

DAVID Y. IGE  
GOVERNOR



DEPT. COMM. NO. 192

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ATTORNEY GENERAL

DEC 29 05 30 PM '17

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STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
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December 28, 2017

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

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

Dear President Kouchi and Speaker Saiki:

For your information and consideration, I am transmitting one (1) copy for each of you of the Department of the Attorney General's Annual Report on the Goals and Objectives, as required by Act 100, Session Laws of Hawaii 1999. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>. If you have any questions or concerns, please feel free to call me at 586-1282.

Sincerely,

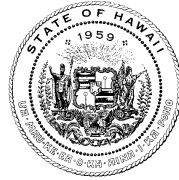
A handwritten signature in black ink, appearing to read "D. Chin".

Douglas S. Chin  
Attorney General

c: David Y. Ige, Governor  
Shan S. Tsutsui, Lieutenant Governor  
Legislative Reference Bureau (Attn.: Karen Mau)  
Leslie Kondo, State Auditor  
Wesley K. Machida, Director of Finance, Department of Budget and Finance  
Stacey Aldrich, State Librarian, Hawaii State Public Library System  
David Lassner, PhD., President, University of Hawaii

Enclosure

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## GOALS AND OBJECTIVES OF THE DEPARTMENT OF THE ATTORNEY GENERAL

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

Fiscal Year 2017 – 2018

Submitted to the Twenty-Ninth State Legislature  
Regular Session of 2018

### **SECTION 1: INTRODUCTION**

The Department of the Attorney General is comprised of almost two dozen divisions. Each division has contributed to this report.

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

#### **The Department of the Attorney General**

The Attorney General is the chief law enforcement officer of the State of Hawaii. The mission of the Department of the Attorney General is to provide excellent legal services to the State of Hawaii by offering advice and counsel to its client agencies, assist in implementing policy decisions, aid the core activities of its client agencies, and represent the State and its clients in litigation. The scope of the practice is wide and varied. The department represents the executive officers of the State of Hawaii, the Governor, the Legislature, the public officers of the State, and under certain circumstances employees of the State of Hawaii. In addition, the Attorney General administers the Child Support Enforcement Agency, plans and implements crime prevention programs, gathers information and records to support law enforcement, and administers the state's sex offender registration.

**GOAL 1:**                    **Enhance operations, functioning, and professionalism within the department.**

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

**Objective 2:**                Continue to enhance the professionalism of the department.

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

The target date for this action plan is ongoing.

The measure of success for this action plan is that the hires requested by the divisions and approved by the Attorney General are made, and the department is operating at sufficient capacity to provide appropriate services to its clients.

**Action Plan 2:**            Continue to improve control and handling of litigation.

A Litigation Management Committee has been functioning to track existing litigation, and provide critical review and analysis to secure optimal results, especially with respect to major litigation.

The Attorney General needs to be regularly informed of the status of important litigation (both large financial stakes and important policy issues). In addition to monthly supervisors' meetings, litigation supervisors meet with the Attorney General on at least a quarterly basis to discuss litigation matters in-depth.

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

**Action Plan 4:** Continue to improve client relations and protocols for responding to queries and requests. Continue to improve client service, quality of advice and representation.

Ensure that the department is responding to queries quickly (e.g., a prompt turn-around for responding to emails, even if it is only just an acknowledgment) and that clients feel their concerns are being addressed.

The target date for this action plan is ongoing.

The measure of success for this action plan is that clients are more satisfied with the department's services, and the department receives fewer complaints regarding issues like untimely responses. Another measure is whether the department succeeds in reducing litigation by solving problems before they occur.

**Action Plan 5:** Continue to improve the technological capabilities of the department.

Through the Office of Enterprise Technology Services, the department has completed its migration from Lotus Notes to Office 365. The transition to Office 365 required the department to integrate the ProLaw case management and iManage document management systems. Discussions are ongoing regarding further software improvements to streamline workflow and take advantage of new technology.

The measure of success for this action plan is that the department is functioning more like a twenty-first century law firm in terms of its technological capabilities.

**Action Plan 6:** Continue to improve departmental cohesion.

Continue holding monthly supervisor meetings, which in past audits supervisors have lauded as one of their favorite activities.

Provide access to management and leadership training so that supervisors and up-and-coming managers can play a role in continuing to build a cohesive department, using tried-and-approved management techniques.

Continue holding division group meetings to better organize the department, and let individual divisions share valuable information with each other, in a setting that provides more time for discussion than the monthly supervisor meetings.

Encourage participation in departmental committees: training committee, contracts committee, ethics and conflicts committee, appellate opinion review committee, management committee, and the innovation committee.

The target date for this action plan is ongoing.

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

**Action Plan 7:** Provide Continuing Legal Education (CLE) training and regular employee evaluations.

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

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

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

A formal evaluation process gives strong performers positive feedback, weaker performers an honest assessment and opportunity to improve, and benefits the department as a whole. This process also works as a management tool so that supervisors can gauge the professional development of

their employees, and determine who can act as mentors, etc.

The target date for this action plan is ongoing.

The measure of success for this action plan is that more valuable training is occurring. This has been ongoing and continuing over the past four years, including brown bag trainings that are organized by the Training Committee and which occur at least once a month, and various seminars that provide CLE credit and brought in national trainers on topics such as ethics, trial advocacy, jury selection, and leadership. The additional measure of success is that employee evaluations become routine and show tangible benefits through improved performance.

**Action Plan 8:** Continue to improve morale.

Work to increase morale through a combination of initiatives like training, departmental breakfasts, award ceremonies, personal recognition, shirts and caps and mugs with the AG logo, department-wide vision meetings with feedback, etc.

Provide an annual list of departmental accomplishments.

The target date for this action plan is ongoing.

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

**Action Plan 9:** Facilitate better interaction between the department and special deputies.

Require the special deputies to work more closely with the division deputies.

This will serve two purposes: (1) it will elevate the quality of the line deputies' work; and (2) it will hold down the special deputies' costs.

The target date for this action plan is ongoing.

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

**Action Plan 10:** Continue to improve cooperation with members of the Legislature.

Both during and outside of the legislative session the department has reached out to legislators offering to assist them as they deem necessary to ensure that any legal or constitutional infirmities are resolved with respect to legislative proposals. This helps ensure that bills can be amended earlier in the session and reflect the intent of the sponsoring legislator.

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

### **SECTION 3: LEGAL SERVICES DIVISIONS**

#### **Administration Division**

As it has evolved over the years, the Administration Division has come to represent a number of governmental entities and all three branches of government. The primary mission of the Administration Division is to provide advice and counsel to, and representation of policy-making executive branch agencies (i.e., Governor, Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assist in implementing policy decisions (e.g., through Executive Orders, legislation, and rules); and assist the implementation of the core activities of the above agencies, their attached agencies, as well as other agencies (i.e., Employees' Retirement System, Hawaii Employer-Union Health Benefits Trust Fund, Public Utilities Commission, Office of Enterprise Technology Services; State Procurement Office, Stadium Authority, E911 Board, Building Code Council, State Foundation on Culture and the Arts, Office of Elections, Campaign Spending Commission, Land Use Commission, Office of Information Practices, and Ethics Commission). The Administration Division also provides advice and counsel to, and representation of the Judiciary and the Legislature and their agencies.

**GOAL 1:**                    **Obtain assistance with litigation, administrative appeals**

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

**Objective 2:** Effectively use the amount of time division deputies have to spend on litigation so that they can focus more on the division's core advice and counsel function. Expect division deputies to participate in litigation, providing the substantive knowledge of the litigated issues and work with an experienced litigation deputy.

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

The target date for this action plan is ongoing.

**Action Plan 2:** Continue to train current clerical staff to provide services to attorneys. Fill vacant position to better serve and reduce wait time for assistance for deputies.

The target date for this action plan is ongoing.

**Action Plan 3:** Create more standardized procedures for paralegals.

There is no set target date for this.

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

**GOAL 2:** **Continue efforts to reduce or eliminate the number of neighbor island trips Oahu-based deputies must take, including hearings on unopposed motions; and hearings relating to subpoenas for confidential records.**

**Objective:** Save money and better utilize staff and attorneys' time.

**Action Plan 1:** Work with the Judiciary to have Judiciary employees who are the custodians of the subpoenaed records to represent themselves at routine subpoena returns statewide. Work



with the Judiciary to create uniform policy to allow deputies to appear by phone.

**Action Plan 2:** Continue to work with the Family Law Division on handling these motions on neighbor islands in Family Court and other courts. Administration Division has generated a training binder of top low-level motions and sample pleadings and will update these samples as necessary.

This target date for this goal is ongoing.

The measure of success for this goal is monetary savings to the department (e.g., air fare, cabs, car rental, parking, etc.) and savings in deputy time.

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

**Action Plan 1:** Train clients in tasks such as preparing agendas and minutes, maintaining records, creating records and indices of records for administrative appeals, and compiling records on appeal.

The target date for this goal is ongoing.

The measure of success for this goal is savings in deputy time currently spent reviewing and re-writing agendas and minutes. Making sure records available to the public do not contain confidential information or attorney-client privileged information. Making sure agency records for administrative appeals are in good order. Expect savings in staff time currently spent putting together records on appeal for client agencies.

**GOAL 4:** **Realign duties within the division to areas of expertise and increase ability to provide consistent advice and to increase efficiency.**

**Objective:** Continue to better prioritize the division's work.

**Action Plan:** Re-examine within and without the division whether and where specific types of work could best be assigned. Basis for discussions would be where the relevant expertise lies in

each deputy and division, without analysis being prevented by “this is how we’ve always done it” reasoning.

The target date for this goal is ongoing.

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

**GOAL 5:**                    **To make the Administration Division a resource for other divisions seeking guidance on substantive legal issues in the area of procurement and contracts, sunshine law, and fiscal/appropriation issues.**

**Objective:**                    To integrate the work being done in the Administration Division with the Department as a whole.

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

The target date for this goal is ongoing.

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

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

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

**Objective 2:**                Continue to clean up the Administration Division’s physical space.

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

The target date for this goal is ongoing.

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

### **Appellate Division**

The primary mission of the Appellate Division is to maximize the quality of the appellate representation of all of the department's clients, and to provide constructive and quality legal advice to deputies throughout the department, on all legal matters. The Appellate Division's attorneys also directly handle many of the appeals to which the State and/or a State employee is a party, and they often draft amicus briefs to be filed in federal and State courts on issues of importance to the State. The Division also serves as the department's liaison with NAAG Supreme Court counsel and other states' NAAG amicus contacts on issues and cases of national interest and importance.

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

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

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

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

The target date for this goal is ongoing.

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

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

**Objective 1:**                    Use Appellate Division expertise to benefit the whole department.

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

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

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

**Action Plan 2:** Have senior appellate deputies (and eventually newer deputies) periodically attend the Appellate Opinion Review Committee meetings.

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

**Action Plan 3:** Have Appellate Division deputies review and comment on other Appellate Division deputies' briefs or memoranda as appropriate.

