III	118852	N	\$28,860	New	W	231	Y	
Establishing	Office Assistant IV	119136	A	\$28,000	New	A	231	Y	
Establishing	Office Assistant IV	119137	A	\$28,000	New	A	231	Y	
12/31/06	Child Support Enforcement Specialist IV	25935	N	\$67,536	\$67,536	A.34/N.66	500	N	
8/1/2006	Child Support Enforcement Specialist IV	25953	N	\$49,344	\$57,996	A.34/N.66	500	N	
3/8/2005	Support Payments Officer	26166	N	\$41,256	\$41,256	A.34/N.66	500	N	
4/1/2008	Cashier I	27288	N	\$27,678	\$30,012	A.34/N.66	500	Y	
10/2/2008	Cashier Clerk	29292	N	\$23,736	\$27,756	A.34/N.66	500	N	
12/31/2006	Investigator III	30920	N	\$49,332	\$49,332	A.34/N.66	500	N	
02/05/01	Administrative Services Asst	31193	N	\$34,632	\$68,676	A.34/N.66	500	N	
7/17/2007	Child Support Enforcement Specialist IV	31195	N	\$45,612	\$47,436	A.34/N.66	500	N	
7/2/2008	Office Assistant IV	31235	N	\$28,860	\$31,176	A.34/N.66	500	Y	1
10/1/2008	Office Assistant IV	31306	N	\$32,424	\$36,516	A.34/N.66	500	N	
11/8/2008	Social Service Assistant IV	35460	N	\$33,756	\$36,516	A.34/N.66	500	N	
3/17/2006	Office Assistant IV	37340	N	\$28,968	\$28,968	A.34/N.66	500	N	1
10/11/01	Accountant III	37407	N	\$34,320	\$34,320	A.34/N.66	500	N	
7/28/2008	Office Assistant IV	38058	N	\$37,756	\$31,212	A.34/N.66	500	Y	
9/11/2007	Office Assistant III	38421	N	\$27,736	\$26,688	A.34/N.66	500	N	
09/01/07	Child Support Enforcement Specialist IV	39782	N	\$53,352	\$55,488	A.34/N.66	500	N	
8/24/2002	Support Payments Officer	40049	N	\$25,684	\$24,684	A.34/N.66	500	N	
03/01/05	Information Specialist IV	40358	N	\$48,840	\$44,292	A.34/N.66	500	N	
9/3/2008	Investigator III	41347	N	\$43,836	\$45,588	A.34/N.66	500	N	
12/03/07	Office Assistant III	42395	N	\$16,473	\$28,884	A.34/N.66	500	N	
1/9/2007	Account Clerk IV	45678	N	\$33,756	\$33,756	A.34/N.66	500	N	
Establishing	Social Services Assist. IV	88029	N	\$26,664	New	A.34/N.66	500	N	
7/2/2008	Admin Processing Branch Chief	102650	Y	\$75,000	\$80,004	A.34/N.66	500	Y	
10/31/2008	Support Payments Officer	110172	N	\$36,492	\$41,040	A.34/N.66	500	N	
7/24/2008	Office Assistant IV	110292	N	\$27,984	\$27,756	A.34/N.66	500	Y	
12/1/2008	Cashier II	110330	N	\$42,696	\$46,176	A.34/N.66	500	N	
5/16/2008	Office Assistant III	110476	N	\$27,768	\$28,884	A.34/N.66	500	Y	1
11/19/2007	Information Technology Specialist IV	112591	N	\$45,612	\$47,832	A.34/N.66	500	N	

Attachment 5  
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>	<u>Fill by 89-day hire</u>
10/1/2008	Information Technology Specialist IV	112592	N	\$45,612	\$47,436	A.34/N.66	500	N	
2/22/2008	Social Services Assist.	117861	N	\$22,788	\$26,688	A.34/N.66	500	N	
New	CSE Case Manager	117865	N	\$26,664	New	A.34/N.66	500	N	
7/11/2008	Social Service Assistant IV	117866	N	\$26,664	\$25,668	A.34/N.66	500	Y	1
3/17/2008	Social Serv. Assist IV	117867	N	\$26,664	\$23,780	A.34/N.66	500	Y	
6/6/2008	Social Service Assistant IV	117868	N	\$26,664	\$28,884	A.34/N.66	500	Y	
8/22/2008	Social Services Assist. IV	117872	N	\$26,664	\$23,700	A.34/N.66	500	N	
4/1/2008	Social Service Aid II	117873	N	\$26,664	\$23,700	A.34/N.66	500	Y	
New	CSE Case Manager	117874	N	\$26,664	New	A.34/N.66	500	N	
New	CSE Case Manager	117875	N	\$26,664	New	A.34/N.66	500	N	
2/26/2008	Legal Assistant III (Kauai)	119114	N	\$36,512	New	A.34/N.66	500	Y	
9/10/2008	Legal Clerk (Kauai)	119139	N	\$29,976	New	A.34/N.66	500	N	
132	<<< Total number of vacancies					Total number of 89-day hires >>>			48

Attachment 6

Federal Fund Expenditures Exceeding Ceiling for FY08 and FY09 to date

<u>Prog ID</u>	<u>Act 158/08 Ceiling</u>	<u>Anticipated FY09 Additional Ceiling</u>	<u>Date of Transfer</u>	<u>Reason for Exceeding Ceiling</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
				None.		

Attachment 7

List of Transfers for FY08 and FY09 to date

<u>From Prog ID</u>	<u>To Prog ID</u>	<u>Amount Transferred</u>	<u>Date of Transfer</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
ATG100	ATG231	\$526,000	Jun-08	Prepare AFIS for wireless transmission (\$276,000), implement Hawaii Integrated Justice Information System Sharing for Homeland Security (\$140,000), implement Geocoding of Sex Offender Registration Address Information (\$70,000), and cover budget shortfall (\$40,000).	N
ATG100	ATG500	\$308,652	Jun-08	Implement an imaging system for converting case files electronically (\$204,000) and for application software, hardware, and training for the imaging project staff (\$104,642).	N

