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GOVERNOR



**DEPT. COMM. NO. 289**

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**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
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December 29, 2022

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

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

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report on the Goals and Objectives of the Department of the Attorney General. In accordance with section 93-16, HRS, 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 (808) 586-1500.

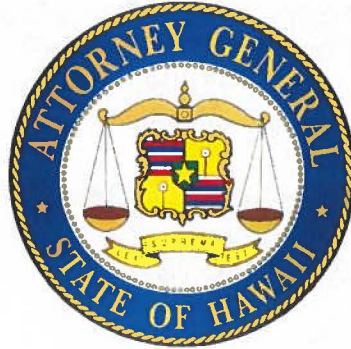
Sincerely,

Anne E. Lopez  
Attorney General

c: Josh Green, M.D., Governor  
Sylvia Luke, Lieutenant Governor  
Legislative Reference Bureau (Attn: Karen Mau)  
Leslie H. Kondo, State Auditor  
Luis Salaveria, Director of Finance, Department of Budget and Finance  
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System  
David Lassner, Ph.D., President, University of Hawaii

Enclosure

State of Hawai‘i  
Department of the Attorney General  
*Ka ‘Oihana O Ka Loio Kuhina*



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 2023-2024

*Submitted to  
The Thirty-Second State Legislature  
Regular Session of 2023*



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## **SECTION 1: INTRODUCTION**

Act 100, Session Laws of Hawaii 1999, as amended by Act 154 (2005), requires every department and agency of the State to develop and submit to the legislature an annual report addressing the following: (1) a statement of goals, including what the department or agency hopes to accomplish over both the short and long term; (2) objectives and policies, specifically setting forth how each goal can and will be accomplished; (3) an action plan with a timetable indicating how the established objectives and policies will be implemented in one, two, and five years; and (4) the process that the department or agency will use to measure the performance of its programs and services in meeting the stated goals, objectives, and policies.

The Attorney General is the chief legal officer of the State of Hawaii. By law, the Attorney General and her deputies represent the State and its agencies and officers in the Executive, Legislative, and Judicial branches of government. This representation includes litigation in both state and federal court, in both civil and criminal matters, and in both defensive and affirmative capacities. In addition, the Department performs transactional work that assists the State's many agencies with the performance of their duties. The Department works with its clients on legislative priorities as well as reviewing submitted bills and testifying on legislation; drafts and reviews Administrative Rules; advises boards and commissions; and prepares legal documents in many forms. The Department provides a constant stream of informal and often daily advice to its clients. Additionally, when writs are filed against the Judiciary, if requested, the Department will represent the judge. Experience and institutional awareness, alongside productive collaboration with our state, local, and federal counterparts, are key components of the Department's success.

The Department also provides public services. It handles all child support enforcement actions, which in fiscal year 2020-2021 resulted in the collection of \$108,701,800 million in child support. The Department's Grants and Planning section of the Crime Prevention and Justice Assistance Division administers federal grants to state and county criminal justice agencies and non-profit victim service providers, which this year totaled \$37,538,775 million in active awards. Other federal funds are administered by the Hawaii Criminal Justice Data Center and the Internet Crimes Against Children unit, both of which apply directly to the Department of Justice to receive funding.

As of December 28, 2022, the Department will have 199 deputy attorneys general and five hearings officers. These professionals range from new hires to career deputies, including fourteen deputies with over 30 years of service and one with over 40 years of service to the Department. Experienced deputies are critical to the successful transition between administrations. The work of the deputies is integral to every project of importance in which any client is involved. In providing both legal and institutional knowledge, the deputies serve a vital,

irreplaceable function in state government, one that only experienced, licensed professionals can perform.

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

The mission of the Department is to provide excellent legal services to the State of Hawaii by offering advice and counsel to its client agencies, assisting in the implementation of policy decisions, aiding the core activities of its client agencies, and representing the State and its agencies and officers in litigation. Carrying out this mission includes (1) initiating lawsuits to protect the interests of consumers and the public, and appearing for the State in civil and criminal cases when the State is a party, (2) investigating violations of state laws, enforcing the laws, and prosecuting those who violate the law, (3) preparing legal opinions for the Governor, Legislature, and the heads of state departments, (4) assisting with the preparation of the Administration's bill package for each legislative session, reviewing all bills that are introduced each session, and advising the Legislature and the Governor about legal concerns with those bills and other legislative matters, (5) advising state officials, including more than 170 boards and commissions, on legal matters so they can faithfully execute their duties and responsibilities, (6) defending and representing state officials and employees when they are sued for actions that have occurred as part of their official duties; and (7) collaborating with other states, as well as federal and local counterparts, on matters of importance to our State.

The Attorney General administers several programs and projects that provide direct benefits to the public, including the Child Support Enforcement Agency, the Crime Prevention and Justice Assistance Division, the Hawaii Criminal Justice Data Center, the Hawaii Internet and Technology Crimes Unit, the Hawaii Internet Crimes Against Children Task Force, the Missing Child Center Hawaii, Notaries Public, the Office of Child Support Hearings, the Sex Offender Registry Program, the Tax and Charities Division, and the Tobacco Enforcement Unit.

Within the Department, our specific goals are to enhance operations, functionality, and professionalism. Our overall strategy to achieve these goals is to maintain an environment that attracts and nurtures talented attorneys with a commitment to public service, so that the Department can continue to represent the State successfully at the local and federal level on matters of state importance. Achieving our goals will allow us to serve the State and the public most effectively.

Our performance measures rarely change because they are so closely tied to our successful representation of our clients. If we do our job well, we save money and resources for the State. We learned from the COVID-19 pandemic and the resulting economic stresses, that we must maintain the ability to adapt to working under new and changing conditions and with potentially fewer resources.

Because the State will have a new administration in 2023, the Department will support the new Attorney General in representing all our clients and performing all our Department's statutory duties.

The following are the specific goals and objectives of the Department that are designed to enhance our operations, functionality, and professionalism, and which apply to the whole Department. Sections 3 and 4 of this report include some of the objectives that are unique to each division.

**Goal 1: Sustain Quality Legal Services through Hiring and Training.**

The Department has an ongoing commitment to training, which improves the skills and efficiency of the Department. We also need to attract talented personnel to work in the Department and make sufficient resources available to sustain quality and timely legal services to the client departments and agencies.

**Objective:** Provide comprehensive legal advice to clients, manage workflow and caseloads efficiently, and meet deadlines for responses to requests for legal services.

**Action Plan:** To the extent allowed, and subject to the availability of funding, hire personnel with the desired experience to fill vacancies when they arise. Provide deputies and staff with access to training and legal research tools to support high-quality and timely work product.

Encourage deputies and staff to attend free training offered to government attorneys and attend in-house training provided by the Department. Identify training programs outside of the Department and seek funding to attend such programs.

Encourage deputies to attend other legal training when it becomes available. We often have opportunities to attend subject matter training, frequently funded or partially funded by our client agency or other sources (i.e., the National Attorneys General Training and Research Institute and the National Governor's Association, among others).

Review and update all division training manuals as necessary. Continue in-house division training, including the most current opinions of Hawaii appellate courts, the federal courts, and the United States Supreme Court.

**Target:** The target date for this goal is ongoing, but was significantly assisted in 2022 when the Legislature approved funding for

increases in deputy salaries. We have already been able to increase salaries to more competitive rates, and we are in a position to offer competitive government salaries that will assist our ability to fill positions and continue providing quality legal services.

**Goal 2: New Deputy Training.**

Ensure that attorneys who are new to the Department are provided a foundation to serve the State while meeting the Department's standards of excellence. Increase the collective knowledge of our deputies.

**Objective:** Provide a live Training Academy for new attorney hires, preferably annually. Provide recordings of trainings for those who join the Department after the training and before a new training is scheduled.

**Action Plan:** In 2021, we started a new and exciting project for providing both an introduction to the Department and consistent training to all new deputies within the Department. We developed and implemented our new deputy Training Academy. This two-week intensive session supplements individual training within each division and combines in-person and virtual training in a comprehensive introduction to the Department, its divisions, and the relevant laws and procedures that every deputy attorney general needs to know. The Training Academy instructors are supervisors and specialists from all divisions.

**Target:** This training is envisioned to occur annually, but because we hire new deputies every year, the target date for this goal is ongoing.

**Goal 3: Improve Range of Legal Services by Cross Training.**

Broaden deputies' areas of knowledge to minimize subject area silos, facilitate flexibility in making assignments, and avoid disruption in the provision of legal services. When one of our divisions is short-handed due to vacancies or absences, deputies need to cover for each other by performing legal work that may be outside their area of expertise. By sharing responsibilities on cases and among clients, the divisions strengthen their ability to adapt to unexpected staff shortages. Cross training allows accommodations for leave time.

**Objective:** To increase exposure to various legal issues in order to broaden the capabilities of deputies to be able to contribute to assignments



outside of their specialty when a need arises due to staff shortages or special projects.

**Action Plan:** Encourage deputies to pursue subject-matter and practice-relevant training, in addition to the annual Continuing Legal Education requirements for all attorneys. Promote teamwork by encouraging deputies to communicate freely with and collaborate with division deputies and deputies in other divisions who have expertise and resources to assure appropriate and consistent Department-wide advice and representation. Expose deputies to a variety of substantive issues and encourage deputies to take on different assignments jointly and to work together on less familiar projects.

The need for cross training became especially critical during the COVID-19 pandemic, when we were forced to pool available resources. The intent is for cross training to occur primarily within subject matter divisions, but to also select deputies for special projects within the Department that will provide broader exposure to various subject matters, usually of a complex nature. Deputies may also be required to devote extra hours to ensure client work is completed.

Deputies have primary assignments of programs or issues for which they gain expertise, but they collaborate with each other on matters to share their knowledge across their assigned areas, and they cover matters for each other when necessary. Deputies are encouraged, but not required, to become involved in Department-wide or community-based activities outside of their assigned area to network and expand their skill sets.

Pair less experienced deputies with those who are more seasoned.

Encourage divisions to seek guidance from the Appellate Review Committee or the Litigation Management Committee whenever necessary or appropriate.

**Target:** The target date for this goal is ongoing, but we anticipate an annual increase in the collective knowledge of the Department's deputies and their ability to contribute to special projects.

**Goal 4: Adapt to the Changing Needs of the Workforce.**

As learned from the COVID-19 pandemic and the necessary stay-at-home orders in 2020, to provide seamless legal services to our clients and stay competitive with private firms, we need to increase resources and adapt policies and practices to assist deputies and

staff in working more efficiently and comfortably in a remote setting, out of the office, when needed.

**Objective:** Allow flexibility in making assignments and to ensure continuity in the provision of services.

**Action Plan:** A means of assessing accountability is essential to successfully allowing remote working. Supervisors of deputies who work any portion of their work week remotely are responsible to determine that deputies are completing their work at the same levels they would if they were in-office. This involves assessing work output and reviewing timesheets, as well as ensuring that staff members are always responsive to emails and available by telephone or virtual meetings.

To ensure full legal services are provided if remote work is required, increase capacity to ensure that personnel have access to the resources needed to work remotely, such as IT equipment. Continue in-house refresher training for all personnel on Microsoft Office applications that enable online collaboration, including SharePoint and Teams.

Working remotely was critical to the Department due to the pandemic, and it became clear that the Department needs to maintain a long-term strategy for remote work, both as a continuing response to the pandemic and in recognition of the evolving office culture generally. It is equally clear that some deputies and staff have the capability to work remotely, but the technology currently available is limited and not available to all employees in the Department. Assessment of the need for continued remote working and improved or additional resources is ongoing. Key considerations include our continued ability to be responsive to the client's needs in a timely manner and maintain a healthy work environment both in the office and with remote work.

When in-person meetings are not possible, maintain Department cohesiveness through Microsoft Teams meetings, emails, texts, telephone conferences, and other remote means.

Attend court appearances, hearings, meetings, and work-related matters through telephonic appearances and video conferencing platforms such as Microsoft Teams, Zoom, and WebEx when in-person meetings are not possible.

**Target:** The target date for this goal is ongoing and will likely last at least as long as the dangers of the pandemic and possibly longer due to the evolving remote-working culture.

**Goal 5: Share and Access Resources; Establish a Data Bank.**

**Objective:** Enhance the Department's document management system so that all Department personnel can access and obtain maximum value from resources. Eventually, the system would include (1) all forms used by the Department and its various divisions, (2) memo banks indexed for efficient accessibility and to save research time, (3) opinion advice letters provided to clients indexed by topic to allow for consistency in our legal advice, (4) pleadings from court cases, (5) analysis of various Hawaii and federal cases, (6) filed appellate briefs, and (7) expert data bank, including prior depositions, curriculum vitae, and opinions.

Provide better, faster, and easier access to critical information, improved efficiency, consistency in advice, and improved office environment, by moving towards a paperless environment.

Reduce the need to store hard copies by making electronic copies of relevant documents to better manage the Department's physical space. Identify and digitize pleadings and advice to make them accessible. Review and move old files to storage or destroy as warranted.

Reduce the need to retrieve boxes already in off-site storage to obtain information from closed cases.

Develop a plan and tickler system for regularly reviewing, archiving, and destroying old files.

**Action Plan:** Each division is encouraged to scan files and resource materials so that files can be accessed remotely.

Digitize and index historical work-product to provide an additional resource for Department members. Develop a standard procedure for maintaining electronic files and work product utilizing ProLaw, iManage, and SharePoint, or other appropriate program.

Ensure all personnel are using a consistent method to manage files within our ProLaw system.

Utilize the technology in the Department (ProLaw, iManage, Office 365, departmental intranet, internet) to its fullest potential.

Ensure that each member of the Department is proficient in the use of technology to increase efficiency and sharing of information.

Identify information to post on the departmental intranet in order to share knowledge within the Department.

Create manuals and checklists for deputies and staff regarding important duties and reminders for case management and include them in the data bank.

Develop a process to better share information among divisions and create uniformity in procedures for different divisions that 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.

**Target:** The target date for this goal is ongoing, but to capture all historical data within the Department within a data bank would be a major project that would take several years and more resources than what we have right now, so this goal will be accomplished as time permits.

**Goal 6: Reduce Time Spent on Non-Legal Tasks.**

**Objective:** Reduce the time attorneys spend on non-legal tasks for clients, to achieve savings in the deputy time.

Use technology to improve efficiency.

**Action Plan:** Continue to 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.

Train clients to ensure that agency records that are available to the public do not contain confidential information or attorney-client privileged information and ensure that agency records for administrative appeals are in good order. This will include savings in staff time currently spent compiling records on appeal for client agencies and appropriately redacting documents for permitted reasons in response to Uniform Information Practices Act requests.

Work with clients to prioritize assignments.

Conduct training to enable clients to issue spot, take preventative action, and proactively respond when an issue arises.

