



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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ADMINISTRATIVE DIRECTOR

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March 1, 2018

The Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature, 2018
State of Hawai'i
State Capitol, Room 409
415 South Beretania Street
Honolulu, HI 96813

Dear President Kouchi:

Pursuant to Section 803-47(b), Hawai'i Revised Statutes, the Judiciary respectfully transmits the following report relating to wire, oral, or electronic communications and reports concerning pen registers and trap and trace devices based on information received from the Attorney General and the County Prosecuting Attorneys of O'ahu, Maui, Hawai'i, and Kaua'i. With respect to applications for the use of pen register, trap, and trace devices, and the release of subscriber's information, there were no applications filed by the Attorney General and the Prosecuting Attorneys of the City and County of Honolulu and Kaua'i.

The Judiciary received the following reports relating to wire, oral, or electronic communications and reports concerning pen registers and trap and trace devices from the Prosecuting Attorneys of the Counties of Maui and Hawai'i:

The Attorney of the County of Maui reported the following:

- (1) There were two (2) orders and (1) extension applied for in 2017.
- (2) The kind of orders applied for were authorization of the interception of wire, oral, or electronic communications.
- (3) Each order was granted as applied for.
- (4) The period of interception was for the first order was from July 13, 2017 through August 11, 2017; and August 12, 2017 through September 10, 2017 for the second order. There was an extension made on the July 13, 2017 order for the period of August 11, 2017 through September 9, 2017.
- (5) The charge under investigation, as specified in the applications for the orders and the extension, was a violation of Hawaii Revised Statutes Section 712-1241, Promoting a Dangerous Drug in the First Degree.
- (6) Officer Brandon Rodrigues of the Maui Police Department requested the application and the Maui County Prosecuting Attorney John D. Kim authorized the request for the application.

- (7) A secured location within a Maui Police Department station, accessible only to authorized personnel, located in Maui County was the facilities used to intercept communications.
- (8) (A) The nature and frequency of incriminating communications intercepted are as follows:
Approximately 59% of intercepted voice calls and approximately 40% of the text messages were pertinent.
- (B) The nature and frequency of other communications intercepted are as follows:
Approximately 41% of the voice calls and approximately 60% of the text messages intercepted were other, non-pertinent communications.
- (C) The approximate number of persons whose communications were intercepted are as follows:
The communications of approximately ninety-five (95) persons were intercepted.
- (D) The approximate nature, amount and cost of the personnel and other resources are as follows:
There were six (6) authorized personnel monitoring the interception of communications at an approximate cost of \$150,000.
- (9) This remains an ongoing investigation and arrests are pending.
- (10) No trials have resulted from the interceptions as of this date.
- (11) No motions to suppress have been made with respect to the interceptions as of this date.
- (12) No convictions have resulted from the interceptions as of this date.

The Prosecuting Attorney of the County of Hawai'i reported the following:

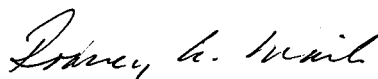
- (1) There were two (2) orders applied for in 2017.
- (2) The kind of orders applied for were (a) authorization of the installation and use of a pen register and trap and trace device on telephone, and (b) authorization of the installation and use of a pen register and trap and trace device on telephone and release of subscriber information.
- (3) Each order was granted as applied for. For the first application, the court also allowed a protective order requiring the Application and Affidavit to be sealed. The Order for the device also states that the provider is prohibited from disclosing the order to the subscriber.
- (4) The period of interception for the first order was for sixty days starting October 25, 2017. The period of interception for the second order was sixty days from August 9, 2017 to October 8, 2017.
- (5) For the first order, the charges under investigation, as specified in the applications for the orders, were violations of HRS §842-2, Organized Crime – Ownership or Operation of Business by Certain Persons Prohibited; HRS §708A-3, Money Laundering; and HRS §712-1221, Promoting Gambling in the First Degree. For the second order, the offense under investigation was Theft in the First Degree.
- (6) Detective Zachary Fernando of the Hawai'i County Police Department submitted the affidavit for the first application and Hawai'i County Prosecuting Attorney Mitchell D. Roth authorized the request for the application.

For the second application, Detective Levon Stevens of the Hawai'i County Police Department submitted the affidavit and Hawai'i County Prosecuting Attorney Mitchell D. Roth authorized the request for the application.

- (7) For the first order, the device was installed at the Maui Police Department. For the second application, the nature of the facilities included the suspect's cell phone and cell site tower information throughout the State of Hawai'i.
- (8) (A) The nature and frequency of incriminating communications intercepted are as follows:
For the first application, the investigation is ongoing.
For the second application, three days' worth of cell site tower pings were obtained.
- (B) The nature and frequency of other communications intercepted are as follows:
For the first application, the investigation is ongoing.
For the second application, no oral communications were intercepted.
- (C) The approximate number of persons whose communications were intercepted are as follows:
For the first application, the investigation is ongoing.
For the second application, information involved one person.
- (D) The approximate nature, amount and cost of the personnel and other resources are as follows:
No information provided for either application.
- (9) For the first application, no charges have been filed related to this investigation as the investigation is ongoing.
For the second application, one person was arrested.
- (10) For the first application, the investigation is ongoing.
For the second application, one trial is pending for the suspect, with a change of plea pursuant to a plea agreement was scheduled for February 7, 2018.
- (11) No information was provided for both applications.
- (12) No information was provided for both applications.
- (13) There were no orders or extensions obtained in the preceding calendar year.
- (14) There was no other information required by the rules and regulations of the Administrative Office of the United State Courts.

Should your staff have any questions, they should not hesitate to contact Karen Takahashi at (808) 539-4896.

Sincerely,



Rodney A. Maile
Administrative Director of the Courts

c: Members of the Senate