The measure of success for this action plan is improved quality of Appellate Division output.

**Action Plan 4:** Instruct paralegals about administrative, procedural, and general appellate matters. Share the knowledge of individual paralegals (who have expertise in electronic filing and other administrative matters) with each other and with deputies within the Appellate Division and Department-wide.

The target date for this goal is ongoing.

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

**Objective:** Use Appellate Division expertise to benefit the whole department.

**Action Plan:** Encourage deputies with appeals to contact the Appellate Division anytime they have questions regarding appellate

procedure, or, more generally, to discuss with the Appellate Division ideas and arguments supporting the State's positions, or rebutting troubling opposing arguments.

The target date for this goal is ongoing.

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

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

**Objective:**                    Ensure that Hawaii: (1) periodically authors multi-state amicus briefs addressing issues of importance to the State; and (2) signs onto the right legal issues at the right times, and for the right reasons.

**Action Plan 1:**                Look for opportunities to author and then periodically author multi-state amicus briefs addressing issues of importance to the State.

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

The target date for this goal is ongoing.

The measures of success for these goals are: (1) the Appellate Division's periodic authorship of multi-state amicus briefs; and (2) consistency in the quality of the Appellate Division's recommendations, and the Attorney General's satisfaction with those recommendations.

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

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

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

The target date for this goal is ongoing.

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

### **Civil Recoveries Division**

The Civil Recoveries Division provides flexible, efficient, systematic, and timely service in the pursuit and, if necessary, litigation of outstanding debts, delinquent accounts, and other financial obligations by working closely with client agencies, having a sound knowledge of the subject legal doctrines and operational issues facing the clients, and capitalizing on available technology.

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

**Objective:** To create a climate of constant improvement.

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

This action plan is ongoing.

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

**Action Plan 2:** These regular meetings will include supervisor discussion notes to document the strengths and positive impact of team members, as well as assist in the improvement of performance if needed. The supervisor discussion notes will be maintained by the supervisor and will address whether the workflow makes sense, is not wasted energy, and that

the division is not doing things just because they have always been done that way.

This action plan is ongoing.

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

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

**Objective 1:** To move towards a paperless environment.

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

The target date for this goal is ongoing.

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

**Objective 1:** To work faster and smarter.

**Action Plan 1:** Begin training all staff on existing technology.

This action plan is ongoing.

**Action Plan 2:** Implement all existing technology in operations.

This action plan is ongoing.

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

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

**Objective:** To move towards a paperless environment.

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

This action plan is ongoing. The division continues to reduce its paper files and rely on electronic storage.

**GOAL 5:** **The division has taken over the Notaries Public program from the Commerce and Economic Development Division.**

**Objective:** The Notary Public Program was transferred to the Civil Recoveries and the primary objective of this goal is to move towards a paperless environment; eliminate wait times for applicants, tests, and test results; standardize procedures, policies, and practices; and improve productivity and public service for the program.

**Action Plan 1:** Draft a plan to reduce and/or eliminate paper files, and ease the burden of the time it takes to apply for a notary commission, maintain notary licensure, and retire your license. Testing will also be scheduled on a regular basis, on Oahu, as well as our neighbor islands. Users will be able to signup online, and choose and schedule (and/or cancel) their own testing dates/times.

Internal procedures and the public website need to be updated to provide user friendly interaction with the Notary Office.

This action plan is ongoing. The division continues to improve productivity and public service while reducing its paper files and rely on electronic transactions.

### **Civil Rights and Tort Litigation Divisions**

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



**GOAL 1:**                    **Maintain institutional knowledge.**

**Objective 1:**                Better organize the divisions' information for use and retrieval.

**Action Plan 1:**            Memo bank – Input memos, briefs, etc. on legal issues that often recur, such as section 409 issues, discretionary function, qualified immunity, Eleventh Amendment immunity, etc.

The target date is ongoing.

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

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

The target date is ongoing.

The measure of success for this action plan is that the appropriate information is available to the department in iManage.

**Action Plan 3:**            Put closed files on discs rather than packing boxes for storage.

The target date is ongoing.

The measure of success for this action plan is having fewer boxes around the office and reducing the need to retrieve boxes to obtain information from closed cases.

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

The target date depends on coordination with other divisions.

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

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

The target date is ongoing.

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

**GOAL 2:** **Increase efficiency.**

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

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

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

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

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

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

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

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

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

**GOAL 3:**                    **Help new deputies get up to speed as quickly as possible.**

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

The target date is ongoing.

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

**Action Plan 2:**            Create standard training for every new employee on iManage and ProLaw right after they start.

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

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

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

The target date is ongoing.

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

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

The mission of the Commerce and Economic Development Division is to provide high quality and timely legal services to the Department of Agriculture, the Department of Business, Economic Development, and Tourism, the Department of Commerce and Consumer Affairs, and the Deferred Compensation Board and other state employee benefit programs (not including the Employee's Retirement System). The division also enforces the antitrust laws, participates in multi-state consumer protection matters, and advises the Legislature, the Governor, and other affected agencies on legal issues arising from the subject matter of the division.

**GOAL 1:**                    **Monitor each attorney's workload, productivity, and mastery of subject matter.**

**Action Plan 1:**            Obtain printouts of case assignments.

The target date for this action plan is ongoing.

**Action Plan 2:**            Meet individually with attorneys on a rotational basis to review assignments, issues, and questions.

The target date for this action plan is ongoing.

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

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

The target date for this action plan is ongoing.

**Action Plan 2:**            Include substantive discussions of deputies' work in division meetings.

The target date for this action plan is ongoing.

**Action Plan 3:** Hold monthly division meetings.

The target date for this action plan is ongoing.

**GOAL 3:** **Make effective use of central calendaring system.**

**Action Plan 1:** Continue to calendar all matters in litigation.

The target date for this action plan is ongoing.

**Action Plan 2:** Identify other matters appropriate for calendaring.

The target date for this action plan is ongoing.

### **Criminal Justice Division**

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

**GOAL 1:** **Enhance the trial skills of all deputy attorney generals in the Criminal Justice Division.**

**Objective:** Deputies will be able to proficiently handle and present a jury trial in a case of moderate difficulty.

**Action Plan:** Provide trial skills training in house and send deputies to training offered by other agencies. Assign cases with a probability of going to trial to all deputies. Have deputies assist each other in trial, including acting as second chair. Retain and recruit trial attorneys.

This is an ongoing goal with no set target date.

**GOAL 2:** **Maintain compliance with the 12 performance standards set by the U.S. Department of Health and Human Services, Office of Inspector General in operating the Medicaid Fraud Control Unit (MFCU).**

**Objective:** Maintain compliance with the 12 performance standards set by the U.S. Department of Health and Human Service, Office of Inspector General (DHHS-OIG).

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

The measure of success for this goal is for DHHS-OIG to approve renewal of funding for fiscal year 2018-2019.

**GOAL 3:** **Improve case intake and tracking to better comply with yearly reporting requirements to the Department of Health and Human Services, Office of Inspector General (DHHS-OIG).**

**Objective:** Increase the accuracy and timeliness of submitting our annual report to the DHHS-OIG due November 30<sup>th</sup> of each year.

**Action Plan:** Form a case management user team to assess the current case management system and determine if required reporting fields can be more efficiently tracked and put into a year-end report. Each year the MFCU has struggled completing its annual report because retrieving accurate data from our current case management system is difficult and time consuming. Accurate numbers are important to the unit because they are used by DHHS-OIG to determine the effectiveness of the MFCU.

The measure of success increase for this goal is to create templates to report the necessary data fields in our annual report in our current case management system or to acquire a new case management system that will produce the required yearly report.

## **Education Division**

The mission of the Education Division is to provide quality and timely legal services to all of the division's clients, which include the Department of Education with all of its schools, the Board of Education, the Hawaii State Public Library

System, the Hawaii Teacher Standards Board, the Charter School Commission, the individual Charter Schools and their Governing Boards, the Executive Office on Early Learning, and the Early Learning Board.

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

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

The target date for this action plan is ongoing.

The measure of success for this action plan is to check every other month with the experienced deputies regarding less experienced deputies' performance. Also, check with inexperienced deputies regarding what they have learned from more experienced deputies.

**Action Plan 2:**            Continue to meet at least monthly with the division to discuss specific cases and analyze specific issues.

The target date for this action plan is ongoing.

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

**Action Plan 3:**            Work on a division manual to document various processes and procedures.

No current end date is scheduled.

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

**Action Plan 4:**            Create a brief and decision bank of United States District Court (USDC) cases with a listing of issues contained in the briefs and decisions.

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

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

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

**Objective:**                    Improve customer service.

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

The target date for this action plan is ongoing.

The measure of success of this action plan is to send weekly emails to deputies, legal assistants, and secretaries with upcoming deadlines for the following two weeks.

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

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

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

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

The target date for this action plan is ongoing.

The measure of success for this action plan is due dates for assignments be calendared on the division calendar so everyone knows the due dates and can ensure that the due date was met.

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

The target date for this action plan is ongoing.

The measure of success of this action plan is an annual survey of the client regarding response time.



## **Employment Law Division**

The mission of the Employment Law Division is to provide high quality and timely legal representation to the State, its departments, attached agencies and senior managers in personnel/labor disputes with their own employees or prospective employees.

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

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

**Objective 2:** Ensure effective communication with clients.

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

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

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

**Action Plan 4:** Establish a small litigation resource committee within the division to assist lead counsel.

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

**Action Plan 6:** Encourage clientele to confer with Employment Law staff prior to making certain significant or unusual management and personnel decisions.

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

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

procedures with the Department of Education, especially in Workers Compensation

We have made a point of making ourselves available to clients for meetings in advance of taking action or making decisions. We have met or had telephone contact with the directors or deputies of B&F, DOE, DOH, DHS, DHHL, DLIR, DLNR, DHRD, PSD, DOT, DOTAX, DOD and RCUH.

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

**Objective 1:**            Reduce employment law claims.

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

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

**Action Plan 3:**        Coordinate training for clientele with other divisions within the Department and other state agencies.

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

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

### **Family Law Division**

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

**GOAL 1:**            **Provide quality legal representation to our clients on all islands including the Departments of Education, Health, Human Services, and the Office of the Public Guardian.**

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

The target date for this action plan is ongoing.

The measure of success for this action plan is to review court performance by regular observation and meetings.

**Action Plan 2:** Continue legal education of staff through in-office speakers and federally funded substantive trainings.

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

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

**Action Plan 3:** Maintain a memo bank.

The target date for this action plan is ongoing.

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

**Action Plan 4:** Cross-train all deputies and staff. This has been ongoing for several years. The deputies on Oahu rotate between the Division's two main areas: child welfare cases and specialty cases. The neighbor island deputies do not rotate, but rather handle all of these matters.

The target date for this action plan is ongoing.

The measure of success for this action plan is to have the Division's lead deputies review petitions and mentor the newer deputies as they move through the various areas. Legal assistants have been trained to do petitions for the various cases and routinely rotate through all the areas.