Assist clients in standardizing procedures, where possible.

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

Increase proficiency with existing technology solutions such as iManage, ProLaw, Word, Excel, Office 365, PowerPoint, Adobe Acrobat, SharePoint, and OneDrive, and become adept in new technology solutions that are introduced in the future. In addition to in-house training, deputies are encouraged to utilize other State-sponsored training and available web-based courses.

Keep a master calendar of all deadlines within each division and use reminder systems.

**Target:** The target date for this goal is ongoing.

**Goal 7: Improve Client Relations.**

**Objective:** Nurture and encourage early and regular consultation by clients in order to avoid or minimize future problems and recurring issues through good advice and counsel.

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

**Action Plan:** Keep a log of issues that arise throughout the year that can be remedied by legislation or the adoption of rules.

Maintain the reputation of competence, integrity, diligence, and fairness.

Maintain not only client confidence but also public confidence.

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

Continually work hard to ensure that our work is thorough, well-reasoned, and effective, and that the deputies are always prepared for all court appearances.



Enhance the ability of clients to prevent legal concerns from arising and to proactively respond when problems do arise so that problems are minimized before our involvement.

Maintain good and consistent communication with clients on a regular basis.

**Target:** The target date for this goal is ongoing.

**Goal 8: Succession Planning and Leadership Opportunities.**

**Objective:** Provide opportunities for deputies to obtain leadership skills and pursue appropriate recruitment to fill vacancies anticipated due to retirement.

Preserve institutional knowledge.

**Action Plan:** Expose deputies to supervisory functions.

Send deputies to supervisory training.

Memorialize institutional knowledge in a data bank and a form bank.

Update and create manuals and form banks as needed.

**Target:** The target date for this goal is ongoing.

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

The Department is divided into the following twenty legal services divisions, each with its own goals and objectives in addition to the common goals and objectives of the Department.

#### **Administration Division**

The Administration Division differs from other legal divisions in the number and diversity of client agencies it represents and advises, and the wide variety of substantive areas of law that the advice encompasses. The division's roles include representing and providing quality advice and counsel to policy-making executive branch agencies (i.e., Governor, Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assisting in implementing policy decisions (e.g., through drafting Executive Orders, legislation, and rules); and assisting in the implementation of

the core activities of the above entities, their attached agencies, and 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, Aloha Stadium Authority, E911 Board, Building Code Council, State Foundation on Culture and the Arts, Office of Elections, Campaign Spending Commission, Office of Information Practices, and Ethics Commission). The division also provides representation, advice, and counsel to the Judiciary and the Legislature and their agencies, as well as the non-legal divisions of the Department.

During the period covered by this report, the Administration Division's usual workload was heavily impacted by numerous additional projects that were necessitated by the continuing impact of the COVID-19 pandemic and the federal funds it engendered, and the unexpected amount of available state tax revenue. The increase in federal and state funds available this past legislative session resulted in an unprecedented number of questions from the division's clients on subjects including the relative authority of the branches of government, budgeting, financing, and appropriations. The division continues to advise the departments of Accounting and General Services and Budget and Finance and legislators to ensure federal COVID-19 relief funds and state funds are properly appropriated and expended. Additionally, the division was heavily involved with the activities of the Reapportionment Commission and successfully defended the Commission's final Reapportionment Plan. The division also worked closely with and provided assistance to the hearings officer of the Red Hill administrative hearing. Continuing from last year, the division worked alongside other divisions in staffing the COVID-19 exemption team, which work included interpreting and implementing guidance from the federal Cybersecurity & Infrastructure Security Agency and the House Investigative Committee on Compliance Audit Nos. 19-12 and 21-01.

**Goal 1:** Continue the Administration Division's service as a resource for other divisions seeking guidance on substantive legal issues, including in the areas of procurement and contracts, sunshine law, the Uniform Information Practices Act, and budget/fiscal/appropriation issues, while increasing the knowledge base of these areas among deputies.

**Objective:** Integrate the work being done in the division with the Department as a whole to benefit the Department.

**Action Plan:** Encourage deputies in other divisions to contact the Administration division to brainstorm issues in the areas of procurement and contracts, sunshine law, the Uniform Information Practices Act, and fiscal and appropriation matters.

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

**Target:** The target date for this goal is ongoing.

**Goal 2: Obtain assistance with litigation and administrative appeals.**

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

**Action Plan:** Continue to work closely with other legal divisions to coordinate services/assistance to experienced litigation deputies and support staff.

Continue to train current clerical staff to increase breadth of services provided to deputies.

Create more standardized procedures for paralegals to increase breadth of services provided to deputies.

There are several measures of success for this goal: (1) whether the division is providing effective representation to the clients; (2) whether current deputies are allowed to focus on litigation prevention and advice and counsel functions for multiple clients; and (3) whether the supervising deputy attorney general has time to address supervisory and administrative issues.

**Target:** The target date for this goal is ongoing.

### **Appellate Division**

The primary missions of the Appellate Division are to maximize the quality of appellate representation to all of the Department's clients and to provide constructive and quality legal advice to deputies throughout the Department on all legal matters. The division's attorneys directly handle many of the appeals in the Department, including briefs filed and oral arguments presented on behalf of the State and its agencies and officials in the state and federal courts. The Appellate Division also drafts amicus briefs in appeals involving issues of importance to the State and makes recommendations to the Attorney General on whether the State should join multi-state amicus briefs filed in the United States Supreme Court in cases of state and federal interest and importance.

The Appellate Division is steadily working towards meeting the goals set forth below. During the past year, for example, Appellate Division attorneys have authored or co-authored amicus briefs, provided moot court assistance to deputies from other divisions, and conducted trainings for the Department on subjects including legal writing and a review of the key cases decided during the U.S. Supreme Court's recently concluded 2021-22 term.

Over the past year through present, the Appellate Division has, among other accomplishments, (1) successfully defended the Department of Health's Emergency Order directing the Navy to defuel the Red Hill facility against a legal challenge; (2) coordinated and facilitated the Department's legal response to the United States Supreme Court's decisions in *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022) (Second Amendment) and *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022) (reproductive rights); (3) represented Hawaii in *Young v. Hawaii*, 992 F.3d 765, 817 (9<sup>th</sup> Cir. 2021), cert. granted, judgment vacated, No. 20-1639, 2022 WL 2347578 (U.S. June 30, 2022) and abrogated by *Bruen*, 142 S. Ct. 2111, and other Second Amendment cases; (4) authored Ninth Circuit and State court amicus briefs in climate change litigation; (5) during the legislative session, assisted legal divisions in spotting and addressing "germaneness" issues related to the Hawaii Supreme Court's holding in *League of Women Voters*, 150 Hawai'i 182, 376 P.3d 1 (2022); and (6) successfully defended the Governor's emergency authority to issue Emergency Proclamations during the Covid-19 pandemic.

Other achievements of the Appellate Division include our role in developing a summer internship program for the Department. In its second year (summer 2022), the program hosted six law students for ten weeks. Each law student worked with two divisions within the Department, received substantive assignments and exposure to the Department's diverse practice, and was provided opportunities to learn more about our executive, legislative, and judicial branches of government.

The division also facilitated the State's joinder in multi-state amicus briefs and letters: Since the beginning of 2021 through the present, the Appellate Division has reviewed, assessed, and analyzed at least 196 requests from other states and organizations for Hawaii to join multi-state amicus briefs and letters on a wide array of high-profile legal issues. Appellate Division deputies reviewed each of these requests and, in consultation with the Solicitor General, made detailed recommendations to the Attorney General whether to join or not join.

**Goal 1: Develop and maintain the highest quality appellate writing and advocacy skills of deputies throughout the Department.**

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

**Action Plan:** Encourage all deputies with appellate matters 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.

Provide periodic training sessions to the Department regarding appellate writing, appellate rules, and persuading an appellate court. Have an Appellate Division deputy serve as chair of the Department's training committee.

Participate in moot courts and other practice sessions for deputies who are preparing to argue cases before the Hawaii appellate courts and the Ninth Circuit Court of Appeals.

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

**Target:** The target date for this goal is ongoing.

**Goal 2:** **To make the Appellate Division a legal resource for other divisions seeking substantive legal advice or information on appellate procedure.**

**Objective:** Use the division's expertise to benefit the Department.

Ensure that if any deputy or paralegal leaves the division, the remaining persons can maintain the division's functioning without significant disruption.

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

Have Appellate Division deputies regularly attend the Appellate Opinion Review Committee meetings on a rotating basis.

Have at least one Appellate Division deputy serve as a member of the Department's Litigation Management Committee.

Have the Solicitor General continue in her role as a member of the Judiciary's Hawai'i Rules of Appellate Procedure standing committee.

Have Appellate Division deputies review and provide substantive comments on other deputies' briefs or memoranda as appropriate.



Provide all of Appellate Division deputies with opportunities to develop their leadership skills, both through leadership training and experiential opportunities.

Have Appellate Division paralegals assist paralegals from other divisions with administrative, procedural, and general appellate questions. Share the knowledge of individual Appellate Division paralegals, who have expertise in electronic filing and other administrative matters, with others in the Department.

The measure of success for this action plan is (1) for deputies to be better able to spot issues and incorporate them into their writing and in advice to deputies outside of the division, (2) the provision of constructive and insightful assistance for the benefit of the Department, (3) improved quality of the Department's work product, and (4) increased knowledge of administrative, procedural, and appellate knowledge within the Department.

**Target:** The target date for this goal is ongoing.

**Goal 3:** **Author or coauthor multi-state amicus briefs and provide the highest quality advice to the Attorney General regarding amicus joinder requests.**

**Objective:** Ensure that Hawaii: (1) authors or coauthors multi-state amicus briefs addressing issues of importance to the State; and (2) makes amicus joinder decisions based on the soundest advice.

**Action Plan:** Look for opportunities to author or coauthor multi-state amicus briefs addressing issues of importance to the State.

Have the Solicitor General make recommendations on requests for Hawaii to sign on to multi-state letters and amicus briefs. If these requests are delegated to a deputy, have the Solicitor General review and edit all amicus joinder recommendations before they are transmitted to the Attorney General.

The measures of success for this action plan are the division's periodic authorship or co-authorship of multi-state amicus briefs and consistency in the quality of the division's recommendations and the Attorney General's satisfaction with those recommendations.

**Target:** The target date for this goal is ongoing.

**Goal 4: Continue to provide legal assistance to the Office of the Attorney General and divisions handling Second Amendment matters.**

**Objective:** Assist divisions with analyzing complex Second Amendment issues (e.g., related to gun carry licenses) and help to defend against legal challenges to Hawaii's public carry gun licensing regime.

**Action Plan:** Restructure the division's workload to enable division attorneys to allocate sufficient time to assist with and handle Second Amendment-related legal matters. At present, there are two Appellate Division attorneys assigned to handle ongoing Second Amendment litigation and two Appellate Division attorneys assigned to handle Second Amendment-related legislative matters. These deputies handle Second Amendment-related tasks in addition to other cases and assignments.

Encourage and enable Appellate Division attorneys to develop expertise in Second Amendment-related legal issues.

Work with other legal divisions handling Second Amendment matters (i.e., Criminal Justice, Civil Rights Litigation) to provide assistance (e.g., in preserving arguments and the record on appeal) in cases being litigated at the trial court stage.

The measure of success for this action plan is the continued participation of division attorneys in Second Amendment-related legal matters and the continued development of expertise with regard to evolving Second Amendment-related legal issues.

**Target:** The target date for this goal is ongoing.

**Goal 5: Lead the Department's efforts to strengthen Hawaii's reproductive health laws in response to the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*.**

**Objective:** To lead the Department's reproductive rights working group in addressing the impact of *Dobbs* on Hawaii's laws, and to draft proposed legislation to further protect reproductive health rights in Hawaii.

**Action Plan:** Assign two Appellate Division attorneys to serve on and lead the Department's internal reproductive rights working group; the working group is tasked with addressing and responding to legal issues raised by the *Dobbs* decision. These attorneys will assume

a leading role in drafting proposed legislation that would further protect reproductive health rights in Hawaii. In this role, they will routinely communicate with stakeholders and legislators. They will also routinely communicate with other states (e.g., California) that are actively working to protect reproductive rights.

Encourage and enable division attorneys to develop expertise in constitutional issues related to reproductive rights.

The measure of success for this action plan is the drafting of legislation that protects reproductive rights, and the continued development of expertise with regard to related legal issues.

**Target:** The target date for this goal is ongoing through the 2023 legislative session.

**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 sound knowledge of the subject legal doctrines and operational issues facing the clients, and capitalizing on available technology. It also administers the Notary Public Office and Asset Forfeiture Program.

The most visible measure of effectiveness for the Civil Recoveries Division is the amount it collects for the State. Since its inception, the Civil Recoveries Division has consistently proven essential as it has collected over \$300 million from fiscal year 2003 through 2022 with an average cost to the taxpayers of \$.10 for each dollar recovered (cost ratio). The total amounts recovered, costs, and cost ratio for the Civil Recoveries Division over the years is:

<b>Fiscal Year</b>	<b>Total Recovered</b>	<b>Total Costs</b>	<b>Cost Ratio*</b>
2003	\$9,397,437	\$1,362,960	\$.15
2004	\$12,033,156	\$1,437,964	\$.12
2005	\$16,325,147	\$1,226,855	\$.08
2006	\$14,674,863	\$1,557,900	\$.11
2007	\$16,084,654	\$1,530,434	\$.10
2008	\$13,431,248	\$1,611,831	\$.13
2009	\$14,439,462	\$1,712,413	\$.12
2010	\$11,532,711	\$1,534,201	\$.13
2011	\$16,529,627	\$1,318,438	\$.08
2012	\$12,403,154	\$1,201,531	\$.10
2013	\$29,950,131	\$1,123,887	\$.04

2014	\$10,954,082	\$1,459,147	\$.15
2015	\$11,040,041	\$1,678,746	\$.15
2016	\$9,966,581	\$1,861,960	\$.19
2017	\$16,650,589	\$1,713,818	\$.10
2018	\$14,929,096	\$1,312,752	\$.09
2019	\$15,626,788	\$1,525,882	\$.10
2020	\$35,140,578	\$1,695,315	\$.05
2021	\$15,119,858	\$1,866,194	\$.12
2022	\$17,948,577	\$1,698,260	\$.09
<b>TOTAL</b>	<b>\$314,177,780</b>	<b>\$30,430,488</b>	<b>\$.10</b>

\* Cost incurred by the Department for each dollar collected, rounded to the nearest number.

Yearly collections are not easily projected as types of cases, amounts recovered, and other factors in any given year create variations in total recoveries.

Another measure of effectiveness is the significant improvement to the notary public website that allows prospective and current notary publics to process applications, renewals, commissions, and resignations, schedule examinations, and receive notifications efficiently and quickly. The Notary Office has also conducted notary exams while maintaining COVID-19-safety protocols, and added a testing center in Kona and additional testing times to catch up on the backlog created by COVID-19.