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

The measure of success for this action plan is that meetings occur monthly on Oahu and on an occasional basis on the neighbor islands.

**GOAL 2:**                    **Operate more efficiently.**

**Action Plan 1:**            Continue to review the efficiency of doing cases in Honolulu now that the Division has relocated to Kapolei: some Family Court-related cases include the involuntary hospitalization cases, which happen weekly at the State Hospital and at the Queens Medical Center. Additionally, subpoenas for records are heard at the District and Circuit Courts.

The measure of success for this action plan is that concentrating on the hearings in Kapolei should result in better representation of our clients. This is likely to impact other divisions that are located in Honolulu.

**Action Plan 2:**            Neighbor islands will assist the department in filing routine pleadings as necessary. Deputies and staff have routinely helped with minor hearings and filings and provided space and equipment for other divisions during long trials. They also monitor notary exams for the Commerce and Economic Development Division.

The target date for this action plan is ongoing.

The measure of success for this action plan is that it will result in other divisions not having to travel to the neighbor islands to attend to these minor matters.

**Action Plan 3:**            Maintain rapport with the other divisions that provide advice and counsel to the same client agencies. Although the Family Law Division litigates in Family Courts across the State on behalf of various client agencies, the general advice and counsel responsibilities are assigned to other divisions within the department, including the Education Division, the Health and Human Services Division, and the Administration Division. It is important that these divisions communicate regularly regarding the rules and policies of the clients that might affect their representation.

The target date for this action plan is ongoing.

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

**Action Plan 4:** Fill vacancies as they arise. This would further improve the Division's work product. The volume of the Division's case filings is high.

The target date for this action plan is ongoing.

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

**Action Plan 1:** Meet with clients on a monthly basis. The Family Law Division meets with Child Welfare Services section administrators on a monthly basis. The Division also has been meeting with the DOH, the DOE, and the OPG on an occasional basis.

The target date for this action plan is ongoing.

The measure of success for this action plan is that regular meetings are held.

**Action Plan 2:** Continue training clients on Family Court procedures on a regular basis. This already happens for the DHS, Child Welfare Services, Adult Protective Services, and the DOE.

The target date for this action plan is ongoing.

**Action Plan 3:** Communicate through phone, in-person, and email as necessary with all clients. The installation of Microsoft Office 365 throughout the department allows for regular contact.

The target date for this action plan is ongoing.

The measure of success for this action plan is better preparation and readiness for trials and other hearings that happen on an almost daily basis, thanks to increased communication.

## **Health and Human Services Division**

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

**GOAL 1:**                    **Cross-training (for better services, workload balance, and professional growth).**

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

This is a continuing action plan.

The measure of success for this action plan is the notes kept in the supervisor's meeting file.

**Action Plan 2:**            Include substantive discussions of deputies' work in division meetings. Schedule training on focused topics for some division meetings.

This is a continuing action plan.

The measure of success for this action plan is the notes kept in the supervisor's meeting file.

**GOAL 2:**                    **Make better use of existing technology.**

**Action Plan 1:**            Training on iManage, ProLaw, Word, Excel, PowerPoint.

Coordinate with department-wide effort.  
Feature a specific function at each division meeting.

The target date for this action plan is as time permits. We have periodic refreshers and training at division meetings.

The measures of success for this action plan are the division calendar, the supervisor's training and meeting records, and increased use of these programs.

**Action plan 2:** Become adept in Office 365, including OneDrive. Coordinate with department-wide efforts and training. Collaborate within the division to learn from each other's experience with the new programs.

This is a continuing action plan.

The measure of success for this action plan is consistent and efficient use of the new programs by all division members.

**GOAL 3:** **Improve the division's filing systems.**

**Action Plan 1:** Continue to improve methods to make current information and documents available to all (e.g., e-files in ProLaw, iManage, intranet).

The target date for this action plan is continuous, with periodic formal (department-wide) and informal (within the division) training on saving and retrieving information effectively.

The measure of success for this action plan is our ability to find current information easily and quickly.

**Action Plan 2:** Continue conversion of current matter files to electronic storage via ProLaw and other means.

The target date for this action plan is continuous.

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

**Labor Division**

The mission of the Labor Division is to provide excellent and timely legal services and litigation support, including agency appeals, to the Department of Labor and Industrial Relations and boards and agencies administratively attached to that department. These agencies include, but are not limited to, the State Fire

Council and Office of Community Services. In connection with its enforcement of the various labor laws, the division collects penalties, fines, and reimbursements. The division also provides legal advice and representation to the Employees' Retirement System's Medical Board.

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

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

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

**Action Plan:**

Provide and make available relevant training for the division.  
Review and update all division training manuals as necessary.

Annually review department legal services manual on legislation.

Continue in-house division training, utilizing discussions on current cases.

Identify training programs outside of the department and seek funding to attend such programs.

Create or update forms as necessary.

Maintain the legislative history binder.

This is an ongoing and continuous process.

Accomplishments:

Training manuals were updated as significant developments occurred.

Existing legislative history binder updated.

Forms for various practice areas were created or updated.



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

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

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

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

**Action Plan:**

Continue to apprise clients about court decisions and make appropriate recommendations.

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

This is an ongoing and continuous process.

Accomplishments:

On a regular basis apprised the client of appellate court decisions relating to its program area and, when appropriate, made recommendations on future actions.

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

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

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

**Action Plan:**

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

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

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

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

**Objective 3:**            Identify information to post on the departmental intranet in order to share knowledge within the division and department.

**Action Plan:**

Train each member of the division on an ongoing basis, taking advantage of training offered in-house, as well as by sharing knowledge on an informal basis.

This is an ongoing and continuous process.

**Land/Transportation Division**

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

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

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

The division prepares or reviews land disposition documents for the DLNR and the DOT and prepares office leases for the Department of Accounting and General Services when state agencies rent private property as tenants. The division reviews for legality its clients' contracts and administrative rules. The division also reviews proposed legislation related to its client agencies. The division handles administrative enforcement actions for violations of the State Historic Preservation law and the law governing land use in conservation districts and actions for damage to natural resources of the State.

**GOAL 1:**                    **Maintain institutional knowledge.**

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

**Action Plan 1:**                Memo bank of division advice letters and memoranda with searchable index.

With the assistance of the Office of Enterprise Technology Services we have scanned in the documents and are now working on confirming the images and indexing.

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

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

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

Target date for Action Plans 2 through 4 is ongoing.

**GOAL 2:**                    **Improve deputy knowledge, skills and experience.**

**Objective 1:**                    Increase knowledge in emerging areas.

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

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

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

Target date for this action plan is ongoing.

**Objective 2:** Cross-train within the division.

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

Target date for this action plan is ongoing.

**GOAL 3:** **Improve skills, increase skill levels and efficiency by utilizing existing technology.**

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

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

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

This action plan is on going.

### **Legislative Division**

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

of the formal opinions issued by the Attorney General and provides staff support to the Commission to Promote Uniform Legislation.

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

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

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

**Action Plan:**                Coordinate with the Governor's legislation review staff to establish reasonable deadlines for the submission of legislative proposals to the Office of the Governor and to the Legislative Division to allow sufficient time for review of the legislative proposals and for revision and correction by the originating executive branch agencies.

**Process:**                    Maintain records of performance of the divisions in meeting internal and Governor's Office deadlines and report the information to the Attorney General.

**GOAL 2:**                    **Coordinate the legal services review of legislative bills pending before the Legislature.**

**Objective 1:**                Ensure the effective review of pending legislative bills by divisions possessing pertinent subject matter expertise.

**Objective 2:**                Assist in the reporting of problems discovered during the review of legislative bills by preparing a list of bills to be tracked, determining whether hearings have been scheduled for the bills with problems, ensuring that appropriate testimony is prepared, and reviewing testimony and legal advice letters on those bills.

**Action Plan:**                Continue to obtain, copy, and distribute bills and legislative committee reports in hard copy form and, when necessary, in electronic form or by links to online webpages to divisions possessing pertinent subject matter expertise needed to effectively review specific bills; continue to maintain the Legislative Bill Tracking System on the ProLaw Information Management System to provide information on the referrals

of bills and to provide necessary reports; and continue to maintain manually prepared problem bill lists.

Establish revised procedures to conform to the Governor's Office's tracking systems for the Executive Branch agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conference and the Commission to Promote Uniform  
Legislation.

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

The Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and representation in litigation to the Department of Public Safety and its attached agencies and commissions (which include the Hawaii Paroling Authority, the Correctional Industries Advisory Committee, the Corrections Population Management Commission and the Crime Victim Compensation Commission), the Department of Hawaiian Home Lands, the Hawaii Housing Finance and Development Corporation, and the Hawaii Public Housing Authority.

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

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

**Action Plan:**                Partner attorneys to provide needed support, expertise and backup.

Fill vacant positions.

Continuing Legal Education, including in-house training must be ongoing and relevant. The division's continuing goal in this regard is to have each person attend some form of continuing legal education at least four times per year. This is not a difficult task given our department's renewed commitment to in-house training.

Training is also offered from time to time by other departments or agencies and staff is encouraged to attend these sessions as well.

Refer to and collaborate with in-house expertise and resources to assure appropriate and consistent department-wide advice and representation.

Add to and maintain division form bank and instructional manuals in electronic format.

Increase staff skill level in use of existing information technology and resources.



The measure of success will be based upon the periodic review with deputies regarding work product and the time spent on various work assignments to determine whether the appropriate knowledge base and resources are available.

**GOAL 2:**                    **Render legal services in a more efficient way.**

**Objective:**                    Meet clients' legal needs even when there is not optimal access to resources. While the division is addressing the legal needs of its clients, limitations imposed by fiscal realities sometimes require different methods to bring efficiency to a higher level.

**Action Plan:**                    Prioritize necessary legal work. Legal deadlines, the need to address issues to avoid lawsuits/claims, and the priorities of the client will dictate the prioritization of legal work. This process will continue to be improved through better communication with our clients.

Client Training/Outreach: Standardize client procedures and conduct training to encourage consistency of client work product. Maintain good and consistent communication with client on a regular basis.

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

- a.        Add to and maintain a division form bank.
- b.        Divisional and unit meetings on a bimonthly basis to ensure communication and consistency in knowledge.

Emphasize proactive action planning, involving more people, for bigger projects. Establish a model for mobilizing the staff (both within this division and department as well as within the client department/agency) needed to plan and implement an action plan for a given case. Share with the members of the division and the department and implement as needed.

Maintain calendaring system, updated and monitored daily. Maintaining established calendaring system is an ongoing effort to enable better planning for anticipated workload.

Utilize newly updated information technology to the fullest potential. In this regard there is a continuing effort to ensure that each member of the division is proficient in the use of available technology to increase efficiency and sharing of information, not only within our division and department, but also with clients. Half of this division's attorneys are outfitted with laptops and we have internet access to office email. This increases our capacity to work from remote locations and has improved our capabilities.

Last, but not least, continue to promote teamwork among all members of the division. The measure of success will be periodic review by division supervisor on division's ability to maintain manageable workload, accomplishing work objectives in the time required.

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

**Objective:**                    Maintain a respected reputation.

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

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

Continual ethics training.

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

The measure of success will be the rate of success in the court and in representing clients in administrative proceedings, rate of settling issues before they result in lawsuits or administrative claims, rate of involvement in training as trainers/leaders in discussion, assessment of client relationship and relationship with others in the communities within which we work.

Additionally, the division will strive, at least on a yearly basis, to conduct staff evaluations and review variance reports.

#### **Timeline and**

**Progress to date:** While all of the foregoing items are already practiced in some degree, this division takes the time, on an ongoing basis, to review present practices and procedures and consider improvements that can be implemented in all areas to optimize efficiency. Implementation of such improvements is ongoing and is expected to continue into the future.

Hiring of personnel to fill current vacancies is a priority.

In the coming legislative session, we are pursuing the creation of an additional Deputy Attorney General position to better service the needs of the Hawai'i Public Housing Authority as its various redevelopment projects proceed.

#### **Tax & Charities Division**

The Tax & Charities Division provides legal representation and advice to the Department of Taxation ("DOTAX") and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, opinions and advice. The Division oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The Division is responsible for the oversight and enforcement of Hawaii's charitable solicitation laws under HRS chapter 467B applicable to charitable organizations and their professional solicitors and professional fundraising counsels that solicit contributions in Hawaii.

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

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

**Action Plan:** Supervise and monitor litigation of deputy attorneys general including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from the Appellate Opinion Review

(“AOR”) Committee or Complex Litigation Committee whenever necessary or appropriate.

- Periodic reports to client on case status.

**Process:** Continue the report card from DOTAX. Review annually how the Tax & Charities Division has met this objective. Provide appropriate feedback to deputies on the handling of their cases.

**Objective 2:** Protect and defend the State’s tax claims (whether secured or unsecured) in the U.S. Bankruptcy Court, foreclosure suits, and interpleader actions with appropriate consideration for the size of the claim, assets available to satisfy the claim, and other relevant factors.

**Action Plan:** Supervise and monitor litigation of deputy attorneys general including:

- Periodic status reports on case status and strategy (discovery, dispositive motions, trial) and resolution.
- Seek guidance from AOR or Complex Litigation Committee whenever necessary or appropriate.
- Periodic reports to client on case status.

**Process:** Continue the report card from DOTAX. Review annually how the Tax & Charities Division has met this objective. Provide appropriate feedback to deputies on their cases.

**Objective 3:** Provide legal advice and counsel to DOTAX on proposed legislation, regulations, and interpretations. Whenever possible, the Division shall also provide recommendations to DOTAX on possible legislation to close unintended loopholes or to improve tax administration.

**Action Plan:** Supervise and review legislation, regulations, and cases that may affect DOTAX.

**Process:** Review annually how the Tax & Charities Division has met its objectives.

**Objective 4:** Be sensitive to and aware of discourteous or less than quality service to the public.

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

professionals), the business community, and the public regarding how the tax system can be improved and specific instances of alleged abuse or less than quality service to the public. Assist taxpayers with legitimate complaints about how they have been treated in getting a satisfactory and reasonable solution to their complaint.

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

**Objective 5:** Vigorously protect the privacy of taxpayer tax returns and return information made confidential by section 235-116 and 237-34 of the Hawaii Revised Statutes.

**Action Plan:** Represent DOTAX in defending subpoenas and other requests for confidential taxpayer information.

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

**GOAL 3:** **Improve the quality and timeliness of legal services provided to or on behalf of DOTAX.**

**Objective 1:** Ensure that legal services provided by the Division are both high quality and timely.

**Action Plan:** Supervise and monitor litigation of deputy attorneys general including periodic cases audits to discuss strategy, development, and resolution. Provide continuing training whenever possible or resources permit. Seek guidance from AOR or the Complex Litigation Committee whenever necessary or appropriate.

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

**Objective 2:** Improve the quality and timeliness of advice and counsel to DOTAX on the legal aspects of proposed legislation, regulations, and cases.

**Action Plan:** Supervise and review legislation, regulations, and cases that may affect DOTAX. Coordinate as appropriate with the Legislative Division.

**Process:** Review annually how the Tax & Charities Division has met its objective.

**Objective 3:** Improve communication with DOTAX at all levels.

**Action Plan:** Encourage and foster open and timely communication with DOTAX.

- i. Meet frequently, formally, and informally with the Director, and Deputy Director.
- ii. Encourage all Tax & Charities Division deputy attorneys general to keep DOTAX informed of developments in major cases or issues affecting other taxpayers.
- iii. Provide periodic status reports to the client.

**Process:** Continue to have an annual report card from DOTAX. Review annually to how the Tax & Charities Division has met this objective.

**Objective 4:** Improve the working relationship with DOTAX at all levels.

**Action Plan:** Encourage formal and informal interaction with DOTAX.

- i. Encourage joint participation in in-house seminars and meetings.
- ii. Encourage the sharing of resources to the extent possible.
- iii. Encourage cross training by AG and DOTAX professionals.

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

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

- Objective 1:** Provide for the professional development and growth of all Tax & Charities Division deputy attorneys general through training and relationships with tax practitioners and the public.
- Action Plan:** Efficiently allocate resources to Tax & Charities Division deputy attorneys general cases and encourage them to expand their practices and train and teach the less experienced Tax & Charities Division deputy attorneys general; provide the less experienced Tax & Charities Division deputy attorneys general the opportunity to work on increasingly challenging cases; and encourage all deputy attorneys general to develop and grow professionally. Provide positive feedback for work well done. Make the Tax & Charities Division an enjoyable and rewarding environment in which to practice law. Hold periodic meetings of Tax & Charities Division deputy attorneys general for problem solving.
- Process:** Review annually how the Tax & Charities Division has met this objective.
- Objective 2:** Encourage and foster education and training by third-parties and among each other.
- Action Plan:** Promote education and training by outsourcing, for example, attending seminars, and by in-house training sessions, for example, brown bags.
- Process:** Review annually how the Tax & Charities Division has met this objective.
- Objective 3:** The supervisor and more experienced deputy attorneys general should strive to set good examples of integrity, diligence, and fairness for the less experienced deputy attorneys general.
- Action Plan:** Be prepared, professional, timely, courteous, and accessible. Meet deadlines. Strive to continuously improve the quality of legal services and representation. Timely return calls and written communication.
- Process:** Review annually how the Tax & Charities Division has met this objective.

**GOAL 5:**                    **Integrate and maximize the new technology in the Tax & Charities Division.**

**Objective 1:**                Maximize the new technology in the Tax & Charities Division including electronic filing in the U.S. Bankruptcy Court, the Department's, intranet and the Department's document management system.

**Action Plan:**              Learn and maximize the benefits of the new network system for all attorneys and staff in the Tax & Charities Division, where we can communicate within the Department and Tax & Charities Division.

**Process:**                    Review annually how the Tax & Charities Division can improve and integrate technology within the Tax & Charities Division, DAG and with the DOTAX.

**GOAL 6:**                    **Vigilantly supervise charitable trusts, public charities, and nonprofit entities, including private foundations, to ensure that such organizations are properly fulfilling their charitable purposes and acting in a manner consistent with their governing documents.**

**Objective 1:**                The Tax & Charities Division shall continuously monitor and represent the Attorney General in his capacity as *parens patriae* in proceedings relating to charitable trusts, provide ongoing oversight of charitable trusts and public charities, and, if warranted, commence an investigation or take appropriate action related to such charitable trusts and nonprofit entities.

**Action Plan:**              Continue the implementation of the Tax & Charities Division's Internet-based registration system for charities that must register with the Attorney General and design the system to provide relevant information to the public via the Department's website. Enhance and improve the recently deployed registration and financial reporting system for professional fundraising counsels and professional solicitors and an online exemption application processing module. Deploy an online commercial co-venture approval process.

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



**Objective 2:** Professionally administer and enforce chapter 467B, and section 431:1-204 of the Hawaii Revised Statutes, requiring the registration and bonding of professional solicitors and professional fundraising counsel, and annual certification by charities issuing charitable gift annuities and begin enforcement of registration requirements.

**Action Plan:** Continue the implementation of the Tax & Charities Division's  
(1) Internet based registration system for charities that must register with the Attorney General and design the system to provide relevant information to the public via the Department's website; and (2) The online registration and financial system for professional fundraising counsels and professional solicitors and online exemption application processing module.

**Process:** Monitor development of forms and databases.

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

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

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

**Objective 4:** Encourage and support education and training for deputy attorneys general.

**Action Plan:** Promote education and training by outsourcing, for example, attending seminars, and in-house training sessions, for example, brown bags.

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

## **SECTION 4: PUBLIC SERVICES DIVISIONS**

### **Child Support Enforcement Agency Division**

The Child Support Enforcement Agency (CSEA) provides assistance to children by locating parents, establishing paternity and support obligations (both financial and medical), and enforcing those obligations. It collects and disburses support payments owed to custodial parents, the Department of Human Services (DHS), and other state and international child support agencies. CSEA's mission is to promote the well-being of children and the self-sufficiency of families, through the timely and accurate establishment and enforcement of child support, while providing excellence in customer service.

#### **GOAL 1:                    Establishment of paternity for children born out-of-wedlock**

**Objective 1:**                    To locate all non-custodial parents in cases where a child's paternity is at issue and the non-custodial parent's address is unknown.

The measure of success is the extent to which non-custodial parents are found and paternity actions are completed.

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

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

**Objective 2:**                    To identify all cases where paternity establishment has not been completed.

The measure of success is the number of paternity actions completed.

**Action Plan 1:**                    Create a report of cases where custodial parent and non-custodial parent address is known and paternity establishment has not been completed.

**Action Plan 2:**                    Have CSEA branch offices review the report and follow-up with completing the paternity action as appropriate.

**Objective 3:** To identify the children for whom paternity was established through adoption.

The measure of success is the number of children born out-of-wedlock who were adopted.

**Action Plan 1:** Maintain and review an annual report matching the children born out-of-wedlock with the children in the DHS child welfare system to obtain a count of the children who were adopted.

**Action Plan 2:** Work together with the Family Courts statewide to obtain information on children born out-of-wedlock who were adopted.

**Objective 4:** To establish paternity for children in cases where the non-custodial parent is unknown.

The measure of success is the number of unknown non-custodial parents identified and the number of children for whom paternity is established.

**Action Plan 1:** Create a report listing all the cases where paternity is at issue for a child and the non-custodial parent is unknown.

**Action Plan 2:** Establish procedures on how to process the cases in a timely manner to identify and locate the non-custodial parent and establish paternity if appropriate.

**Action Plan 3:** Have CSEA branch offices review the report and the procedures and take all necessary action to complete the establishment of paternity.