Additionally, the office amended and compiled title 5, chapter 11, Hawaii Administrative Rules, relating to Notaries Public, to comply with Act 54, Session Laws of Hawaii, 2020. Those rules took effect on February 27, 2022. The on-line registration system for remote online public notary is operational, and the testing and commissioning is underway, meeting Goal 3 for the division from last year.

The specific goals and objectives of the Civil Recoveries Division include:

**Goal 1: Explore additional recovery opportunities to expand and increase recovery opportunities for state agencies.**

**Objective:** Benefit the State by recovering monies that are owed to it.

**Action Plan:** Work closely with client agencies to identify practices, cases, and opportunities to increase debt referrals.

Work closely with client agencies to ensure that losses by the State are documented properly so the full loss can be recovered.

Work closely with other state agencies to identify debts for possible referral as an individual claim or part of an ongoing series of collection activities.

Help state agencies understand and leverage recovery opportunities by improving employee awareness, coordination, and record keeping.

**Target:** This action plan is underway and ongoing.

**Goal 2: Assist departments in developing contract specialists.**

**Objective:** Foster and develop state department capabilities to proactively monitor and manage large contracts and construction projects to minimize opportunities for additional costs and contractor claims.

**Action Plan:** Continue to make Civil Recoveries Division's contract subject matter experts available to other departments and attorneys within the Department.

**Target:** This action plan is ongoing.

**Goal 3: Expand Hawaii's notary opportunities with remote online notary commissions.**

**Objective:** Implement application, testing, and commission procedures for remote online notary public.

**Action Plan:** Implement new procedures, including online applications, scheduling of tests, renewals, commissions, and training for remote online notary public.

Continue to update the current online notary public website to further facilitate both traditional and remote online notary public applicants and commissioned notaries public.

**Target:** The action plan is underway with on-line registration and testing currently ongoing.

**Goal 4: Create an online payment portal to assist and increase the recovery opportunities for state agencies.**

**Objective:** Allow debtors to pay monies owed to the State with credit cards, debit cards, and e-checks.



**Action plan:** Work with NIC Hawaii to create an online portal for debtors to pay all or part of their debt by credit card, debit card or e-checks.

**Target:** This action plan is ongoing.

### **Civil Rights Litigation Division**

The Civil Rights Litigation Division provides legal defense to the State, its departments and agencies, and certain state employees in lawsuits or other claims that primarily involve allegations of civil rights or constitutional violations. The Civil Rights Litigation Division litigates cases in state and federal courts, including appellate courts. The division's litigation includes, but is not limited to, answering legal complaints filed in court, investigating claims, conducting discovery, drafting and filing motions, memoranda, and briefs as appropriate, and representing state interests at administrative hearings, court hearings, arbitrations, mediations, trials, and appeals. The Civil Rights Litigation Division also assists with training of state agencies on issues such as acceptance of service and other litigation matters.

The Civil Rights Litigation Division has achieved significant successes in winning trials and prevailing on dispositive motions and appeals in both state and federal courts, as well as entering into favorable settlements to limit the State's exposure. A few examples of our recent successes include:

(1) *Cornel v. Hawaii*, 501 F.Supp. 3d 927 (D. Haw. 2020). The plaintiff alleged constitutional violations and state law tort claims when she was taken into custody on an allegedly stale warrant. The Civil Rights Litigation Division represented the State, the Hawaii Paroling Authority, and the deputy sheriff who took the plaintiff into custody. The state defendants' motion for summary judgment was granted and the plaintiff appealed. The Ninth Circuit Court of Appeals affirmed the judgment in favor of the state defendants. *Cornel v. Hawaii*, 37 F. 4th 527 (9th Cir. 2022).

(2) *Goodwin v. State*, Civ. No. 19-1-0007-2K (Haw. 3rd Cir. 2022). The plaintiff is the biological grandmother of a child who was in foster custody. She filed a lawsuit in circuit court alleging that the Department of Human Services and its social workers violated her constitutional rights when the child was placed with a foster family rather than with her. She sought monetary, declaratory, and injunctive relief requesting that the court give custody of the child to her. Claims against individual social workers as defendants were quickly dismissed on a motion to dismiss, leaving only the Department of Human Services as a defendant. The plaintiff and the foster family filed competing adoption proceedings in Family Court. The Family Court found that it was in the best interests of the child to grant the adoption by the foster family and not the plaintiff. The plaintiff appealed. The Civil Rights Litigation Division assisted the

Department's Family Law Division by handling the appeal. The Intermediate Court of Appeals affirmed the Family Court decision. The plaintiff applied for certiorari to the Hawaii Supreme Court. Certiorari was denied.

(3) *Long v. Sugai*, 19-CV-00235 (D. Haw. 2022). The plaintiff, a practicing Muslim, alleged that an adult corrections officer violated the plaintiff's constitutional right to freely exercise religion by denying the plaintiff religious meals and by retaliating against him for using the prison grievance system to report harassment. The plaintiff also alleged that the chief of security violated his constitutional right to freely exercise religion by denying the plaintiff access to Islamic prayer services. After a non-jury trial in federal district court, the Court found that the plaintiff failed to prove his free-exercise and retaliation claims and entered judgment for the defendants.

(4) *Ramsey v. State of Hawaii*, 20-CV-17453 (D. Haw. 2020). The plaintiff alleged violations of federal and state law arising out of his criminal trial, incarceration, and placement on the sex offender registry. A motion to dismiss was granted and the plaintiff appealed to the Ninth Circuit Court of Appeals. The Ninth Circuit affirmed the dismissal. *Ramsey v. State of Hawaii*, 20-CV-17453 (9th Cir. 2021).

**Goal 1: Increase efficiency by creating litigation liaisons for all departments so that litigation issues are centralized.**

**Objective:** Quicker responses by a department on questions, discovery, and other information requests. Those departments that have designated litigation liaisons have been helpful in streamlining efforts to defend the State in litigation.

**Action Plan:** Some departments already have designated litigation liaisons. We will continue coordination with other departments as appropriate.

Develop a process to better share information with divisions whose clients are defendants in lawsuits. Create uniformity in procedures among divisions that perform similar assignments, such as responding to discovery requests and documenting and identifying materials turned over to other parties.

The supervisors of the Civil Rights Litigation Division and the Tort Litigation Division have collaborated to conduct training and plan to continue periodic training on uniform procedures for discovery responses.

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

**Target:** The target date for this action plan is ongoing.

**Goal 2:** **Help clients better understand the litigation process.**

**Objective:** Reduce the instances where default can be taken against the State or its employees, by (1) putting departments affected by litigation in a better position to assist the Department and increase the likelihood of favorable outcomes, and (2) enabling departments and individuals affected by litigation to understand the importance of getting the Department involved as soon as possible, so that we have the maximum amount of time to respond to a complaint or tort claim and determine what form the response should take.

**Action Plan:** Provide training to departments to explain the litigation process from beginning to end so the departments understand what is expected of them and what their roles may be through each stage of the litigation.

Have each department designate at least two individuals to accept service of process and provide training on all aspects relating to acceptance of service and what to do once service is effected.

Set up training dates for the persons designated by the other State departments to accept service of process.

**Target:** The target date is ongoing. The pandemic created obstacles in conducting in-person training with the departments. We hope to start up the process for in-person trainings or to determine whether there are effective and best alternatives to in-person trainings for each State department.

### **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, and the Department of Commerce and Consumer Affairs. The division also enforces antitrust laws, participates in multi-state consumer protection matters and cases, and advises the Legislature, the Governor, and other affected agencies on legal issues arising from the subject matter of the division.

The measure of our effectiveness as a division can be demonstrated by a few examples of our accomplishments:

During the period covered by this report, we settled claims against the three large opioid distributors (McKesson, Cardinal Health, and AmerisourceBergen) and one of the largest opioid drug manufacturers (Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (J&J)). As a result, Hawaii is entitled to approximately \$78 million dollars (\$63 million over 18 years from the settlement with the three major distributors and \$15 million over 9 years from J&J). The agreement also resulted in significant injunctive relief to aid in the fight against the opioid epidemic. *Hawaii vs. Endo Health Solutions, Inc.*, Civ. No. 20-1-0006-09 (Haw. 1st Cir. pending).

We settled claims against Mallinckrodt ARD LLC (drug manufacturer) through the bankruptcy plan of reorganization. *Hawaii vs. Mallinckrodt PLC*, Civ. No. 19-01-0008-63 (Haw. 1st Cir. 2022); *In re Mallinckrodt PLC*, No. 20-12522 (Bankr. D. Del 2022). As a result, Hawaii is entitled to approximately \$3 million over eight years.

For both of the above cases, we reached an agreement with all of Hawaii's counties on the use and the method of allocation for the money resulting from the above settlements.

The division successfully represented the Department of Health in a complex contested case hearing relating to whether the Navy should be issued a permit to continue operating its massive bulk storage facility at Red Hill. The division's efforts included a second and significant phase of investigation and pleading, which occurred after the issuance of the hearing officer's preliminary recommended decision that a permit should be granted to the Navy. Based at least in part on the division's efforts, the decision to grant a permit was not adopted and the contested case was reopened for further hearings due to serious concerns about the Navy's ability to operate the facility in a safe manner that would not harm human health and the environment. *In re US Navy's Application for a UST Permit for the Red Hill Bulk Storage Facility*, Docket No. 19-UST-EA-01 (Haw. Dep't of Health 2022).

The Commerce and Economic Development Division also advised the Governor's Office on emergency proclamations on issues related to medical professional licensing and the moratorium on tenant evictions during the pandemic.

The division resolved an investigation by the United States Department of Housing and Urban Development into allegations of violations of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act by entering into a Voluntary Compliance and Conciliation Agreement in which the Hawaii Community Development Authority agreed to perform additional record keeping and comply with the law, but paid no money. *Iglesias v. EAH, Inc.*, HUD Case Nos.: 9-20-1228-8, 09-20-1225-4, and 09-20-1225-D.

**Goal:** Expand capabilities in consumer protection matters where appropriate and as resources permit.

**Objective:** Ensure that all deputies in the division have the knowledge and experience to handle the variety of consumer protection matters that arise.

**Action Plan:** Send deputies to free virtual consumer protection conferences and training.

Identify cases and matters in which involvement by the office is appropriate and include multiple deputies to allow for peer-to-peer training.

**Target:** The target date for this action plan is ongoing.

### **Complex Litigation Division**

The Complex Litigation Division, formerly known as the Complex Litigation and Compliance Unit, provides core services to the State and its departments. The Complex Litigation Division is now a stand-alone division tasked with providing litigation, audit, and administrative support in larger civil matters, investigating potential contract and procurement irregularities, and providing guidance to both the Department and other state agencies on a range of ethical, compliance, and other matters. The division fills a supportive role that allows the Department to flexibly augment other division resources and advance multiple action plan items. The division is also the Attorney General's liaison to several federal agencies, litigates many of the large-scale, often multi-state, complex matters involving the State, and supports some of the more significant, high-profile matters affecting the people of Hawaii.

The Complex Litigation Division consists of a supervising deputy attorney general, two deputy attorneys general, three forensic analysts, and two litigation support personnel. The division's analysts came to the Department with broad experience in the handling of complex criminal and civil matters at both the state and federal levels.

The Complex Litigation Division addresses integrity matters that could lead to criminal, civil, or administrative action. The division collaborates with the Department's Criminal Justice Division and Investigations Division on long-term criminal investigations, developing investigative plans, preparing search warrants, assisting in the gathering of evidence, and conducting financial analyses. Much of that work is done by the analysts, all of whom are retired federal criminal investigators with substantial experience investigating complex

financial crimes, including tax crimes, money laundering, contract fraud, healthcare fraud, bribery, and integrity offenses.

The Complex Litigation Division's accomplishments include its work on the following high-impact cases:

In *DW Aina Le'a Development, LLC v. State*, 17-CV-00113 (D. Haw. 2022), the division assisted in obtaining judgment in favor of the State against the development entity that sought hundreds of millions of dollars in profits allegedly lost due to Land Use Commission actions.

One of the division's deputies secured a declaratory judgment confirming that the Legislature had appropriated constitutionally sufficient sums for a department's budget in *Nelson v. Hawaiian Homes Commission*, Civ. No. 07-1-0016-63 (Haw. 1st Cir. 2021).

In litigation challenging the validity and enforceability of the Governor's emergency proclamations, the division was part of a multi-division team that successfully defended the State in multiple federal and state cases, and also obtained rulings upholding the Governor's restrictions as being reasonably related to the goals of protecting the people of our State from COVID-19.

Over the last year, the Complex Litigation Division has pursued a False Claims Act complaint seeking damages against a health care provider that submitted false claims to the State's Medicaid program. It has evaluated several other False Claims Act matters. The division is also providing support to an ongoing False Claims Act action against a provider where the damages are estimated to be in the millions. Such False Claims Act cases have the potential of allowing the State to recover up to three times the amount of actual damages, plus penalties.

The division, along with outside counsel, pursued an unfair or deceptive acts or practices case against manufacturers of the medication in Plavix. *State v. Bristol-Myers Squibb Company*, Civ. No. 14-1-0007-08 (Haw. 1st Cir. 2021), resulted in a judgment of 834 million dollars.

The division is also prosecuting another unfair or deceptive acts or practices case against parties who claimed to own several streets and were charging the public to park on streets that have long been dedicated to public use in *State v. Chun*, Civ. No. 21-0-0012-90 (Haw. 1st Cir. pending).

Additionally, in concert with other divisions of the Department and outside counsel, when appropriate, the Complex Litigation Division's members are actively defending (1) *Dannenberg v. State*, Civ. No. 06-1-0011-41 (Haw. 1st Cir. pending) (a class-action suit against the Employees' Retirement System for the alleged diminution in value of state retiree health benefits); (2) *Kalima v. State*,



Civ. No. 99-0-0047-71 (Haw. 1st Cir. pending final approval of a settlement) (a class-action suit against the Department of Hawaiian Home Lands for the delayed provision of services and homestead leases to thousands of plaintiffs); (3) *Office of Hawaiian Affairs v. State*, Civ. 17-1-0018-23 (Haw. 1st Cir. pending) (a division deputy successfully obtained the dismissal of all monetary damages claims growing out of alleged public trust violations related to Mauna Kea); and (4) *Hu Honua Bioenergy, LLC v. Griffin*, SCPW-20-0000568 (Haw. pending) (appeal of the Public Utilities Commission's denial of the proposed HELCO-Hu Honua Amended and Restated Power Purchase Agreement).

**Goal:** Continue to provide core services to the Department's divisions and other state entities.

**Objective:** Provide support to the Department as needed in litigation, in the recovery of funds, and in the fight against unfair or deceptive acts or practices.