**Objective 5:** To engage in outreach activities to familiarize community groups with the importance of parents voluntarily establishing paternity.

The measure of success is the number of community groups that receive paternity presentations from Family Support Division and other CSEA staff, including but not limited to:

- Churches;
- Public and private schools;
- Kupuna Programs;

- Prison Groups;
- Substance Abuse Councils/Groups;
- Colleges;
- Bar Associations;
- Health Organizations;
- Pediatricians and Other Physicians; and
- Pregnant and Parenting Teen Groups

**Objective 6:** To engage key partners in the community in activities designed to improve referrals and key information that can enhance paternity establishment. These partners include but are not limited to:

- Department of Health (DOH), Office of Vital Statistics;
- DOH, Public Health Nurses;
- DHS, Income Maintenance Units;
- DHS, Child Welfare Program; and
- Family Court

The measure of success is the number of key partner engagements each year.

**Action Plan 1:** Prepare and distribute to community groups and key partners, paternity information, including but not limited to:

- Voluntary Establishment of Paternity (VEP) Brochures;
- VEP Posters; and
- VEP Bus Placards.

Make sample VEP brochures and forms available to the public on the CSEA and DOH websites.

**Action Plan 2:** Hold training sessions to establish a good working relationship with birthing hospital records staff, midwives, and DOH staff, and to exchange valuable information related to paternity.

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

- Objective 1:** To locate all non-custodial parents in cases without orders established.
- The measure of success is the extent to which non-custodial parents are found and order establishment actions are completed.
- Action Plan 1:** Create a report of cases where order establishment is necessary and where CSEA does not have an address for the non-custodial parent.
- Action Plan 2:** Have CSEA branch offices statewide assign staff to search various databases including social media websites to identify possible addresses for the non-custodial parent.
- Objective 2:** To identify all cases where order establishment has not been completed in a timely manner and complete the processing or close the case if order establishment is no longer appropriate.
- The measure of success is the number of order establishment actions completed.
- Action Plan 1:** Create a report of cases where custodial parent and non-custodial parent address is known and order establishment has not been completed.
- Action Plan 2:** Review the report, determine if there any recurring factors preventing the timely completion of the action, and establish procedures on how to complete the processing of the case.
- Action Plan 3:** Review the workload of staff to determine if more uncontested orders can be established.
- GOAL 3:** **Increase the collection of regular and timely child support so that children receive the support in the month when it is due.**
- Objective 1:** To maximize the number of initial and revised Orders for Income Withholding implemented each month.
- The measure of success is the number of initial and revised Orders for Income Withholding implemented each month.

**Action Plan 1:** Create a report of all the cases where the employer has not been served with all required Orders for Income Withholding or with the appropriate Order for Income Withholding.

**Action Plan 2:** Create a report of all cases where the payment received from an employer does not match the income withholding order.

**Action Plan 3:** Have CSEA branch offices statewide assign staff to review the reports and send out a new or revised Order for Income Withholding to the employer or contact the employer to determine the reason why the payment amount is different from the ordered amount.

**Objective 2:** To locate employers for non-custodial parents in cases where a child support order has been issued and payments are not being received.

The measure of success is the extent to which employers are found for non-custodial parents and income withholding implemented.

**Action Plan 1:** Create a report of cases where payments are not being received and where CSEA does not have employer information for the non-custodial parent.

**Action Plan 2:** Have CSEA branch offices statewide assign staff to search various databases including social media websites to identify possible employers for the non-custodial parent and send out an Order for Income Withholding to the employer.

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

**Objective 1:** To identify all cases where arrears establishment has not been completed in a timely manner.

The measure of success is the number of arrears establishment actions completed.

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

**Action Plan 2:** Review the report, determine if there any recurring factors preventing the timely completion of the action, and establish, if necessary, procedures on how to complete the processing of the case.

**Action Plan 3:** Review the workload of staff to determine if more arrears establishment actions can be completed.

**Objective 2:** To determine additional enforcement actions that could be taken to collect on past due support.

The measure of success is the number of cases with appropriate enforcement actions taken each month.

**Action Plan 1:** Create a report on a recurring basis of the cases having past due amounts owed that specifies whether payments are being received to reduce the past due amounts and the status of all enforcement actions that can/have be taken.

**Action Plan 2:** Identify and process cases that have assets meeting the threshold for lien/seizure actions based on information received from sources such as the Child Support Lien Network (CSLN) and Financial Institution Data Match program (FIDM).

**Action Plan 3:** Identify and process cases that meets the criteria for license suspension.

**Action Plan 4:** Identify and refer cases to the Deadbeat Parent Unit (DPU) for judicial enforcement actions.

**GOAL 5:** **Increase customer satisfaction.**

**Objective 1:** To provide custodial and non-custodial parents more convenient access to CSEA information.

**Action Plan 1:** Improve CSEA's obsolete interactive voice response telephone system.

**Action Plan 2:** Enhance CSEA's website to provide for more interactive features.

**Objective 2:** To deliver better customer service to the public.

- Action Plan 1:** Create a trainer position and standardize the training materials for staff statewide.
- Action Plan 2:** Provide new training and refresher training for staff using the standardized training materials.
- Action Plan 3:** Provide continuing training for customer service staff that focus on the client and being positive.

**GOAL 6:** **Ensure the continued future operation of CSEA's statewide computer system as a federally certified system.**

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

**Action Plan 1:** Complete a feasibility study to determine the most appropriate method to modernize KEIKI.

**Action Plan 2:** Obtain federal approval and secure funding for the implementation of the alternative selected as the most appropriate method to modernize KEIKI by the feasibility study.

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

CPJAD serves as the central agency to provide the Attorney General with the information and resources needed to address crime and crime prevention. CPJAD accomplishes this by:

- Researching crime issues and reporting comprehensive crime statistics for the state;
- Utilizing federal and state funds and non-financial resources to address crime problems and criminal justice system issues;
- Planning, developing, and implementing education and crime prevention programs to promote community involvement in crime prevention efforts;
- Developing and maintaining a computerized juvenile offender information system.
- Assisting in locating, recovering, and reuniting missing children and runaways with their families.



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

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

**GOAL 1:**                    **Improve the criminal justice system's response to crime.**

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

**Action Plan 1:**            Grants and Planning  
Maintain information on federal and state resources that may be available to assist in improving the criminal and juvenile justice systems.

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

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

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of grants administered and tangible benefits from the grant-funded projects. This includes the number of victims served and actual improvements to the criminal justice system.

**Action Plan 2:**            Administration, Grants and Planning, Community and Crime Prevention

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

The target date for this action plan is ongoing.

The measure of success for this action plan is the number of sustained coordinated efforts implementing system changes

that includes a minimum of five state, county, federal, private, and/or non-profit agencies.

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

**Action Plan 1:** Community and Crime Prevention  
Participate in partnerships with the Department of Public Safety- Narcotic Enforcement Division, the police departments, and public and private schools to educate youth about the danger and problems with using alcohol and illegal drugs at a young age.

The target date for this action plan is ongoing.

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

**Action Plan 2:** Community and Crime Prevention  
Expand outreach to elder population by conducting presentations and distributing educational materials related to financial fraud and the misuse of prescription medication.

The target date for this action plan is ongoing.

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

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

**Action Plan 1:** Missing Child Center-Hawaii  
Improve coordination among police, prosecution, courts, and victim service providers involved with runaway youth that are at higher risk of being assaulted, sexually exploited, held against their will, and engaged in substance abuse and criminal activities.

The target date for this action plan is ongoing.

The measure of success for this action plan is the implementation of a policy or program targeting this group.

**Action Plan 2:** Community and Crime Prevention

Increase public awareness, through partnerships with government, non-profit, and private organizations, on the prevention of identity theft, and sex assault; crime prevention; Internet safety; and community mobilization.

The target date for this action plan is ongoing.

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

**Action Plan 3:** Administration

To collaborate with the Judiciary, the Department of Human Services, and the Department of Health on a domestic violence training for neighbor island state and county workers. Funding to be provided by each agency. Training is geared for state and county workers that respond to cases involving domestic violence. This includes managers and line-staff, first responders (police, fire, ambulance), child welfare workers, adult protective workers, probation/parole officers, health care workers, and prosecutors.

The target date for this action plan is Spring - Summer 2018.

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

**Action Plan 4:** Grants and Planning

To convene an advisory victim training committee to provide guidance on the training needs of victim service providers. Training will be implemented to improve or enhance victim services for crimes related to but not limited to domestic violence, child abuse, intimate partner violence, sex abuse and sex trafficking. The training audience includes new victim advocates, victim advocates that had minimum training, police, prosecutors, court personnel and other victim service providers.

The target date for this action plan is September 2018.

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

**Objective 4:** Expand communication methods.

**Action Plan 1:** Community and Crime Prevention  
Enhance branch website and use other technology, e.g., social media, to educate the community on ways to keep safe from crime.

The target date for this action plan is ongoing.

The measure of success for this action plan is an informative, user-friendly website and use of other technology, e.g., social media, in the branch's outreach to the public.

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

**Action Plan 1:** Administration  
Support the federally-funded Hawaii Sexual Assault Kit Initiative that includes a multi-disciplinary team (MDT) of police, prosecutors, sexual assault service providers, crime lab staff, and victim assistance staff. MDT is responsible for setting criteria for the testing of sexual assault kits, tracking the status of the kits and ensuring that the kits are tested, and providing victim notification and services.

The target date for this action plan is ongoing.

The measure of success for this action plan are the: 1) sustained DNA testing of evidence collected from current sexual assault evidence collection kits. DNA results that are Combined DNA Index System (CODIS) eligible are uploaded to the FBI's CODIS; 2) low number of untested sexual assault kits in police custody; and 3) an effective tracking system to monitor the status of the sexual assault evidence collection kits at the police departments.

**GOAL 2:** **Provide timely and complete information to criminal justice practitioners and policy makers.**

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

**Action Plan 1:** Juvenile Justice Information System  
Expand the capability of the automated interfaces to the police to include missing child and runaway juvenile cases. Currently, police dispatchers must perform double data entry to enter cases into JJIS.

The target date for this action plan is December 2017.

The measure of success for this action plan is that the interface is expanded. This is dependent upon the police departments implementing the messaging required to send missing child and runaway case data to NG JJIS.

**Action Plan 2:** Juvenile Justice Information System  
Expand the capability of the automated interfaces to provide for the sending of missing child cases to the National Center for Missing and Exploited Children (NCMEC) when the missing juvenile is under the jurisdiction of Child Welfare Services (CWS).

The target date for this action plan is July 2018.

The measure of success for this action plan is that the interface is expanded. This is dependent upon participating police agencies entering the appropriate information required to create a case at NCMEC when the missing juvenile case is designated as a CWS case in JJIS.

**Action Plan 3:** Juvenile Justice Information System  
Provision for a disaster recovery site for the NG JJIS.

The target date for this action plan is December 2018.

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

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

**Action Plan 1:** Research and Statistics

Focus chiefly on the provision of research services to criminal justice stakeholders and utilize available resources to enhance data-driven/evidence-based research capacity and policy-relevant knowledge throughout the system.

The target date for this action plan is ongoing.

The measure of success for this action plan is the documentation of accomplishments.

**Action Plan 2:** Research and Statistics  
Document information and assistance provided to requesters.

The target date for this action plan is ongoing.

The measure of success for this action plan is the documentation of information and assistance provided.

**Action Plan 3:** Juvenile Justice Information System  
Update the Data Book covering ten years from 2006 to 2016. The Data Book includes juvenile delinquency trends in Hawaii.

The target date for this action plan is June 2018.

The measure of success for this action plan is that a Data Book 2006-2016 is produced.

**Objective 3:** Create a state repository program for the National Incident Based Reporting System (NIBRS) that will expand the crime reporting data provided by the county police departments.

**Action Plan 1:** Research and Statistics  
Move from the FBI's Uniform Crime Reporting Program, Summary Reporting System (SRS) to National Incident Based Reporting System (NIBRS). Hawaii's SRS is currently an excel-based reporting program. NIBRS data from the county police will be submitted to a new web-based state repository.

The target date for this action plan is March - June 2018.

The measure of success for this action plan is an operating NIBRS state repository program that can generate NIBRS reports.

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

The Hawaii Criminal Justice Data Center is responsible for the statewide criminal justice information system (CJIS-Hawaii), the statewide Automated Biometric Identification System (ABIS), which includes the statewide Automated Fingerprint Identification System (AFIS), the statewide mugphoto and facial recognition systems, the statewide sex offender registry and serves as Hawaii's point of contact for the FBI's National Crime Information Center (NCIC) program.

**GOAL 1:**                    **Deliver useful capabilities to Hawaii Criminal Justice and Public Safety agencies through the Hawaii Integrated Justice Information Sharing (HIJIS) program.**

**Objective 1:**                Launch the HIJIS Portal.

**Action Plan 1:**            Electronic bench warrants, criminal history and Maui firearm registrations are fully searchable as of May 2014. The Honolulu Police Department firearm registrations was implemented in November 2016. Kauai County has replaced their record management systems (RMS), but is waiting on Hawaii County that is targeting to replace their RMS in early 2018. Connecting their firearms information is dependent upon their implementation.

**Objective 2:**                Federated Identity Management with State CIO.

**Action Plan 1:**            The State consolidated directory has been implemented with 4 agencies connected. Three separate Identity Providers (IdPs) have been implemented with 5 agencies connected. A third party access was established in 2017 with 12 agencies connected, mainly to check on fingerprint results. Six other agencies are currently in the process of connecting to HIJIS.

The measure of success for this objective is the ability of users of HIJIS participating agencies to access the HIJIS Portal, through single sign-on, and perform queries as well as manage their subscriptions.

**Objective 3:**                Implement the Disposition Reporting Pilot.

**Action Plan 1:** The disposition file exchange is basically completed, but is pending testing with the Hawaii County Prosecutors before it can “go live.”

The measure of success for this objective is successfully sharing court disposition information from the Judiciary’s Content Management System (CMS) to the Hawaii County Prosecutor’s CMS through the HIJIS broker.

**Objective 4:** Implement the Electronic Case Filing Pilot.

**Action Plan 1:** Work on this project will continue upon the availability of Open Justice Broker Consortium (OJBC), the Prosecutors, and Judiciary staffing/resources. Judiciary has stated that they have no capacity to participate on this until 2019. Preliminary development for the Prosecutors is targeted for 2018.

The measure of success for this objective is the prosecutor’s ability to submit charging information to the Judiciary and to CJIS-Hawaii, through the HIJIS broker, while reducing or eliminating duplicate data entry.

**Objective 5:** Implement the Incident Reporting Pilot.

**Action Plan 1:** Honolulu Police Department is targeted to be completed in 2018.

The measure of success for this objective is the Police Department’s ability to submit arrest-based incident data to the Prosecutors and to CJIS-Hawaii, through the HIJIS broker, while reducing or eliminating duplicate data entry.

**GOAL 2:** **Complete a Disaster Recovery Plan and Facility for HCJDC’s mission critical systems – CJIS-Hawaii and ABIS, HIJIS, LOTC and Green Box.**

**Objective 1:** Establish a Disaster Recovery (DR) site for HCJDC systems to recover to.

**Action Plan 1:** Commitment from Office of Enterprise Technology Services (ETS) on permanency of primary site for HCJDC systems.



- Action Plan 2:** Commitment from ETS on a final DR site.
- Action Plan 3:** Determine a cost feasibility analysis of DR site.
- Action Plan 4:** Validate the site(s) can abide by the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Security Policy.
- Action Plan 5:** Determine recovery ability per system, recovery type hot, warm, or cold, network latency, and backup strategy.
- Action Plan 6:** Verify network connectivity between locations will support any failover with low latency.
- Action Plan 7:** Sign an service level Agreements (SLA) with ETS and/or DR site management.
- Action Plan 8:** Procure DR site equipment or contract an infrastructure as a service with DR site.
- Action Plan 9:** Migrate DR servers/data to DR site.
- Action Plan 10:** Perform a disaster recovery test between DR and production sites.
- Objective 2:** HCJDC Contingency Plan.
- Action Plan 1:** Determine Recovery Time Objectives (RTO), Recovery Point Objective (RPO), and Maximum Tolerable Downtime (MTD).
- Action Plan 2:** Create an Information Systems Contingency Plan (ISCP) for each critical system, including recovery steps for each system.
- Action Plan 3:** Create preparedness plan to mitigate any potential issue.
- Action Plan 4:** Annually, revisit the Business Continuity Plans (BCP) for HCJDC for completeness and currency, including inventory of hardware, software, warranty, vendors, site information, recovery team staff, and stakeholders.
- Action Plan 5:** Finalize Contingency plan after DR site is determined, requirements are provided, and Service Level Agreements (SLA) are signed.

**GOAL 3:**                    **Retain civil applicant fingerprints and implement a statewide rap back program with participation in the federal rap back service.**

**Objective 1:**                Implement the statewide Rap Back Program.

**Action Plan 1:**          Develop Rap Back Program from January 2017 to December 2018.

**Action Plan 2:**          Test State Rap Back program including usage of the federal rap back service.

**Action Plan 3:**          Work with user agencies to educate them on Rap Back Program.

**Action Plan 4:**          Implement Rap Back Program in pilot mode in June 2018.

The measure of success is to deliver a state and federal rap back service to criminal justice and non-criminal justice users.

**GOAL 4:**                    **Reduce the number of delinquent or missing final dispositions of criminal charges.**

**Objective 1:**                Reduce the number of criminal charges with delinquent or missing final dispositions by 10%.

**Action Plan 1:**          Continue to improve the electronic interfaces between the CJIS-Hawaii system and the record management systems of the Police Departments, Prosecutors, and the Judiciary.

**Action Plan 2:**          Perform research and resolve delinquent and missing dispositions by accessing all relevant record management systems and performing direct data entry into the CJIS-Hawaii system.

The measure of success for both of these objectives is a more accurate, complete and timely statewide criminal history information system for public safety.

**GOAL 5:**                    **Reduce the Non-Compliant and Never Registered Covered Offenders.**

**Objective 1:** Reduce the number of Non-Compliant and Never Registered Covered Offenders by 25%.

**Action Plan 1:** Report each covered offender who fails to comply the Periodic Verification provision of Chapter 846E, HRS, to the AG Investigations Division and the Adam Walsh Task Force. They in turn will conduct in-person compliance checks at the current registered residence of the covered offenders.

Action Plan 1 is ongoing.

**Action Plan 2:** Ensure all arresting agencies are able to identify covered offenders who have not been notified of their registration requirements and take the appropriate steps to get them registered. Train additional law enforcement (agencies) to process covered offender registration.

Action Plan 2 is ongoing.

The measure of success is an increase of compliant registered covered offenders in the statewide registry.

## **Investigations Division**

Pursuant to section 28-11, HRS, the Investigation Division's agents are vested with statewide police powers. These police powers are used to perform criminal, civil, and administrative investigations, to serve arrest warrants, penal summons complaints, and subpoenas. The division also performs additional tasks as directed by the Attorney General.

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

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

through law enforcement services, protecting all citizens in the State of Hawaii.

**GOAL 1:**                    **Core Values**

**Objective 1:**            The Investigations Division of the Department of the Attorney General will continue to work with our County, State and Federal law enforcement colleagues to ensure a united effort in making Hawaii a safe place to live and work by continuously promoting the values of:

Integrity - The members of the division shall have integrity as an agency and as individuals sworn to the honorable calling of law enforcement. We will abide by the Constitution of the United States of America and the State of Hawaii. We respect and cherish the uniqueness of Hawaii and its people, and treat everyone fairly and with aloha.

Ethics - Personnel shall be guided by honesty and integrity in their professional and private lives.

Attitude - As professionals, we strive to provide our best efforts to serve our community.

Respect - We respect the people we service and empathize with the victims. We treat all those accused of violations with dignity and respect.

Teamwork - We recognize that government resources are limited, and that the law enforcement efforts are most effective when communities, as well as state, county, and federal agencies work together towards the common goal of protecting our people and communities.

Partnerships - We pride ourselves in working with all our community members to reduce crimes and administrative violations.

Technology - We embrace technology and will identify and evaluate technologies that will improve our efficiency and enhance our investigative capabilities.

**GOAL 2:**                    **Re-organize the Investigations Division**

**Objective 1:** Continue to pursue the restructuring of our organizational chart to allow for better management, communication, workflow, responsibilities and parity amongst other law enforcement agencies in the State of Hawaii based upon the complex administrative and criminal cases the Investigations address.

**Action Plan:** Create EM-5 positions for two Deputy Chief Special Agents and elevate the Chief Special Agent to an EM-8. These positions will add to the efficiency in managing agents Statewide.

**Action Plan:** Re-price and re-classify the Special Agents positions to a class of law enforcement officers to ensure consistency with other law enforcement officers.

**Action Plan:** Continue to actively recruit qualified candidates for civil service Special Agent positions and work towards the reduction and elimination of the number of 89-day emergency hires.

**GOAL 3:** **Implementing Advance Technology**

**Objective 1:** Accountability of Assignments

**Action Plan:** Continue to pursue a records management system for State Law Enforcement whereby all investigative report writing will be downloaded into a centralized cloud technology database so that it can be shared when there is a need for it.

**Action Plan:** Continue to pursue funding to purchase laptop computers with remote access capability and assign them to all Special Agents so their investigative report writing and data queries can be done in the field at any place and time. This will speed up the completion of investigations.

**GOAL 4:** **Pursuing Professionalism in State Law Enforcement**

**Objective 1:** Assist in starting the primary training academy for all State of Hawaii law enforcement officers.

**Action Plan:** Seek funding to build a training academy, purchase equipment, and create a staff of law enforcement instructors to operate the training academy.