**Action Plan:** Collaborate with the Hawaii State Ethics Commission in combating fraud, waste, and abuse. The collaboration continues to initiate criminal, civil, and ethical investigations, as well as provide agencies with recommendations for more efficient operations.

Continue actively litigating complex civil matters.

Support recovery of funds by bringing or supporting affirmative claims designed to lead to monetary recoveries for the State.

Assist in the fight against unfair or deceptive acts or practices by continuing to provide support in cases involving the marketing and sale of opioids and JUUL e-cigarettes. Continue to work with other divisions and outside counsel in prosecuting these cases, which allege that the manufacturers committed unfair or deceptive acts or practices, subjecting them to damages and substantive penalties.

**Target:** The target date for this action plan is ongoing.

### **Criminal Justice Division**

The missions of the Criminal Justice Division are to serve as the statewide prosecutorial arm of the Department, to enforce the laws of the State of Hawaii, and to ensure public safety through the just, efficient, and effective administration of justice. The Criminal Justice Division reviews and prosecutes a wide variety of criminal cases statewide including welfare and tax fraud, public corruption, white collar crime, Internet crimes against children, child sexual exploitation, sex offender registration violations, various criminal cases conflicted out by the

counties, homicides, sexual assaults, abuse and neglect cases, human trafficking, unauthorized practice of law, environmental crimes, and other cases involving matters of statewide concern or involving state officials or employees.

The Criminal Justice Division includes the Internet Crimes Against Children Unit, Medicaid Fraud Control Unit, and the Tobacco Enforcement Unit. The division also has responsibilities for the sex offender registration program, the surveillance review, and nuisance abatement. The division administratively supports the Law Enforcement Standards Board, and manages the State Firearm Certification Program under the Law Enforcement Officers Safety Act of 2004.

The division highlights the following as some of its accomplishments:

- Prosecuted Emergency Proclamation violations during the COVID-19 Pandemic. The Criminal Justice Division reviewed 216 Safe Travels cases while managing our regular case load. The division prosecuted 195 cases, obtained 140 convictions thus far, and have over 20 cases currently pending trial.
- Established a victim-witness advocate program to assist victims and witnesses of crime through the litigation process and connect them with necessary services.
- The Tobacco Enforcement Unit continued to work with its investigators, the Department of Taxation, other states, and the National Association of Attorneys General to diligently enforce the Tobacco Master Settlement Agreement and related Hawaii statutes. Thanks in part to these efforts in recent years, Hawaii received its annual Master Settlement Agreement disbursement of approximately \$37.5 million in April 2021, and \$38.4 million in April 2022.
- The Tobacco Enforcement Unit led an effort to pass a new law allowing the State of Hawaii to obtain tobacco escrow funds via assignment or forfeiture. On June 17, 2022, Governor Ige signed Act 93 into law.
- The Tobacco Enforcement Unit has been reviewing, processing, and distributing hundreds of renewals for Electronic Smoking Device Retailer registrations. We had over 700 recent registrations.
- The Internet Crimes Against Children Unit Operation Keiki Shield Child Enticement Operations (OKS):
  - a. OKS1: Mar 2019 – Oahu: 12 Arrested (7 State, 5 Federal)
  - b. OKS2: May 2019 – Military OP – Ford Island: 10 Arrested
  - c. OKS3: Aug 2019 – Child Sex Trafficking Intel Operation Waikiki: – 0

- d. OKS4: Nov 2019 – Kauai: 3 Arrested (2 left for further investigation)
- e. OKS5: Feb 2020 – Military OP – Scofield Barracks: 6 Arrested
- f. OKS6: Oct 2020 – Maui: 10 Arrested
- g. OKS7: Mar 2021 – Maui: 7 Arrested
- h. OKS8: April 2021 – Military OP – Hickam AFB: 3 Arrested
- i. OKS9: May 2021 – Big Island: 5 Arrested
- j. OKS10: Dec 2021 – Maui: 3 Arrested.
- k. OKS11: Dec 2021 – Military OP – Scofield Barracks: 3 Arrested
- l. OKS12: May 2022 – Maui: 3 Arrested
- m. OKS13: Aug 2022 – Honolulu: 1 Arrested

(Total Operation Keiki Shield Arrests to Date: 66)

- The Criminal Justice Division successfully prosecuted a defendant for Assault in the Second Degree, Burglary, and selling drugs. The case arose out of an investigation into possible sex trafficking. While the defendant was not charged with trafficking, the defendant was convicted and sentenced to an 18-month jail sentence.

**Goal 1: Collaborate with the Investigations Division and other partners.**

**Objective:** Make the most efficient use of resources available within the Department and the law enforcement community to ensure optimal outcomes in investigations and prosecution of offenders.

**Action Plan:** Assign a deputy to more complex investigations at the outset of a case to collaborate with the investigators, analysts, and other law enforcement partners throughout the investigation to improve the quality of cases for prosecution. Develop an investigative strategy, including coordinating parallel proceedings, obtaining evidence via search warrant versus subpoena, scheduling witness interviews, and being mindful of the elements of possible charges.

Work collaboratively with federal, state, and county law enforcement agencies to conduct multi-jurisdictional operations targeting online child sexual predators as well as crimes involving the commercial sexual exploitation of children.

**Target:** The target date for this action plan is ongoing.

**Goal 2: Continue Developing the Victim Witness Support Unit.**

**Objective:** Expand available resources to maximize the services the Department is able to provide to victims of all crimes and to

participate in multidisciplinary team approaches to assisting crime victims at various stages of the criminal justice process.

**Action Plan:** General funding was provided for this fiscal year to support the Victim Witness Unit with up to two Human Services Professionals and an office assistant. The division needs to establish the positions and hire appropriate personnel. The two Human Services Professionals can assist victims of various crimes, without being limited by funding restrictions as in the past. They will be able to assist victims of elder crimes, white collar crimes, sexual assaults, and different types of violent crimes as well. The Human Services Professionals can also assist witnesses who need support and advocacy through the court process. Additionally, the supervising/senior Human Services Professionals can participate on various statewide multidisciplinary committees and teams to represent the Department and encourage a victim-centered approach among law enforcement agencies in the State of Hawaii. The unit personnel will continue to establish a collaboration with other agencies across a broad spectrum who work with crime victims.

**Target:** The target date for this action plan is ongoing.

**Goal 3:** **Through the Medicaid Fraud Control Unit, effectively and efficiently conduct both criminal and civil investigations of suspected provider fraud against the Medicaid program and suspected fraud in the administration of the Medicaid program as well as criminal investigations of abuse and neglect against Medicaid beneficiaries and residents of board and care facilities throughout the State.**

**Objective:** Identify and prosecute, via criminal prosecution or civil action, all instances of Medicaid fraud and Medicaid recipient or resident abuse or neglect in the State.

**Action Plan:** Make effective and efficient use of the Medicaid Fraud Control Unit's organizational scheme; assigning complaints to investigative teams consisting of an investigator, an attorney, and an auditor to work collaboratively to gather information and evidence to determine whether a civil or criminal action is warranted.

Work with the U.S. Department of Health and Human Services Office of Inspector General to ensure the Medicaid Fraud Control Unit remains in compliance with the twelve performance standards established by that agency and is carrying out its duties efficiently and effectively.

Update the Medicaid Fraud Control Unit policy and procedures manual to improve its operations and to ensure compliance with the U.S. Department of Health and Human Services Office of Inspector General's twelve performance standards.

Support staff training, including participation in national conferences when available.

Establish, reestablish, or build upon relationships between the Medicaid Fraud Control Unit and other federal, state, and local agencies as well as private entities, who have an interest in preventing and identifying and prosecuting Medicaid fraud and Medicaid recipient or resident abuse or neglect in the State.

**Target:** The target date for this action plan is ongoing.

**Goal 4:** **Through the Tobacco Enforcement Unit, ensure that state laws are followed regarding the taxation, importation, and sale of tobacco products. Investigate and enforce suspected violations of the Master Settlement Agreement and the Tobacco Liability Act.**

**Objective:** Ensure compliance with the Master Settlement Agreement to avoid penalties or reductions in annual payments.

**Action Plan:** Seek out Non-Participating Manufacturers (those who do not participate in the Master Settlement Agreement) who may re-establish a presence in Hawaii. Vigorously police the local tobacco industry for compliance with the Master Settlement Agreement, the Tobacco Liability Act, and related laws.

Investigate and prosecute violations of the State Tax Stamp Law and ensure compliance with tax stamping requirements at all levels of sale. Ensure compliance with cigarette contraband statutes. This includes working with the Department of Taxation to implement a new digital track and trace "smart" (aka "fancy") stamp system which would allow instant access to an accurate inventory of cigarette stamps in the State, enabling the Tobacco Enforcement Unit investigators and attorneys to monitor and investigate cigarette sales in furtherance of the unit's statutory obligations.

Develop Electronic Smoking Device Retailer Registration Unit administrative rules, protocols, and procedures for the retail sale of electronic smoking devices and related products in furtherance of

statutory requirements in chapters 28 and 245, Hawaii Revised Statutes.

Continue to develop and promote legislation with other state stakeholders, including the Department of Health and the Department of Taxation, to ensure that electronic smoking devices and related "vaping" materials are properly taxed and regulated, to better protect Hawaii's youth from the vaping epidemic.

**Target:** The target date for this action plan is ongoing.

**Goal 5:** **Through the Internet Crimes Against Children Unit, serve as the task force head and continue the efforts towards protecting minors from the harm that is caused by offenders who use computers, cellular phones, and Cyberspace to facilitate their crimes.**

**Objective:** Increase the investigative capabilities of federal, state, and local law enforcement officers in the detection, investigation, and apprehension of offenders of Internet crimes against children, including technology-facilitated child exploitation offenses.

**Action Plan:** Recruit, hire, and train personnel; conduct proactive and reactive investigations; perform digital forensics examinations; prosecute offenders; and perform public education activities such as Internet safety presentations. The Internet Crimes Against Children Unit must work cooperatively with federal, military, state, and local law enforcement, along with partners in the civilian sector.

**Target:** The target date for this action plan is ongoing.

### **Education Division**

The mission of the Education Division is to provide quality services to all the division's clients, which include the Department of Education with all 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, the Early Learning Board, and the School Facilities Authority.

The measure of the Education Division's effectiveness can be seen in some of its accomplishments, as follows:

Over the past fiscal year, the Education Division continued to assist the Hawaii State Library System in monitoring and implementing its consent agreement with



the United States Environmental Protection Agency regarding the elimination of large capacity cesspools located on library property.

The Education Division continued to help the Department of Education develop various COVID-19 mitigation measures, including policies pertaining to vaccination and testing requirements for athletic participation as well as masking at graduation, prom, and other education-related activities.

The Education Division arranged a collaboration with the Department of Education's special education administrators to connect with school-based administrators and employees to discuss various issues arising from special education due process cases that were either settled or resulted in an adverse decision.

**Goal 1: Collaborate with the Department of Education to train and support school-level employees.**

**Objective:** Assist the Department of Education in training its teachers and support staff to develop better individualized education programs and to support the teachers and staff in developing timely and legally sufficient individualized education programs. Meet with the Department of Education monthly to discuss current issues related to due process filings and hearings. Coordinate training schedules and topics for inclusion in training. Determine the best form for training and support to be provided.

**Action Plan:** Discuss issues related to individualized education programs creation and implementation with the Department of Education and determine areas where additional training and support are needed.

Discuss current legal issues among deputies and gain consensus on providing additional training and advice to the Department of Education, including teachers and administrators.

Meet with the Department of Education monthly to discuss current issues.

Formulate a plan or system with the Department of Education to collaboratively provide training and support needed to successfully develop individualized education programs following the conclusion of a current due process case.

Present to and discuss with the Department of Education our ideas and proposals on how the deputies can provide the training and support to the schools following each due process hearing to maximize the lessons learned from each hearing.

**Target:** The target date for this goal is ongoing.

**Goal 2: Assist the Department of Education to reduce its costs of litigation.**

**Objective:** Attorney's fees and costs are awarded as a matter of right to petitioners who prevail in due process hearings. Therefore, any actions taken to reduce the need for hearings, settle cases without hearings, or obtain favorable outcomes in hearings will benefit the Department of Education.

**Action Plan:** Deputies will request and review all relevant information from the school prior to engaging in settlement discussions during mandated resolution sessions.

The supervisor will meet with each deputy to discuss the specifics of the case, the potential liability, and the available options prior to participating in the resolution session.

Deputies will engage with the school staff prior to the resolution session to thoroughly discuss the allegations of the due process complaint and available options.

To increase the ability to gain knowledge and experience from each case and to achieve better outcomes, the supervisor and the deputy will meet after the completion of the resolution session to discuss whether settlement was reached and/or whether continued settlement negotiations are possible or desirable.

**Target:** The target date for this goal is ongoing.

**Goal 3: Assist our Clients with Changes to the Sunshine Law.**

**Objective:** In the recent years, several changes were made to the Sunshine Laws, especially with regard to remote meetings, that impact the way boards and commissions hold public meetings. In order to comply with open meeting requirements, our clients require consistent advice on holding hybrid virtual meetings.

**Action Plan:** Deputies will seek and complete training on Sunshine Law changes via the Office of Information Practices training materials.

Thereafter, the deputies will meet and confer on the changes to the existing law and how best to advise clients during their board

meetings. In that way, the Department will be providing consistent advice across all client boards.

**Target:** The target date for this goal is ongoing.

**Goal 4: Collaborate with Department of Education to Train In-Coming Subordinate Superintendents and Administrators.**

**Objective:** With the hiring of a new Superintendent of schools comes the hiring of new Complex Area superintendents, deputy superintendents, principals, and vice-principals. These individuals may have little experience in their new position and need training on how our office can best support their legal needs. Position-specific trainings will be held throughout the year.

**Action Plan:** Coordinate with the Department of Education on scheduling separate training sessions for new Complex Area superintendents, deputy superintendents, principals, and vice-principals. At these meetings, discuss the legal issues that each is likely to encounter and what to do in response. This includes a description of the legal services available from our office that support their position.

**Target:** The target date for this goal is June 30, 2023.

### **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. We have made a point of making ourselves available to clients for meetings in advance of acting or making decisions. We have met or had telephone contact with the directors or deputies of the Departments of Budget and Finance, Education, Health, Human Services, Hawaiian Home Lands, Labor and Industrial Relations, Land and Natural Resources, Human Resources Development, Public Safety, Transportation, Taxation, Defense, and the Research Corporation of the University of Hawaii.

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.