**Action Plan:** Enroll into the non-CALEA agency program to review the requirements in becoming a CALEA law training academy.

**Action Plan:** Continue to establish memorandum of agreements with other State agencies in order for the Investigations Division to do their administrative or criminal investigations.

**Action Plan:** Continue to conduct a quality control program comprised of monthly interviews with our client agencies.

**Action Plan:** Continue to do monthly evaluation of assignments given to Special Agents to ensure that investigations are being addressed efficiently and expeditiously.

**GOAL 5:** **Support and Efficiency of Internal Operations**

**Objective 1:** Serving the community by addressing complex crimes.

**Action Plan:** Continuing the advancement of its manual of operations (MOP) to memorialize investigative techniques of each operating unit.

**Action Plan:** Reorganize the operational units of the division to optimize workflow and work activity, using the most efficient use of personnel and resources to adapt to increasing and changing demands for investigative services.

**Action Plan:** Continue to develop the High Tech Crimes/Complex Financial Crimes Unit to focus on the increasing number of crimes that involve sophisticated technology and the increasing prevalence of computers and other digital devices both as instruments of the crime and sources of evidence. This unit will support the investigation of white collar crimes, frauds, thefts, computer crimes, money laundering, political corruption, and other crimes.

**Action Plan:** Due to the increase in computer related crimes and digitally stored evidence, it is necessary to develop forensic digital and smartphone evidence examiners. These examiners will be given on-going training to maintain skills in this rapidly evolving, continually changing field. Their capabilities will be

shared with other law enforcement agencies, particularly at the State level where this capability is lacking or insufficient.

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

The mission: The mission of the Office of Child Support Hearings (OCSH) is to resolve child support disputes fairly, impartially, and expeditiously through an administrative hearings process. The majority of orders issued by hearings officers establish, modify, terminate, and enforce child support obligations statewide. Orders may also include child support arrears, debt owed to the State for periods when the child and/or children received Temporary Aid to Needy Families (TANF), medical insurance coverage for the child, and in certain cases, spousal support arrears. OCSH may also confirm, modify and enforce orders brought under the Uniform Interstate Family Support Act. Orders are filed with the family court without further review, and have the same force and effect as orders issued by family court judges.

The administrative process: All cases handled by OCSH are processed through the Child Support Enforcement Agency (CSEA). CSEA is responsible for generating and serving proposed orders, or notices of proposed actions, on hearing participants. If a participant requests a hearing, CSEA schedules the case for a hearing by OCSH. Hearings are generally scheduled to be heard within 30 – 45 days of the Notice of Hearings being mailed to the parties.

To accomplish the mission of OCSH on a daily basis and also to plan for the future, the following goals and objectives are specified below.

- Please note that “working days” exclude holidays
- Exemptions to these goals and objectives are expected and will be handled on a case by case basis as they arise

#### **GOAL 1:                      Prompt resolution of prehearing requests**

Action Plan 1:                      Continue implementing guidelines for prompt resolution of prehearing requests. Success is measured by quantifiable statistics.

Action Plan 2:                      Requests to appear by telephone: Issue orders within 3 working days after OCSH receives the request. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 3:                      Requests to continue/reschedule or consolidate hearings: Start to address request within 2 working days after OCSH

receives the request, and issue an order within 10 working days After OCSH receives the request. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 4: Requests for interpreters: Start to address request within 2 working days after OCSH receives the request, and issue a letter within 10 working days after OCSH receives the request. Success is measured by quantifiable statistics, track letters not issued within the guidelines.

**GOAL 2:**                    **Prompt issuance of hearing orders**

Action Plan 1: Continue implementing guidelines for prompt issuance of hearing orders. Success is measured by quantifiable statistics.

Action Plan 2: Issue orders in 90% of all cases before or on the day of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 3: Issue orders in 5% of all cases within 5 working days of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

Action Plan 4: Issue orders in 5% of all cases within 10 working days of the final hearing. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

**GOAL 3:**                    **Prompt response to appeals**

Action Plan 1: Continue implementing guidelines for prompt response to appeals. Implement suggestions made by the Family Court on preparing the Record on Appeal. Continue dialogue with the Family Court on improving the Record on Appeal and the appeal process. Success is measured by quantifiable statistics.

Action Plan 2: Record on Appeal: Start to process record within 2 working days after OCSH receives the Notice of Appeal, and file record within 10 working days after OCSH receives the Notice. Success is measured by quantifiable statistics, track appeals not served on OCSH.



Action Plan 3: File Notice Regarding Certification and Transmission of Transcripts: File Notice within 2 working days after OCSH is served with the Order for Certification and Transmission of Record. Success is measured by whether the notice is filed.

Action Plan 4: Transcript: File transcript within 5 working days after OCSH receives the transcript. Success is measured by whether the transcript is filed within the guidelines.

**GOAL 4:**                    **Training for Hearings Officers**

Action Plan 1: Hearings Officers attend training to meet Mandatory Continuing Legal Education (MCLE) credit requirements annually. Success is measured by whether all hearing officers meet MCLE requirements annually.

Action Plan 2: Hearings Officers attend training with the Center for Alternative Dispute Resolution (CADR), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.

Action Plan 3: Hearings Officers attend training with the Department of Human Resources Development (DHRD), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.

Action Plan 4: Hearings Officers attend Access to Justice training from the William S. Richardson School of Law, University of Hawaii, annually to enhance skills necessary to work with pro se litigants and meet MCLE annual requirements. Success is measured by whether all hearings officers attend training.

Action Plan 5: Hearings Officers to attend National Judicial College training in Administrative Law: 1) Conducting Fair Hearings; 2) Handling High Volume Caseloads; and/or 3) Handling Cases with Self-Represented Litigants. Success is measure by obtaining approval and funding for at least one Hearings Officer per year to attend the National Judicial College.

**GOAL 5:**                    **Explore possibility of video conferencing for neighbor**  
**island**

**hearings**

- Action Plan 1:            Research feasibility of conducting neighbor island hearings by way of video conferencing. Success is measured by whether this is a viable and cost effective option.
- Action Plan 2:            Research and identify types of equipment necessary to implement video conferencing. Determine if OCSH existing technology and/or equipment can support video conferencing.
- Action Plan 3:            Locate a vendor and obtain pricing for appropriate equipment. Success is measured by whether a vendor can be found to meet this need.
- Action Plan 4:            Obtain approval for purchase and installation of equipment. Success is measured by whether approval is obtained.

**GOAL 6:**                    **Redesign hearing process**

- Action Plan 1:            Reevaluate the current hearing process. As parties become more litigious and issues surrounding them become more complex, the current hearing process may no longer meet the current needs of the parties.
- Action Plan 2:            Discuss/Roundtable with Hearings Officers alternate hearings process, including expanding allotted time for hearings, holding prehearing and/or settlement conferences.
- Action Plan 3:            Meet with and discuss with CSEA new process and how/what would be necessary to implement a new process.
- Action Plan 4:            Commence a pilot project for the redesigned hearing process.
- Success is measured by fully implementing redesigned hearing process.

**Office of Dispute Resolution**

The mission: The mission of the Office of Dispute Resolution (ODR) is to conduct impartial due process hearings in accordance with the Individuals with

Disabilities Education Act ("IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) and to fairly, impartially, and expeditiously adjudicate these disputes through an administrative hearings process.

To accomplish the mission of ODR on a daily basis and also to plan for the future, the following goals and objectives are specified below.

**GOAL 1:**                    **Prompt resolution of due process hearing requests**

Action Plan 1:            Continue implementing guidelines for prompt resolution of due process hearing requests within the mandated timelines or within any allowable extensions. Success is measured by quantifiable statistics.

Action Plan 2:            Issue hearing orders within the mandated timelines or within any allowable extensions. Success is measured by quantifiable statistics, track orders not issued within the guidelines.

**GOAL 2:**                    **Training for Hearings Officers**

Action Plan 1:            Hearings Officers attend training to meet Mandatory Continuing Legal Education (MCLE) credit requirements annually. Success is measured by whether all hearing officers meet MCLE requirements annually.

Action Plan 2:            Pursue Hearings Officers training with the Center for Alternative Dispute Resolution (CADR), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.

Action Plan 3:            Pursue Hearings Officers training with the Department of Human Resources Development (DHRD), to develop and maintain skills in conflict resolution, meeting facilitation, mediation, and other related skills. Success is measured by whether all hearing officers have, maintain, and use these skills.

Action Plan 4:            Hearings Officers attend Access to Justice training at the William S. Richardson School of Law, University of Hawaii, annually to enhance skills necessary to work with pro se

litigants and meet MCLE annual requirements. Success is measured by whether all hearings officers attend training.

Action Plan 5: Hearings Officers to attend National Judicial College training in Administrative Law: 1) Conducting Fair Hearings; 2) Handling High Volume Caseloads; and/or 3) Handling Cases with Self-Represented Litigants. Success is measure by obtaining approval and funding for at least one Hearings Officer per year to attend the National Judicial College.

Action Plan 6: Hearings Officers to attend National Academy for IDEA Administrative Law Judges and Hearing Officers to ensure that the Hearings Officers possess: 1) a fundamental understanding of IDEA, 2) the knowledge and ability to conduct due process hearings, 3) the ability to decide and write decisions that comply with the appropriate, standard legal practice. Success is measured by obtaining approval for each Hearings Officer to attend the training annually.

**GOAL 3:**                    **Improve and/or add administrative staff**

Action Plan 1: Reevaluate current administrative staffing of ODR (non-hearing Officer staff) and determine needs and/or necessity of additional staff. Once ODR is permanently located in its own offices, it should be able to function completely independently. The current staff is insufficient to meet this need.

Success is measured by obtaining approval of additional staff to fully implement ODR's ability to operate independently.

**Tobacco Enforcement Unit**

The Tobacco Enforcement Unit was formed on July 1, 2000, in response to the Attorney General's obligation to enforce the Master Settlement Agreement (MSA); the State's Tobacco Liability Act as codified in chapter 675, Hawaii Revised Statutes; and the cigarette tax stamp requirements and prohibition against the sale of prohibited export and foreign cigarettes as codified in chapter 245, Hawaii Revised Statutes. The unit consists of a unit supervisor, cigarette tax prosecutor, MSA civil prosecutor, legal clerk, legal assistant, seven criminal investigators, and an auditor. The unit will continue to respond in a professional and timely manner to all matters related to tobacco enforcement.

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

This objective is influenced by the complexities of tobacco enforcement and regulation. The responsibilities of the unit span both the civil and criminal arenas. By statute, the unit is charged with enforcing and implementing the terms of the MSA, chapter 675, and other related statutes. The unit is also statutorily responsible for the enforcement of the provisions of chapter 245 that pertain to Tobacco Stamp Taxation and the prohibition against contraband cigarettes.