**Goal 1: Improve the legal knowledge of the attorneys and legal assistants and ensure effective communication with clients.**

**Objective:** Provide quality legal representation to all State clientele in all areas of employment law.

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

Maintain a uniform procedure for addressing employment law claims, including timely responding to requests for assistance or by providing a time frame for a response, encouraging clientele to confer with Employment Law Division staff prior to making certain significant or unusual management and personnel decisions, and establishing regular meetings with clientele to discuss concerns in general.

Establish a small litigation resource committee within the division to assist lead counsel.

**Target:** The target date for this goal is ongoing.

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

**Objective:** Reduce employment law claims.

**Action Plan:** Identify that State clientele that have regular claims brought against them and which demand the most time and attention.

Provide preventive training to State clientele in subject areas that dominate litigation and administrative hearings.

Coordinate training for clientele with other divisions within the Department and other state agencies.

Develop a system of categorizing and inventorying court and administrative decisions for use by legal staff and clientele.

Develop a system to consistently inform clientele of major court and administrative decisions and trends in employment law.

**Target:** The target date for this goal is ongoing.

### **Family Law Division**

The mission of the Family Law Division is to represent state agencies in any Family Court proceedings statewide. The Family Law Division handles all

litigation under the jurisdiction of the Family Court, such as child and adult protection, minor and adult guardianships, involuntary hospitalization, truancy, and juvenile law violation cases where services are provided by our client agencies to one or more of the parties. Clients include the Department of Education, the Department of Health, the Department of Human Services, and the Office of the Public Guardian.

In calendar year 2022, the Family Law Division filed about 266 petitions for involuntary hospitalization, 246 Child Protective Act petitions for children who were subjected to harm or threatened harm by their families, 126 guardianship and eighty-four adoption petitions for children in the custody of the Department of Human Services, and twenty-nine guardianship petitions for incapacitated adults. The Family Law Division also handled thirty-four appeals, thirty of which are still active, including two appeals that required oral argument in August 2022.

**Goal 1:** **Ensure that we are able to provide quality legal representation to our clients on all islands. This goal comes with the challenges of needing staff physically located in each county. The benefits of having staff accessible to clients in each county are great, but the geographical challenges of adapting to and filling in when vacancies occur in one of our neighbor-island offices are a big concern.**

**Objective:** Standardize office operations statewide to increase efficiency and uniformity in the Kapolei, Hilo, Kona, Wailuku, and Lihue offices. Always have staff available on each island who can do whatever is needed to represent our clients in the courts, which will help to build the division's knowledge base, resulting in better representation for our clients.

Because of the division's presence in all counties, assist the other divisions in the Department in filing routine pleadings, as necessary, and provide space and equipment for other divisions during long neighbor island trials.

**Action Plan:** Maintain a backup plan for unplanned or unexpected absences in neighbor island offices. Identify deputies who are able to travel and handle an unfamiliar case with little lead time.

The cross training involved in Family Law Division goes above the Department's cross training goals because of the need for deputies to sometimes travel to a neighbor island to cover work in a different location. Cross training involves training new deputies on the job, through informal mentoring by senior deputies, and exposing all deputies to all of the different required areas of client service.

In the Kapolei office, which is the division's largest, three lead deputies help to mentor newer deputies as they rotate through the various areas. Deputies on neighbor islands do not have sufficient numbers to allow for rotations, so they have to perform all tasks in all categories of Family Court litigation. When an Oahu deputy covers for a neighbor island deputy, it is crucial for the Oahu deputy to be familiar with all of the required tasks in addition to those the deputy might specialize in on Oahu.

Prioritize work through case and staff reassignments.

**Target:** The target date for this goal is ongoing.

**Goal 2: Be prepared for trials and other hearings that happen on a daily basis.**

**Objective:** Ensure that all deputies are performing optimally in their representation of clients in court and meeting the clients' needs.

**Action Plan:** Meet regularly with the Family Court judges in each circuit to work on practical, systemic problems and develop solutions to problems as they arise.

Review court performance through regular observation and the solicitation of client and court feedback.

Meet with clients on a regular basis. The division already meets monthly with its largest client, Child Welfare Services. The division also meets regularly with the Departments of Health and Education, and the Office of the Public Guardian on a regular basis.

**Target:** The target date for this goal is ongoing.

**Goal 3: Maintain rapport with the other divisions that provide advice and counsel to the same client agencies that Family Law Division represents in Family Court.**

**Objective:** Address issues collaboratively, as they arise.

**Action Plan:** Communicate regularly with other divisions regarding the rules and policies of our mutual clients, which might affect how we represent our clients in Family Court. Meet monthly with the respective division supervisors.

**Target:** The target date for this goal is ongoing.



**Goal 4: Continue to adapt to the restrictions and hardships arising from the COVID-19 pandemic.**

**Objective:** Provide a seamless continuum of services to our clients and the courts, even with periodic court closures when active cases of COVID-19 are detected.

**Action Plan:** Continue to meet virtually with clients on a regular basis, as the need may arise, to advise them of any changes in procedure at the Family Court.

**Target:** The target date for this goal is ongoing.

### **Health Division**

The mission of the Health Division is to provide quality legal services to support the work of the Department of Health, comprised of over thirty-five different and distinct offices/branches whose subject matter ranges from medical marijuana to mental health, environmental regulation and enforcement to emergency medical services, and health facility licensing to disease prevention and control, in addition to its various attached entities, boards, and commissions. The Health Division provides advice, counsel, and representation in various courts and administrative proceedings, including multi-state litigation and appellate work. The division also advises members of the Hawaii Legislature when questions arise involving health-related issues.

Some of the higher profile work of the division includes supporting the legal needs of the Department of Health in addressing and preventing the spread of COVID-19, and now monkeypox, the Red Hill fuel spill, defueling, closure and clean-up, the Puna Geothermal operations, pollution at Kikiaola Small Boat Harbor, and Lahaina Wastewater and Reclamation Facility permitting.

**Goal 1: Recruitment, hiring, and training of attorneys and staff. While this is among the Department's goals, it is one of the Health Division's priorities, due to vacancies caused by retirements and transfers, and out-of-state moves.**

**Objective:** Sustain quality and timely legal services through sufficient personnel, training, and supporting expertise.

Maintain the division's ability to be responsive and timely with quality legal advice and representation, despite increasingly reduced resources.

**Action Plan:** To the extent allowed, hire personnel to fill attorney and staff vacancies, which currently equates to more than twenty-five percent vacancy in personnel, resulting in an unsustainable reallocation of duties to the remaining deputies and staff.

Focus on job recruitment to fill vacancies.

In the interim, plan team approaches (utilizing personnel from within the division and across the Department) to particularly large projects that can be shared among deputies and staff.

Continue training efforts on general practice and specific subject matter topics.

Additional cross-training of personnel to enhance and expand areas of knowledge and capability to facilitate flexibility, support more efficient problem solving, and minimize disruptions.

**Target:** The target date for this goal is ongoing.

**Goal 2: Enhance the knowledge and efficiency of the client.**

**Objective:** Improving outcomes for the client. The better the client's work product, the better the eventual outcome of a given issue.

**Action Plan:** Train the client in various identified areas of need. Some of these areas include contract writing; risk management; documentation; and document production.

Work with clients to prioritize assignments.

Periodic meetings with Department of Health leadership.

**Target:** While the foregoing items are already in place to some degree, the status and effectiveness of each action item and potential improvements are assessed on a continuing basis.

### **Human Services Division**

The mission of the Human Services Division is to provide excellent legal services and support in a timely manner to our assigned client agency, the Department of Human Services. The division provides advice and counsel to the Department of Human Services programs and its administratively attached agencies, and represents client programs in court and administrative hearings, including appeals from decisions in those forums. We also advise the Office of the

Governor, the Attorney General, and the Legislature on a broad range of human services issues.

The Human Services Division has trained toward and advanced the goal of working collaboratively with the various client divisions to help the Department of Human Services in its goal of serving the public in a "whole family" or "Ohana Nui" paradigm. Within the division, the deputies have succeeded in cross-training efforts set out in past goals. Each deputy takes on responsibilities outside of their usual assigned areas by, for example, working with unfamiliar programs and investing considerable time on Department-wide projects and committees. We collaborate frequently with other divisions within the Department to provide support and expertise in areas such as security, confidentiality, collections, and civil rights litigation, among other areas, and are frequently called upon to advise Boards or Hearing Officers for other divisions' clients, such as the Department of Health, the Department of Transportation, and the Department of Land and Natural Resources.

Additionally, Human Services Division deputies support initiatives to improve the Department's services and integrity by participating in committees such as the Appellate Opinion Review Committee, the Ethics and Conflicts Committee, the Contracts Committee, the Training Committee, the Privacy Workgroup, and the IT Contracts Workgroup, which was initiated by and is led by a Human Services Deputy.

In addition to the Department's common goals, the following is a specific goal for the Human Services Division:

**Goal:** **Improve the knowledge and capabilities of our clients at the Department of Human Services to achieve a greater level of skill, confidence, and success in the social workers when they appear before a hearings officer or judge.**

**Objective:** Ensure that the Department of Human Services' social workers have the knowledge and skills to make decisions within the scope of their enabling statutes and administrative rules and can confidently defend those decisions before administrative hearings officers and judges.

**Action Plan:** The deputies regularly provide training for the clients on contract review and confidentiality issues. We plan to increase the frequency of those trainings and schedule them on a regularly recurring basis. We also have provided training on investigations and report writing for enforcement actions which will be updated and presented regularly as needed. In 2021 we presented a training on the administrative appeals process generally, to one of our client divisions. At that training we presented the differences

between administrative hearings and court hearings. We are currently developing new training, more specific to the practical aspects of preparing and appearing at administrative appeals and in civil litigation, which will include modules on report writing and testifying before an Administrative Hearing Officer or a judge. We are also currently preparing to deploy training on data sharing and how to develop and monitor data-sharing agreements between our client and private entities or other government agencies.

**Target:** The target date for this goal is ongoing and continuous.

### **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 the boards and agencies administratively attached to it. The attached agencies include the State Fire Council, the Office of Community Services, and the Workforce Development Council. Among the divisions within the Department of Labor and Industrial Relations are the Unemployment Insurance Division, Disability Compensation Division (workers' compensation), Hawaii Occupational Safety and Health Division, and Wage Standards Division (unpaid wages and minimum wage). In connection with its enforcement of the various labor laws, the Labor Division collects penalties, fines, and reimbursements. The division also provides legal advice and representation to the Employees' Retirement System's Medical Board.

The measure of the Labor Division's effectiveness can be seen in some of its accomplishments, as follows:

We provided and continue to provide the Department of Labor and Industrial Relations advice, counsel, and representation as issues continue to arise because of the pandemic, relating to implementing provisions of the CARES Act, the Continued Assistance Act, and the American Rescue Plan Act, mainly with respect to the provision of unemployment benefits.

Last year we assisted the Department of Labor and Industrial Relations with legislation to amend the unemployment insurance law to provide that the employer unemployment tax would be at a lower rate than what employers, by law, would have had to pay for calendar years 2021 and 2022 because of the high unemployment rates due to the COVID-19 pandemic, allowing tax relief for employers. This year we assisted the Department of Labor and Industrial Relations with legislation to reduce the high unemployment tax that employers would have had to pay for calendar years 2023 to 2030 by amending the definition of the adequate reserve fund to exclude the benefit cost rate from June 2020 through August 2021.

We assisted and continue assisting the Department of Labor and Industrial Relations regarding contract matters, its modernization projects, and issues with various entities, including federal and state agencies.

We also successfully upheld the Department of Labor and Industrial Relations' application of its unemployment insurance laws in the favorable decision of *Nishi v. Dep't of Labor and Indus. Relations*, CAAP-21-0000445 (Haw. Ct. App. 2022). In *Nishi*, the ICA upheld the agency's determination that the claimant was disqualified from receiving unemployment benefits because he quit work without good cause under the unemployment insurance laws. The claimant alleged that he was discharged, but the ICA held that the agency properly applied the law regarding a quit and not a discharge. The ICA further held that the substantial evidence supported the agency decision that the claimant quit without good cause and showed that the claimant submitted a written resignation when continued work was available to him and that he did not attempt reasonable alternatives before quitting as required under the law.

**Goal 1: Continue assisting the Department of Labor and Industrial Relations Unemployment Insurance Division in matters arising out of the COVID-19 pandemic.**

**Objective:** Be prepared to assist the Unemployment Insurance Division with its needs related to increased unemployment claims due to the pandemic, as those needs evolve.

**Action Plan:** Allocate division workload to allow deputies sufficient time to assist the Unemployment Insurance Division in COVID-19-related matters and to address the substantial increase in agency appeals in unemployment cases to the Circuit Court.

Maintain ongoing contact with the Unemployment Insurance Division on COVID-19-related matters and agency appeals on issues whether benefits are available under the CARES Act, Continued Assistance Act and American Rescue Plan Act.

**Target:** This is a continuing goal that is likely to last beyond the pandemic.

**Goal 2: Provide guidance and training to the Wage Standards Division due to the Wage Standards Division's significant loss of experienced personnel.**

**Objective:** Assist the Wage Standards Division by meeting with and discussing matters and procedures with the Wage Standards Division on a regular and ongoing basis to address current issues.

**Action Plan:** Training sessions have been provided and more training will continue to be provided on a regular and ongoing basis.

**Target:** This is a continuing goal.

**Goal 3: Assist the Workforce Development Division in the review of apprenticeship rules.**

**Objective:** Maintain ongoing discussions with the Workforce Development Division on a regular basis regarding the adoption of the apprenticeship rules.

**Action Plan:** Deputies are reviewing for discussion the administrative rules regarding apprenticeship with the Workforce Development Division.

**Target:** This is a continuing goal.

**Goal 4: Assist the Department of Labor and Industrial Relations by more efficiently accessing data.**

**Objective:** Continue moving information to a databank. The division has made significant progress in its databank of information and removal of old files that are no longer relevant.

**Action Plan:** Review and move old files to storage or destroy as warranted and maintain a databank of information for future use.

**Target:** This is an ongoing and continuous goal.

**Goal 5: Assist the Department of labor and Industrial Relations with bankruptcy-related matters.**

**Objective:** Help the Department of Labor and Industrial Relations establish a procedure regarding bankruptcy related matters.

**Action Plan:** Deputies will continue to review and discuss the Department of Labor and Industrial Relations' current procedures and discuss a plan going forward especially with respect to its collection matters in bankruptcy cases.

**Target:** While the foregoing items are already in place to some degree, the goals are ongoing.



## **Land Division**

The newly formed Land Division is an offshoot of the former Land/Transportation Division, which provided legal services to both the Department of Land and Natural Resources and the Department of Transportation. In September 2022, the Department divided the Land/Transportation Division into the Land Division and the Transportation Division to streamline operations.

The Land Division advises and represents the Department of Land and Natural Resources, its Board of Land and Natural Resources, and its various divisions and offices, including, the Aquatic Resources Division, Division of Boating and Ocean Recreation, Bureau of Conveyances, Office of Conservation and Coastal Lands Division, Division of Conservation and Resources Enforcement, Engineering Division, Division of Forestry and Wildlife, State Historic Preservation Division, Land Division, State Parks, and the Commission on Water Resource Management. The Land Division also provides services to the numerous attached commissions, boards, and agencies of the Department of Land and Natural Resources, including the Kaho'olawe Island Reserve Commission, Natural Area Reserves System Commission, the Island Burial Councils, Hawaii Historic Places Review Board, Endangered Species Recovery Committee, and the Legacy Land Conservation Commission, and handles various contested case hearings and appeals of decisions by these boards or commissions. The division also prepares or reviews land disposition documents for the Department of Land and Natural Resources and prepares all office lease agreements when state agencies rent private properties as tenants for the Department of Accounting and General Services. The Land Division also advises and represents the Land Use Commission, which is attached to the Department of Business, Economic Development and Tourism.

The Land Division represents the Department of Land and Natural Resources, its attached commissions, boards, and agencies, and the Land Use Commission in contested case hearings or appeals of contested case hearings. The division responds on behalf of the State to all quiet title actions. Last year, the Land/Transportation Division was successful in resolving two Department of Land and Natural Resources cases involving unauthorized shoreline structures.

The division also 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.

The Land Division assists the Department of Land and Natural Resources with the acquisition of land in fee simple or under conservation easements for the protection of natural resources. This year, the division will assist the Department of Land and Natural Resources in acquiring over 1,045 acres of land and obtaining a conservation easement over 2,733 acres of land for the protection of natural resources.

The division advises the Department of Land and Natural Resources on endangered species issues and assists the Department of Land and Natural Resources in the development of habitat conservation plans and obtaining incidental take licenses and permits to mitigate for the take of threatened or endangered species.

**Goal 1: Adapt to the separation of the former Land/Transportation Division into two divisions.**

**Objective:** Ensure a smooth transition for Land Division staff and uninterrupted quality service for our clients.

**Action Plan:** Seek legislative approval for a new legal secretary position and a new legal clerk position.

**Target:** The target date for this goal is ongoing.

**Goal 2: Assist the Department of Land and Natural Resources in increasing enforcement actions in its role as a regulator.**

**Objective:** Increase support to the Department of Land and Natural Resources in several areas of administrative enforcement that require more legal support from the Land Division.

**Action Plan:** Fill open positions for deputies of the Land Division to build more capacity to accomplish this type of project.

Train deputies how to handle both enforcement actions before the Board of Land and Natural Resources and subsequent contested case hearings. Training would encompass roles both as the attorney for the Department as well as the attorney for the tribunal.

**Target:** The target date for this goal is ongoing.

### **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 executive branch agencies and coordinates the review, monitoring, and evaluation of all legislative bills during and after each session of the Legislature. The division's Supervising Deputy Attorney General serves as the Legislative Coordinator of the Department and, other than the Attorney General, is the primary contact for all legislative legal and policy matters. In addition, the division coordinates,

monitors, and reviews the preparation of administrative rules of the Department and, time permitting, may assist other divisions in their review of administrative rules for agency clients. The division often performs the final review of formal opinions issued by the Attorney General and provides staff support to the Commission to Promote Uniform Legislation. The division compiles, edits, and redrafts the Department's annual reports to the Legislature from drafts provided by the responsible divisions.

The division uses an electronic review system that allows accessibility to all work products in out-of-office work settings to enable deputies and staff to complete assignments outside of the office and after normal business hours, as necessary. The paperless system we developed in 2021 allows us to generate assignments, review and edit documents, return documents for correction, advance documents to the Attorney General for final approval, and submit documents to the Legislature or Governor, in most cases without generating hard copies.

During the 2022 Legislative Session, the Legislative Division reviewed and submitted about 350 testimonies of the Department on introduced bills. We also succeeded in getting two deputy attorney general positions added to the division. After the Legislature adjourned, the division reviewed reports to the Governor on 343 bills that the Legislature passed.

The primary goal of the Legislative Division is to accomplish all of its responsibilities in a timely, accurate, and effective manner each year, in order to provide support to the Attorney General and the Executive and Legislative Branches.

The specific goals of the Legislative Division are essentially the same every year, with varied duties during the cycles of the Legislative sessions and the Administration's timetable.

**Goal 1: Coordinate the legal services review of legislative proposals of the Executive Branch and assist with requests by the Legislative Branch relating to possible bills. For 2023, this goal requires flexibility to adapt to the transition from one administration to the next.**

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

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

Develop, draft, review, and edit legislative proposals that the Department seeks to have included in the Governor's bill package.

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

Attend Legislative Coordinator's meetings. Stay informed of requirements for legislative coordinators. Maintain records of the Department's legislative proposals to be used as reminders for the development of new proposals.

Provide training sessions to deputies in the Department who work on legislation to promote their understanding of the requirements of bill drafting and legislative proposal review.

Assign and track the review of legislative proposals by divisions possessing pertinent subject matter expertise, and review proposals multiple times, as necessary.

Assist the Office of the Governor and the executive branch agencies finalize those legislative proposals that the Governor decides to include in the Administration bill package.

Respond to Legislators who seek advice on ideas for bills or assistance in drafting bills.

**Target:** This goal repeats annually.

**Goal 2:** **Coordinate the legal services review of legislative bills that are introduced and pending before the Legislature.**

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

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:** Provide annual training to the Department relating to procedures to review and track legislation and to prepare testimony on bills.

Assign all introduced bills 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.

As necessary, revise procedures to conform to the Governor's Office's tracking systems for the Executive Branch agencies.

Improve the system of paperless testimony review that was initiated in the 2021 Legislative Session to enable all deputies who work on drafting or reviewing testimony to access it even if they are working remotely; and ensure that deputies in the Department who work on legislation have an opportunity through training sessions to understand the requirements of bill drafting, the review of introduced bills, and the preparation of testimony as necessary on bills, and the process that should be followed for the review and approval of drafted testimony.

**Target:** This goal repeats annually.

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

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

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

Ensure the timely and accurate preparation of suggested veto documents for the bills with legal issues.

**Action Plan:** Continue to coordinate the review of passed bills with the Office of the Governor to attempt a reasonable bill review schedule; set internal deadlines for the review of passed bills by the assigned divisions before the deadlines set by the Office of the Governor; 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.

**Target:** This goal repeats annually.

**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:** 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.

Ensure that the administrative rules of the Department 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 in order to prepare legal advice; and continue to review proposed administrative rules of the Department.

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

**Target:** This goal repeats annually.

**Goal 5: Coordinate the preparation and submission of the Department's annual reports to the Legislature. The Legislative Division is responsible for keeping track of those reports and coordinating with the responsible divisions to gather information and draft those reports in a timely manner.**

**Objective:** Ensure that all necessary reports are submitted in a timely manner with copies provided to various libraries.

**Action Plan:** Keep a record of the reports that the Department is responsible for submitting annually to the legislature. Monitor each year's session to determine if new reports are required.

Review and edit drafts of reports and resolve questions or concerns with the drafting division prior to submission to the Attorney General for final approval. The review includes confirmation of the statutory or other mandate for the reports, verification that all requirements for the reports are included, checking cited references to substantiate content, and double-checking math in tables related to financial reporting.

**Target:** This goal repeats annually.



**Goal 6: Assist in the promotion of uniform state laws.**

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

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; continue to prepare bills to enact uniform laws for introduction by legislators, and continue to annually prepare a report to the Legislature on the activities of the National Conference and the Commission to Promote Uniform Legislation.

**Target:** This goal repeats annually.

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

In support of the Department's overall mission, 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 Crime Victim Compensation Commission), the Department of Hawaiian Home Lands, the Department of Law Enforcement (newly established in 2022), the Hawaii Housing Finance and Development Corporation, and the Hawaii Public Housing Authority.

We will accomplish our goals and objectives by fostering a sense of ownership over the work of the division, maximizing and leveraging available resources, and seeking additional resources and assistance when necessary. We will simultaneously maintain the high moral and ethical standards of the Department.

**Goal 1: Maintain a culture of ownership, integrity, diligence, and fairness.**

**Objective:** Instill a sense of ownership, accountability, and shared service in division personnel. Division members will take initiative on assignments and exhibit team-oriented attitudes.

**Action Plan:** Empower personnel to make decisions affecting their work by delegating responsibility and authority to the extent possible without compromising the timeliness or quality of work product.

Ensure that everyone understands the reasons behind policies and procedures as well as individual assignments. Sound decision making by employees in performing individual tasks is not possible without an understanding of broader mission objectives.

When mistakes are made, ensure that corrective action is taken by the employee directly responsible, as well as all those responsible for supervising the task. Identify measures to prevent similar mistakes from happening in the future.

Encourage open communication among and between deputies and staff, including giving and receiving constructive criticism, both up and down the chain of command.

**Target:** This is an ongoing and continuous process.

**Goal 2:** **Provide quality advice and legal representation to the clients we represent.**

**Objective:** Ongoing training of deputies and staff with timely and effective work-product.

Regular and ongoing evaluation of work-product and processes.

**Action Plan:** Attendance at Department training events is highly encouraged. Department training events also form the basis for more detailed, in-house training at the division level.

Brief training will be given to the division's deputies after every division meeting. Heavy emphasis is placed on fundamental skills such as legal research and writing, case assessment, and verbal communication. Deputies are also encouraged to engage in self-study to broaden their knowledge base.

Provide staff access to training in legal support fields. Provide opportunities for staff to conduct in-house training to reinforce the skills learned.

Deputies will undergo regular evaluations in addition to their annual performance reviews. The division supervisor will meet regularly with staff to better understand any issues affecting performance or morale. Deputies and staff will also evaluate the division supervisor's performance through either direct or anonymous feedback.

Deputies and staff will conduct debriefing after significant litigation filings and hearings and other major events such as deal closings and project completions.

**Target:** The target date for this goal is ongoing and continuous.

**Goal 3: Render competent legal services even when resources are strained.**

**Objective:** Maximize output while maintaining morale and employee wellbeing. The measure of success will be whether the division is able to accomplish its mission.

**Action Plan:** An appreciation of the Department's and division's mission, as well as a culture of ownership and shared service, is critical to sustaining morale in the mid to long-term. Care must be taken to maintain the well-being of the employees in the division. Deputies, staff, and the division supervisor must communicate openly and honestly to prevent any unfair or unreasonable distribution of work.

When the division is short-handed due to vacancies or absences, deputies will need to cover for each other by performing legal work that may be outside their area of expertise. Deputies may also be required to devote extra hours to ensure client work is completed.

We will also request assistance from other divisions when necessary. Similarly, we will fully assist other divisions when requested.

We will update litigation and other related forms and standardize operations, where possible, to improve efficiency.

In a worst-case scenario, we will consult with clients to prioritize matters such that low-priority assignments will be completed at a later time. We will assign the highest priority to matters that involve direct and significant impacts on the public or indirect but significant impacts on health and safety. Lower-priority levels will be established through client consultation.

**Target:** The target date for this goal is ongoing and continuous.

### **Special Investigation and Prosecution Division**

The Special Investigation and Prosecution Division is composed of the Corruption, Fraud, and Economic Crimes Section and the Human Trafficking

Abatement Section. The division's mission is to investigate and prosecute public corruption and human trafficking cases ethically and efficiently.

**Goal 1: Achieve full staffing.**

**Objective:** The Special Investigation and Prosecution Division is a newly created division consisting of the following positions: a supervising deputy attorney general, five deputy attorney generals, three forensic analysts, seven investigators, a human trafficking abatement coordinator, a human services professional, two legal assistants, and two legal clerks. The goal is to have all positions filled by the best possible candidates.

**Action Plan:** Coordinate with the Department's Administrative Services Office to create and post the positions that need to be filled. Network within the Department and the local law enforcement community to recruit and hire talented criminal trial lawyers, analysts, investigators, and staff. A primary focus will be hiring employees with a team-first attitude.

**Target:** December 31, 2022.

**Goal 2: Create a policy and procedural framework for the division.**

**Objective:** Draft and implement internal policies and procedures to ensure ethical, comprehensive, and legally sound investigations and prosecutions.

**Action Plan:** Once the division is sufficiently staffed, we will implement a 90-day plan to create and implement policies and procedures. Several employees, including a deputy attorney general, an analyst, and an investigator, will be assigned to take the lead for drafting policies and procedures governing their respective roles and the workflow within the division. After first drafts are completed, the division will form a workgroup to gain consensus and finalize the policies and procedures.

**Target:** March 30, 2023.

**Goal 3: Create a case management system for the division.**

**Objective:** Use SharePoint, iManage, or another computer program to create a case management system for the division. The goal is for the division to be able to function using a secure cloud-based system.

**Action Plan:** Create a uniform case management system, whether through SharePoint, iManage, or another computer program. The division's technological infrastructure shall securely store investigative materials, casefiles, and confidential attorney work product. In addition, the division shall create and implement a uniform system to input materials into the case management system. The division will collaborate with the Department's Information Systems and Technology Unit to achieve this goal.

**Target:** December 31, 2022.

**Goal 4:** **Coordinate with human trafficking related service providers to bring awareness to the public on the issue.**

**Objective:** Lead outreach into the community by coordinating with various human trafficking-related service providers to bring awareness of the issue to the broader community, especially as it relates to Native Hawaiian and Other Pacific Islander trafficking victims.

**Action Plan:** There are numerous service providers diligently working to help human trafficking victims. The division will coordinate with those service providers to provide effective outreach to the community at large.

There will be several points of emphasis. First, the division will work to educate workers in the hospitality and hotel industries so they can identify potential human trafficking activity and notify law enforcement. Second, the division will pursue working with a local non-profit to create a mandatory diversion program that provides education to first-time sex trafficking purchasers. Third, it is imperative that the division engages in significant outreach to underserved populations within the Native Hawaiian and Other Pacific Islander communities. The division will coordinate with service providers that focus on those communities to provide education and services.

**Target:** The target date for this action plan is ongoing.

**Goal 5:** **Draft proposed legislation to combat public corruption.**

**Objective:** To work within the Department to propose new criminal statutes designed to specifically address public official misconduct and government fraud.

**Action Plan:** Coordinate with the Department's Legislative and Criminal Justice Divisions to draft legislative proposals. Specifically, there may be a

need to add criminal statutes addressing official misconduct and government fraud. The division will assign a deputy or deputies to survey statutes across the country and draft proposed legislation that effectively addresses those areas of concern.