**Program size:** The target groups include more than 150 cigarette manufacturers worldwide. For the purpose of MSA, chapter 675, and chapter 486P enforcement, it is necessary to gather data on those manufacturers whose cigarettes are sold in Hawaii. In addition, the unit is responsible for inspecting, investigating, and auditing the 15 authorized cigarette stampers and more than 1,400 stores statewide for compliance with chapter 245 and related statutes. In fiscal year 2016-2017, the unit will continue to enforce the provisions of section 245-2.5, Hawaii Revised Statutes, which requires any entity involved in the retail sale of cigarettes or other tobacco products to obtain a retail tobacco permit issued by the Department of Taxation.

The State will receive approximately \$140 million (more than \$100 million in cigarette taxes and \$40 million in MSA payments) in fiscal year 2017-2018, all of which is tied to proactive enforcement of chapter 245 and chapter 675. Proactive enforcement requires investigators to conduct inspections at the wholesale and retail level to ensure that only compliant cigarettes are being stamped and sold in Hawaii.

Aggressive enforcement has yielded significant results by way of increased cigarette tax revenues. The following table shows the cigarette tax revenues reported by fiscal year:

**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
FY 2007-2008	\$101,560,051
FY 2008-2009	\$104,433,576
FY 2009-2010	\$119,296,741
FY 2010-2011	\$135,647,918
FY 2011-2012	\$130,994,721
FY 2012-2013	\$120,095,909
FY 2013-2014	\$114,112,465
FY 2014-2015	\$121,629,882
FY 2015-2016	\$116,382,902
FY 2016-2017	\$114,926,266

To date, the State has received more than \$833 million in MSA payments. MSA compliance is now very much a part of the inspection process at the wholesale and retail level. This MSA compliance check is designed to facilitate diligent enforcement of chapter 675 and the terms of the MSA. Estimated MSA payments for fiscal year 2017-2018 are approximately \$40 million. Estimated cigarette tax revenues for fiscal year 2017-2018 will be approximately \$100 million.

**Action plan:**

**I. Enforcement of the MSA and chapter 675.**

GOAL: To vigorously enforce the MSA, chapter 675, chapter 486P, and related statutes.

Objective 1: Investigate and enforce when appropriate suspected violations of the MSA and TLA.

- Action plan:
- 1) Seek out NPMs<sup>1</sup> who have a presence in Hawaii.
  - 2) Monitor NPMs compliance with TLA.
  - 3) Vigorously police the local tobacco industry for compliance with the MSA, chapter 675, and related statutes.
  - 4) Enforce NPM obligations under TLA including payment of funds into escrow accounts.

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<sup>1</sup> Non-Participating Manufacturer: a tobacco manufacturer who did not participate in the MSA.

- 5) Ensure continued compliance by the tobacco industry with advertising restrictions.
- 6) Investigate and monitor gray market activities (including military and Internet sales).
- 7) Conduct investigations into Internet sales.

Objective 2: Monitor issues affecting the MSA.

- Action plan:
- 1) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
  - 2) Evaluate and respond to attacks on the MSA.
  - 3) Track and assess all amendments to the MSA.

Objective 3: Refine reporting requirements and gather information from tobacco product manufacturers in order to enforce the terms of the MSA, TLA, and related statutes.

- Action plan:
- 1) Seek out NPMs who have a presence in the State and send notices to NPMs to establish escrow accounts.
  - 2) Police the local tobacco industry for compliance with the MSA, chapter 675, and related statutes.
  - 3) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.
  - 4) Educate tobacco product manufacturers of reporting requirements (i.e., filing of Jenkins Act Reports with the Attorney General).
  - 5) Monitor compliance with Jenkins Act and PACT Act reporting requirements.
  - 6) Keep abreast of reporting requirements in other states.
  - 7) Further develop and update a directory as required by chapter 486P.

Objective 4: Identify nonparticipating tobacco manufacturers selling in the state, notifying nonparticipating manufacturers of the requirements of the TLA, and further refine protocol for noncompliance with TLA.

- Action plan:
- 1) Seek out NPMs who have a presence in the state and send notices to NPMs to establish escrow accounts.
  - 2) Police the local tobacco industry for compliance with the MSA, chapter 675, and related statutes.

- 3) Monitor the tobacco industry's sales numbers and other factors that may adversely affect payment amounts under the MSA.

Objective 5: Review statements from the Independent Auditor with regard to initial and annual payments. Where appropriate challenge the findings of the Independent Auditor with regard to the calculation of initial and annual payments.

- Action plan:
- 1) Monitor the payment amounts under the MSA.
  - 2) Review information received from NAAG and the Independent Auditor.
  - 3) As appropriate, provide information to the Departments of Budget and Finance and Health.

Objective 6: Assist, advise, and cooperate with federal, state, local agencies, and NAAG to protect and promote the interests of the State with regard to the MSA.

- Action plan:
- 1) Receive information and updates.
  - 2) Evaluate and respond to the attacks on the MSA.
  - 3) Track and assess all amendments to the MSA.
  - 4) Track tobacco related issues occurring in other states.
  - 5) Develop a close working relationship with the Department of Health and other state, federal, and local agencies.

Objective 7: Study the operation of laws in other jurisdictions affecting the implementation and enforcement of the MSA and recommend to the governor and the legislature new laws and amendments of laws in order to protect the State's interests with regard to its portion of the Tobacco Settlement Funds.

- Action plan:
- 1) Track legislation in other states.
  - 2) Track tobacco related issues in other states.
  - 3) Track reporting requirements in other states.

Objective 8: Respond to MSA related lawsuits.

- Action plan:
- 1) Vigorously protect the State's interests.
  - 2) Receive information and updates from NAAG and other states.

Objective 9: Act as liaison to the Legislature and local interest groups.



- Action plan:
- 1) Provide reports to the legislature in a timely manner.
  - 2) Coordinate local actions with national program
  - 3) Provide information as to how other states are allocating their proceeds.
  - 4) Ensure that correct information about the MSA is disseminated to the public.
  - 5) Answer questions regarding the MSA.
  - 6) Act as liaison with the news media.

## **II. Enforcement of the Tax Stamp Law.**

GOAL: To provide a proactive regulatory environment designed to provide a means to assess, collect, and enforce the cigarette and tobacco tax requirements of chapter 245. Enforcement of this law has the added benefit of promoting the health and well being of the people of Hawaii by curtailing the cigarette black market. Cheaper, untaxed cigarettes will be less available, particularly to Hawaii's youth.

Objective 1: Work closely with the Department of Taxation.

- Action plan:
- 1) Regarding compliance, develop a close working relationship with the Department of Taxation.
  - 2) Advise the Department of Taxation in areas of Tax Stamp enforcement.
  - 3) Vigorously enforce the Tax Stamp law.
  - 4) Review proposed rules and regulations.
  - 5) Implement the tax stamping program as outlined in chapter 245.

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

- Action pan:
- 1) Answer questions concerning the Tax Stamp Law.
  - 2) Ensure that correct information is disseminated to the public.
  - 3) Act as liaison with the news media.
  - 4) Work with the Department of Taxation in educating the business community of the requirements and timing of the Stamp Tax law and Retail Tobacco Permit requirements (i.e., disseminate information by way of press release, tax information release, and letters to major distributors and wholesalers notifying those businesses of the Tax Stamp law and its requirements).

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

- Action plan:
- 1) Vigorously enforce the Tax Stamp laws.
  - 2) Identify violators of the Stamp Tax Law.
  - 3) Identify and define the extent of black market cigarette activity.
  - 4) Identify and define the extent of gray market cigarette activity.
  - 5) Identify and define the extent of counterfeit cigarette stamp tax activity.
  - 6) Identify Internet sites selling cigarettes into Hawaii who provide cigarettes that are not taxed to Hawaii residents and prosecute as appropriate.
  - 7) Identify sources of cigarettes that do not appear on the Directory as required by chapter 486P and prosecute as appropriate.
  - 8) Assist in educating the business community of the laws' requirements.
  - 9) As necessary inspect and examine all records, including tax returns and reports as permitted by law of any person engaged in the business of wholesaling or dealing cigarettes and cigarette products to ensure compliance with the Tax Stamp laws and tobacco licensing requirements.
  - 10) Develop a close working relationship with the county prosecutor's offices and other law enforcement agencies to investigate and prosecute violations of the law.
  - 11) Work closely with the U.S. Customs and Postal Inspectors in enforcing the relevant requirements chapter 245.
  - 12) Work with Investigators and expert witnesses in developing cases.
  - 13) As necessary review search warrants and requests for administrative subpoenas.
  - 14) Appear and represent the State in hearings and proceedings related to enforcement of the Tobacco Stamp Laws.
  - 15) Determine the relevance and suitability of witnesses and prepare such witnesses or testimony as required in the interest of the State.
  - 16) Prepare and submit the necessary pleadings and motions on behalf of the State.
  - 17) Conduct grand jury inquiries, preliminary hearings, and utilize information charging as warranted.
  - 18) Strive to do justice in any criminal prosecution.

Objective 4: Assist, advise, and cooperate with federal, state, local agencies, and NAAG to address the problems associated with gray and black market tobacco sales.

Action plan: 1) Receive information and updates.  
2) Track tobacco related issues occurring in other states.  
3) Identify and define the resale market for tax-exempt cigarettes that are purchased from military or federal outlets and sold to the general public.

Objective 5: Prepare reports to the Legislature prior to the convening of the Legislature in 2017 and 2018.

Action plan: 1) Detail the unit's activities including expenses, fines, and penalties collected, and forfeitures.  
2) Respond to inquiries from the Legislature.

Objective 6: Study the operation of laws in other jurisdictions pertaining to gray and black market sales of cigarettes and recommend to the Governor and the Legislature new laws and amendments of laws pertaining to gray and black market cigarette sales.

Action plan: 1) Track legislation in other states.  
2) Track tobacco related issues in other states.  
3) Track reporting requirements in other states.

Objective 7: As necessary provide tobacco regulatory training; attend training programs and division meetings; and be involved in programs of the Department of the Attorney General, as may be assigned.

Action plan: 1) Respond in an appropriate manner as required.

Objective 8: Provide assistance in the area of MSA enforcement.

Action plan: 1) Respond in an appropriate manner as required.

**Measures of Effectiveness:** Expected results include but are not limited to the following:

- NPM identification reporting and fulfillment of escrow obligations.
- Timely and comprehensive tobacco manufacturer reporting and analysis of data.
- Timely and comprehensive tobacco wholesaler reporting and analysis of data.

- Compliance with tax stamping at all levels of sale.
- Compliance with cigarette contraband statutes at all levels of sale and distribution.
- Increased cigarette tax revenues.
- Effective civil and criminal prosecution for violations of tobacco statutes.
- Diligent enforcement of the MSA, chapter 675, and related statutes.
- Effective defense of challenges that state not diligently enforcing the MSA, chapter 675, and related statutes.
- Continued receipt of MSA payments.
- Effective and timely reaction to issues affecting the state's receipt of cigarette tax revenues and MSA payments.
- On-going compliance with tobacco statutes at the retail and wholesale level through diligent enforcement.