**Target:** The target date for this action plan is ongoing.

### **Tax and Charities Division**

The Tax and Charities Division provides legal representation and counsel to the Department of Taxation, boards and commissions that are placed within the Department of Taxation, and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and the provision of legal advice and opinions. The division also oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations, and is responsible for the oversight and enforcement of Hawaii's charitable solicitation laws under chapter 467B, Hawaii Revised Statutes. The division also administers the State's online registration system for charitable organizations and their professional solicitors and professional fundraising counsels that solicit contributions in Hawaii. There are currently over 8,400 charities and over 200 professional solicitors and professional fundraising counsels on the Department's charities registry.

The Tax and Charities Division has increased its enforcement focus on bringing registered charitable organizations current with the State's annual financial reporting and filing fee requirements. In approximately the last six months, this effort has resulted in the issuance of 130 notices of violation, the suspension of fifty-five organizations from the Department's charities registry, and the collection of nearly \$50,000 in late filing fees and administrative penalties. The division has also focused on the enforcement of Hawaii's charitable solicitation laws by issuing thirty-five notices to unregistered charitable organizations found to be conducting charitable solicitations without registering with the division. These ongoing enforcement efforts serve two equally important purposes: (1) it allows the public access to the most current information about the charities on the Department's registry via the division's website to assist potential donors in making informed giving decisions; and (2) it provides the Attorney General information and authority to detect and prosecute unlawful conduct as it relates to charitable fundraising in the State.

Furthermore, the Tax and Charities Division assisted the Department of Taxation collect more than \$3.3 million in taxes from the court cases it handled last fiscal year. Collection of taxes includes amounts received by the Department of Taxation pursuant to settlement, amounts collected in bankruptcy, foreclosure and trust cases, and amounts that the Department of Taxation is entitled to collect, or does not have to refund, pursuant to court order or judgment.



**Goal 1: Provide legal advice and representation to the Department of Taxation and boards and commissions that are placed within the Department of Taxation.**

**Objective:** Assist the Department of Taxation in its administration and enforcement of the State's tax laws.

**Action Plan:** Continue to prosecute the State's tax claims and defend the State in tax appeals, bankruptcy, foreclosures, and other actions involving taxes administered by the Department of Taxation, with appropriate consideration of the issues, amounts, collectability, and other factors, including those impacted by the COVID-19 pandemic.

Continue advising the Department of Taxation on proposed legislation, administrative rules, and interpretations of laws, including recommendations on possible legislation to close unintended loopholes or to improve tax administration, and assisting the Department of Taxation in its efforts to identify tax violators and potential new sources of tax revenue.

Continue to advise and protect the Department of Taxation regarding privacy issues related to taxpayer tax returns and return information made confidential by sections 235-116 and 237-34, Hawaii Revised Statutes.

Continue to advise the Department of Taxation and its boards and commissions on Sunshine Law and Uniform Information Practices Act requirements and proceedings pursuant to chapter 91, Hawaii Revised Statutes.

With respect to court cases, continue to monitor and participate in litigating and resolving cases as appropriate. Continue to review legislation, administrative rules, cases, and other information that may affect the Department of Taxation.

Advise and represent the Department of Taxation in connection with subpoenas and other requests for confidential taxpayer information.

Review annually how the division has met its objectives.

**Target:** The target date for this goal is ongoing and continuous.

**Goal 2: Regulate charitable trusts, public charities, and nonprofit entities, including private foundations.**

**Objective:** Ensure that such organizations are properly fulfilling their charitable purposes and enforce Hawaii's charitable solicitation laws.

**Action Plan:** Continue to monitor and represent the Attorney General in her capacity as *parens patriae* to represent the public's interest in the protection of charitable assets and continue to enforce Hawaii's charitable solicitation laws.

Continue to enforce Hawaii's charitable solicitation laws under chapter 467B, Hawaii Revised Statutes, and section 431:1-204, Hawaii Revised Statutes, requiring the registration and bonding of professional solicitors and professional fundraising counsel and annual certification by charities issuing charitable gift annuities.

Educate the public on how to make informed giving decisions and avoid charity scams, and provide information about charitable organizations and Hawaii's charitable solicitation laws.

**Target:** The target date for this goal is ongoing and continuous.

### **Tort Litigation Division**

The Tort Litigation Division provides legal defense for personal injury lawsuits and claims made against the State, its departments and agencies, and its employees. This division litigates cases in state, federal, and appellate courts. The Tort Litigation Division drafts pleadings, motions, and briefs, investigates claims, conducts discovery, and otherwise litigates and defends cases at administrative hearings, court hearings, arbitrations, mediations, trials, and appeals.

The Tort Litigation Division also occasionally provides legal defense for civil rights claims made against state employees when there is a conflict of interest between or among several defendant employees in one lawsuit.

The Tort Litigation Division carries a heavy case load in which the monetary exposure to the State can be over \$1,000,000. During the past fiscal year, the division was successful in obtaining dismissal of some cases through dispositive motions. The division also successfully reached reasonable settlements of several cases with potential for high verdicts.

**Goal:** **Maintain the respect of the judiciary and our clients by providing the best defense possible for the State and its agencies and employees.**

**Objective:** Thorough and effective litigation and effective client communications.

**Action Plan:** Proactively litigate civil lawsuits in defense of the State, its departments and agencies, and its employees when they were acting within the scope of their employment.

Continue to work hard to thoroughly prepare cases for dispositive motions, trial, and/or favorable settlement when liability is clearly adverse to the State.

Maintain effective communications with the client departments, agencies, and/or defendant employees so that we can effectively litigate our cases.

Provide recommendations to our clients for more efficient and effective operations.

**Target:** The target date for this goal is ongoing and continuous.

### **Transportation Division**

In September 2022, the Department divided the Land/Transportation Division into the Land Division and the Transportation Division in order to streamline operations. The newly formed Transportation Division provides legal services to the Department of Transportation.

The Transportation Division advises and represents the Department of Transportation, including its Airports, Harbors, and Highways divisions. The division continues to handle Department of Transportation procurement protests, often involving large contracts, and other related litigation. The division reviews contracts, real-property acquisition and disposition documents, administrative rules, and proposed legislation related to transportation issues.

For the Department of Transportation Airports Division, the division reviews and advises on issues relating to airport concession agreements and provides services relating to the Airports Division's compliance with Federal Aviation Administration grant assurance requirements. For the Department of Transportation Highways Division, the division assists the Highways Division with state eminent domain actions on behalf of the state highways program. For the Department of Transportation Harbors division, the division handles vessel impoundment matters and provides support with projects involving federal agencies such as the Coast Guard and the Army Corps of Engineers.

The Transportation Division continues to assist the Department of Transportation with emergency proclamations issued for emergency work on roadways and harbors. The division provides services to commissions, boards, and agencies attached to the Department of Transportation, including the Medical Advisory Board and the Highway Safety Council.

**Goal:** **Improve consistency and efficiency in Department of Transportation processes and operations.**

**Objective:** Continue to develop forms and checklists for various Department of Transportation processes and operations to provide for better and more efficient handling of similar requests.

**Action Plan:** Fill open positions for deputies of the division to build more capacity to accomplish this type of project.

In consultation with the Department of Transportation, continue to develop checklists of information needed from the Department of Transportation for deputies to complete assignments and continue developing forms for similar matters. This will reduce back and forth communications when information is missing and allow for faster and more efficient handling of assignments.

**Target:** The target date for this goal is ongoing.

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

The Department is divided into six professional services divisions or autonomous units within larger divisions, each with its own goals and objectives in addition to the common goals and objectives of the Department.

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

The Child Support Enforcement Agency aids children and families by collecting, disbursing, and enforcing support payments (both financial and medical) owed to custodial parents. In some cases, the agency collects and disburses reimbursements to the Department of Human Services for public assistance provided to the child and family. The agency's missions are to promote the well-being of children and the self-sufficiency of families through the timely and effective operation of its responsibilities while providing excellence in customer service.

The Child Support Enforcement Agency has a partnership with the Federal Office of Child Support Enforcement, whereby the agency receives 66% federal

matching funds to meet its operating costs, requiring only 34% to be paid by the State's general fund. Both the Child Support Enforcement Agency and the Federal Office of Child Support Enforcement are committed to improving operations and service to families.

This past year, the Child Support Enforcement Agency implemented a mobile app feature to provide a convenient and easy way for obligors to pay their monthly child support. For State Fiscal Year 2021-2022, the agency collected and disbursed to families over \$108 million in child support. The agency also collected approximately \$6.6 million in public assistance cases and distributed the state share to the Department of Human Services as general funds.

**Goal 1: Enhance performance in the five categories identified by the Federal Office of Child Support Enforcement to measure agency effectiveness<sup>1</sup>.**

**Objective:** Achieve an increase in the performance percentage reported on the annual OCSE-157 report. The OCSE-157 report is a statistical report submitted to the United States Department of Health and Human Services at the end of every federal fiscal year evaluating the effectiveness of each state's Child Support Enforcement program.

Increase the number of paternity establishments.

Increase the number of orders establishing financial and medical support.

Increase collections of current child support.

Increase collection of past-due child support.

Increase the agency's cost-effectiveness.

**Action Plan:** Improve the Child Support Enforcement Agency's ability to locate non-custodial parents and employers in order to establish orders for support and then collect on the obligations.

Continue to train staff to initiate conversations about current support obligations and past-due balances with non-custodial

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<sup>1</sup> The Five Performance Measures are (1) Paternity Establishment Percentage, (2) Support Order Establishment, (3) Current Collections, (4) Arrearage Collections, and (5) Cost Effectiveness.

parents to encourage voluntary payments and compliance with court orders.

Continue to update and improve the agency's website and communication with case participants to convey the agency's willingness to work with parties.

**Target:** The target date for this goal is ongoing.

**Goal 2:** **Enhance service to case participants through the development of online portals and outreach programs.**

**Objective:** Improve case participant satisfaction by improving accessibility to services.

**Action Plan:** Continue to enhance the Child Support Enforcement Agency's website to provide more information and answer frequently asked questions to reduce the need for in-office visits or customer service calls.

Develop a secure customer service portal that gives case participants more access to case information and the ability to submit forms online.

Develop an agency portal so staff can access analytic dashboards and reports that will help them be more proactive and responsive to case participant needs.

**Target:** The target date for this goal is ongoing.

**Goal 3:** **Increase participation in the non-custodial parent employment program.**

**Objective:** Help obligors find employment so they can provide the court-ordered financial support to their children and reduce their debt.

**Action Plan:** Identify obligors who have not made a child support payment in 6 months

Send information about the program to obligors with an invitation to attend an information session.

Regularly hold information sessions where obligors can immediately meet with the Child Support Enforcement Agency and employment program staff to complete the intake and referral process.



**Target:** The target date for this goal is ongoing.

**Goal 4:** **Ensure the continued operation of the Child Support Enforcement Agency's statewide computer system as a federally certified system.**

**Objective:** Move the agency's certified statewide computer system, known as "KEIKI", which was implemented in 1998, from the state mainframe and into the cloud to prevent unanticipated system disruptions and failures due to outdated and unsupported technology.

**Action Plan:** Complete the approval process to move forward with the modernization project.

Identify and perform data clean-up of existing system records to ensure a successful modernization/migration

**Target:** The target date for this goal is one year.

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

The Crime Prevention and Justice Assistance Division serves as the central agency to provide the Attorney General with the information and resources needed to address crime and crime prevention. The division 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; and
- Supporting the Hawaii Sexual Assault Response and Training program and the statewide standards for responding to sexual assaults.

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

The Crime Prevention and Justice Assistance Division's missions are to assist the criminal justice system agencies to improve service delivery and to promote the involvement of communities in the prevention of crime.

The division includes the Community and Crime Prevention Branch, the Grants and Planning Branch, the Juvenile Justice Information System, the Missing Child Center – Hawaii, Research and Statistics Branch, and the Hawaii Sexual Assault Response and Training Program.

The following are some of the Crime Prevention and Justice Assistance Division's accomplishments in FY 2022:

- Launched E-grants, a web-based grants management system, in March 2022. In the first two months, twenty-nine electronic applications (from twenty-four non-profit 501(c)(3) service providers and five government agencies) were submitted for federal funding to benefit victims of crime.
- Received \$7.8 million in federal formula grants and distributed the grants to local and state government criminal justice agencies and non-profit community service providers.
- Participated in seventeen multi-disciplinary teams, including a minimum of five state, county, federal, private, and/or non-profit agencies, to improve the State's response to victims, crime, and crime prevention.
- In partnership with law enforcement, completed twenty-five presentations (mostly online) on Keeping Safe in Cyberspace, an Internet Safety presentation for elementary and middle school students. Approximately 3,606 students attended.
- Launched the Hawaii National Incident-Based Reporting System dashboard that provides the public with crime data (offense type, arrestee, victim) for person offenses, intimate partner crime, hate crime, and other offense categories.
- In calendar year 2021, assisted county, state, and federal law enforcement in 376 recoveries involving 124 children. There was a record number of cases (400) and recoveries (376).

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

**Objective:** Leverage resources to address crime-related issues. Increase the number of grants administered and tangible benefits from the grant-funded projects.

Increase the number of victims served and actual improvements to the criminal justice system.

Accept and process referrals from law enforcement and Child Welfare Services to the National Center for Missing and Exploited Children for missing foster children per federal law and to the Missing Child Center - Hawaii for any missing children.

**Action Plan:** Seek, apply for, and administer federal and state funding to improve criminal justice response to crime and services to victims of crime, and provide workshops on grant administration and reporting for new recipients and basic grant writing for interested applicants.

Participate in multi-disciplinary, multi-jurisdictional working groups to leverage resources to address statewide issues that include victim services, sexual assault, domestic violence, offender recidivism, substance abuse, risk to vulnerable populations, and missing children.

Maximize and coordinate resources to benefit the Crime Prevention and Justice Assistance Division and its stakeholders by seeking and applying for technical assistance from technical assistance providers, such as National Center for Missing and Exploited Children, National Criminal Justice Training Center, National Criminal Justice Association, and Office for Victims of Crime Training and Technical Assistance Center.

Address public safety and public health issues related to illicit and prescription drugs by collecting and properly destroying unused prescription drugs and conducting community presentations on preventing misuse and abuse of prescription drugs.

Improve coordination among local, state, and federal law enforcement, courts, social services, victim service providers, and national organizations to enhance their assistance to missing children who are highly vulnerable to assault, sexual exploitation, substance abuse, or death while missing.

**Target:** The target date for this goal is ongoing.

**Goal 2:** Collaborate with communities, government agencies, and service providers to address crime-related issues with training, conferences, and meetings.

**Objective:** Increase the number of trainings, projects, and activities conducted in partnership and/or collaboration with other groups. Collect evaluations from the trainings to document the benefits of the training.

**Action Plan:** Increase public awareness of how to prevent identity theft and sex assault; how to prevent crimes against visitors and community members; how to use the internet safely; and how to mobilize the community in these efforts.

Continue the implementation of the Hawaii State Victim Assistance Academy to improve or enhance victim services 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 who provide direct services to crime victims, victim advocates that had minimum training, project staff that receive funding from the Victims of Crime Act Victim Assistance grant, and, if space is available, other police, prosecutor and judiciary advocate staff, and victim service providers. Training will be recorded for future usage and will be held virtually and in-person.

**Target:** The target date for this goal is ongoing.

**Goal 3:** Conduct research on adult criminal offender recidivism in Hawaii as a result of the Interagency Council on Intermediate Sanctions' evidence-based policies and practices applied to parolees and felony probationers.

**Objective:** Provide documentation of objective research findings and evidence-based recommendations to Interagency Council on Intermediate Sanctions agencies (principally the Hawaii State Judiciary, Department of Public Safety, and Hawaii Paroling Authority).

**Action Plan:** Follow the Interagency Council on Intermediate Sanctions Strategic Plan activities and timeline.

Provide research-driven information on crime and justice in Hawaii.

Utilize available resources to enhance data-driven and evidence-based research capacity and policy-relevant recommendations throughout the criminal justice system.

**Target:** The target date for this goal is ongoing.

**Goal 4: Provide timely and complete information to criminal justice practitioners and policymakers.**

**Objective:** Improve the Juvenile Justice Information System.

**Action Plan:** Provide for a disaster recovery site for the Next Generation Juvenile Justice Information System. This requires a system migration to the Office of Enterprise Technology Service Government Privacy Cloud.

**Target:** The target date for this goal is December 2022.

**Goal 5: Continue development of the state repository program for the National Incident-Based Reporting System that expands the crime reporting data provided by the county police departments.**

**Objective:** Certify the Maui and Hawaii Police Departments for participation in the National Incident-Based Reporting System version of the Uniform Crime Reporting Program.

Enhance and improve the Hawaii Uniform Crime Reporting Program's ability to process analyze, and report National Incident-Based Reporting System data.

**Action Plan:** Complete the statewide National Incident-Based Reporting System transition by assisting and certifying Maui and Hawaii Police Departments' ability to accurately report crime data per National Incident-Based Reporting System standards. The National Incident-Based Reporting System provides substantially more and richer data on the nature and extent of crime as compared to the Uniform Crime Reporting Program Summary Reporting System standards.

Continue to expand and enhance the Hawaii Uniform Crime Reporting Program's National Incident-Based Reporting System data repository and web-based, public facing National Incident-Based Reporting System Dashboard.

**Target:** The target launch date for the Maui and Hawaii Police Department's certification is summer 2023.

The expansion and improvement of the National Incident-Based Reporting System data repository and dashboard are ongoing.

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

The Hawaii Criminal Justice Data Center is responsible for the statewide criminal justice information system, the statewide Automated Biometric Identification System, which includes the statewide Automated Fingerprint Identification System, the statewide mug photo and facial recognition systems, and the statewide sex offender registry. The Hawaii Criminal Justice Data Center also serves as Hawaii's point of contact for the Federal Bureau of Investigation's National Crime Information Center program.

Some of the Hawaii Criminal Justice Data Center's accomplishments over the last year include:

The Hawaii Criminal Justice Data Center: (1) made significant progress in upgrading the Criminal Justice Information System-Hawaii application platform; (2) modified Green Box (statewide booking system) and Lights Out Transaction Controller browser compatibility to improve their accessibility; (3) enhanced fingerprint transaction reporting and archiving; (4) implemented the Software as a Service solution for the Criminal Justice Information System Message Switch environment; and (5) resolved 16,917 delinquent dispositions in the Criminal Justice Information System-Hawaii.

**Goal 1: Continued modernization and development of critical criminal justice systems managed by the Hawaii Criminal Justice Data Center – Criminal Justice Information System-Hawaii, Lights Out Transaction Controller, Green Box, and the Hawaii Integrated Justice Information Sharing.**

**Objective 1:** Complete Criminal Justice Information System-Hawaii browser compatibility to have the Criminal Justice Information System-Hawaii accessible on any browser platform providing application mobility.

Implement federal mandates to the Criminal Justice Information System-Hawaii system to enable multi-factor authentication and transmit data messages using web services and the National Information Exchange Model Extensible Markup Language format.



Enhance the Lights Out Transaction Controller to improve workflows and process transactions more efficiently to improve data processing in both accuracy and performance.

Enhance the Green Box to improve background services for performance and less downtime.

Develop criminal justice information data sharing initiatives via the Hawaii Integrated Justice Information Sharing application.

**Action Plan:** Identify, modify, test, and implement application changes required (1) for functionality in different web browsers, (2) to allow multi-factor authentication, (3) to transmit data via web services and in the National Information Exchange Model Extensible Markup Language format, (4) to process transactions more efficiently, and (5) to process arrests more efficiently and with less downtime.

Identify, develop, test, and implement data-sharing initiatives.

**Target:** The target date for this goal is ongoing.

**Goal 2: Continue Hawaii Criminal Justice Data Center infrastructure improvements and security enhancements.**

**Objective:** Implement a disaster recovery system to minimize Hawaii Criminal Justice Data Center service downtime in the event of an uncontrolled occurrence.

Implement an enhanced backup and replication system for the Hawaii Criminal Justice Data Center applications, network, and data.

Implement enhanced data transmission security features and enhanced security monitoring tools and features.

**Action Plan:** Configure, test, and implement the disaster recovery system.

Configure, test, and implement the backup and replication system.

Identify, modify, test, and implement changes required to enhance data transmission security and to enhance security monitoring, notifications, and alerts.

**Target:** The target date for this goal is ongoing.

## **Investigations Division**

The Investigations Division provides a full range of law enforcement and investigative services at the direction of the Attorney General. The investigators engage in the investigation of felony crimes but also serve in a supportive role in other criminal, civil, regulatory, and administrative matters. The focus is on high-profile, complex financial crimes and public corruption; however, the division serves in any capacity needed by the community, including uniformed response to emergencies. The investigators are both professional and flexible, rising to any challenge or service needed by the community.

The investigators are vested with statewide law enforcement authority pursuant to section 28-11, Hawaii Revised Statutes. The division works in partnership with other law enforcement agencies across the full spectrum of services and emergency response. The investigators are experienced law enforcement professionals with abilities, skills, and training in all aspects of investigation and law enforcement. The investigators conduct thorough, fair, and impartial investigations and provide other valuable law enforcement services. The investigators are committed to protecting the lives, safety, and rights of all people in our community.

The accomplishments of the Investigations Division over the last year include:

One of the ongoing responsibilities of the Investigations Division is enforcement of the Tobacco Master Settlement Agreement. The investigators engaged in inspections, criminal investigations, and enforcement to ensure compliance with the legal requirements of the Master Settlement Agreement under chapter 675, Hawaii Revised Statutes. The investigators diligently enforce the requirements of the agreement to protect minors from exposure to tobacco addiction and mitigate the harm associated with tobacco products. Inspections and criminal investigations of violators ensure both compliance with the law and sustained revenue for public education and health services. Through funding provided by the Tobacco Enforcement Unit, the investigators conducted 1,771 inspections and made thirty-three seizures of illegally imported cigarettes.

The investigators assisted in obtaining a felony theft indictment of a Kauai Police Department employee and perjury charges against a Department of Public Safety employee.

The White-Collar Unit of the Investigations Division arrested eight employees at the Department of Transportation, Airport Maintenance Base Yard, for felony theft charges. The investigation leading to those arrests branched out and led to the arrests of a Public Safety Department's Deputy Sheriff and an Adult Corrections Officer as part of that theft scheme.

The Investigations Division also obtained indictments of various members of the Polynesian Kingdom of Atooi, for their attack on the Office of Hawaiian Affairs.

Additionally, the division's Covered Offender Registration Unit conducted 887 compliance checks and nineteen investigations for indictments and made ten arrests for registration violations.

**Goal 1:** Continue to investigate complex white-collar crimes, public corruption, fraud schemes, identity theft, forgery, securities fraud, money laundering, violations of procurement law by public officials, other financial crimes and support the Criminal Justice Division to prosecute cases in court.

**Objective:** Investigation of serious crimes requires meticulous examination of financial records and other relevant documents and digital information. Vigorous investigation of public corruption is essential to maintain integrity and public trust. The division strives to maintain the highest level of expertise in financial-crimes investigations and ensure that the investigators continue to build experience and expertise in high-profile, high-stake investigations.

**Action Plan:** Conduct in-depth investigations to reveal the anatomy of complex financial crimes and criminal organization, including utilizing search warrants, digital evidence recovery, forensic accounting, and financial analysis to expose fraud, malfeasance, and money laundering schemes and recover misappropriated funds and assets.

Continue to develop digital forensic examination capabilities and digital evidence recovery services. This includes the examination, identification, recovery, and preservation of evidence in digital media, computers, cell phones, digital cameras; and where possible, networked and cloud storage. Maintain these capabilities through continual training and upgraded technology and software as information technology continues to evolve. These capabilities are used for evidence recovery and preservation in white-collar crimes, computer fraud, computers as instrumentalities or targets of offenses, complex frauds and thefts, computer intrusion, phishing, cyber-hacking, money laundering, political campaign finance violations, and other crimes in which computers, cell phones, or other digital devices are used or are repositories of evidence.

**Target:** The target date for this goal is ongoing.

**Goal 2:** Continue to investigate aggravated assaults, robberies, burglaries, auto thefts, arsons, and firearms offenses that arise at Correctional Facilities, the Daniel K. Inouye International Airport, Honolulu Harbor, and other areas of state jurisdiction in direct support of the Sheriff's Division and Harbor Police.

**Objective:** Continue to develop effective communication and working relationships with other law enforcement agencies and work together to enforce law and order.

**Action Plan:** Fulfill the compelling operational need for felony criminal investigations in support of state law enforcement agencies. The investigators investigate serious crimes, including aggravated assault, robbery, burglary, auto theft, arson, and firearms offenses. The investigators are the lead agents in some murder, suicide, and sexual assault cases in correctional facilities with the support of county police crime scene forensics and laboratory services.

Provide training, crime scene management, and twenty-four-hour response. Investigate leads, prepare cases for charging, prepare arrest warrants, confer with Deputy Attorneys General, prepare charging information, and serve warrants of arrest. In extraditions, consult with the Criminal Justice Division, help prepare complaints and affidavits and perform all required processing, coordinate with requesting agencies, and file documents with the court. Develop and maintain effective communication and working relationships with other law enforcement agencies and work together effectively in crime scenes and in the identification of suspects.

**Target:** The target date for this goal is on-going.

**Goal 3:** To deter recidivism by convicted sex offenders and prevent sexual assaults on vulnerable members of our community.

**Objective:** Maximize the benefits of partnering with the Hawaii Criminal Justice Data Center in supervising sex offenders.

**Action Plan:** The investigators provide a key component in the overall strategy to prevent sexual assaults through sex offender registration and the investigation of noncompliant sex offenders. This provides a significant deterrent to the population of convicted sex offenders, preventing further predation and victimization. This aligns with the national and state strategy to prevent sexual assaults through management of sex offenders who have been shown to have a high risk of repeating their crimes. The Investigations Division and

the Hawaii Criminal Justice Data Center are closely integrated partners in supervising sex offenders. The division is the primary law enforcement element in the State for investigating violations of chapter 846E, Hawaii Revised Statutes, and mandatory compliance. These are primarily felony crimes, and can involve complexities, including interstate violators, engagement with the population of offenders without permanent residences, and high-risk offenders. The investigators partner with United States Marshals, Adult Probation and other agencies in compliance checks and locating fugitives. The investigators update information for the public sex offender website, which is an important resource for communities and offender information.

**Target:** The target date for this goal is ongoing.

**Goal 4:** **Continue to engage in effective emergency operations and management to protect lives and the safety of our community.**

**Objective:** Assist the State in emergency management operations as needed.

**Action Plan:** Coordinate with the Hawaii Emergency Management Agency during emergencies as the designated Planning Section for state law enforcement operations. Operate within the Incident Command System and maintain readiness through training and operations to apply National Incident Management System standards to help save lives and mitigate property losses in emergencies.

Always be prepared to be a part of the law enforcement team fielded in response to serious incidents, major events, emergencies, and natural disasters. Provide mutual aid to other state law enforcement agencies.

**Target:** The target date for this goal is ongoing.

**Goal 5:** **Continue to achieve peak performance, the highest professional standards, and operational readiness.**

**Objective:** Obtain necessary training and incorporate best practices and updated procedures to best serve the community.

**Action Plan:** Stay up to date with training and certifications. Investigators require continual training, certification, and recertification in core capabilities to enable them to meet evolving requirements for the law enforcement profession. The division has assembled a cadre of experienced and proficient trainers who are expanding their mission to include investigators throughout the Department. Core

training areas include firearms, active shooter response, less-lethal Taser, self-defense, and physical arrest processes. Professional skills include ongoing training provided by respected subject matter experts, including the Federal Bureau of Investigation, the Federal Emergency Management Agency, the National White-Collar Crime Center, and the United States Secret Service, to enhance the investigation of complex financial crimes, emergency response, digital evidence management, and investigations.

Professional Standards and Best Practices. The division will continue to develop the professionalism of its investigators and incorporate best practices of law enforcement. The division is continually reviewing and updating policies and procedures to comply with standards from the Commission on Accreditation for Law Enforcement Agencies, Inc. and follow guidance from the International Association of Chiefs of Police. The division will incorporate best practices and standards into the work processes of the division to ensure ongoing professional development, improve the safety of investigators in their work, ensure the highest quality of services is provided, and evolve to best serve the community and community expectations.

**Target:** The target date for this goal is ongoing.

**Goal 6:** **Protect elderly citizens from being solicited into unlicensed care homes or licensed care homes where they are being neglected.**

**Objective:** Continue to address complaints of elderly abuse.

**Action Plan:** Conduct care home inspections with operator's voluntary consent or administrative search warrants.

**Target:** The target date for this goal is ongoing.

**Goal 7:** **Provide guidance and training for various state agencies on active shooter responses and conducting security threat assessments.**

**Objective:** Provide training to various state agencies in active-shooter and active-aggressor incidents. Assist state agencies' supervisors in developing a safe exit strategy plan. Train agency personnel on how to practice the concept of Avoid, Deny and Defend when confronted with an active-shooter/active-aggressor incident. State agencies' supervisors must understand how to utilize their work environment to their advantage in protecting all staff during an active-shooter/active-aggressor incident.

**Action Plan:** The investigators will provide training and a site assessment to identify potential risks in state agencies' physical work environment that could be detrimental to their employees' safety during an active-shooter/active-aggressor incident and offer strategies to overcome those risks.

**Target:** The target date for this goal is ongoing.

**Goal 8: Coordinate with the Honolulu Police Department to obtain cellblock detention access for all violent crimes arrests made by the Investigations Division.**

**Objective:** The State Sheriff's Division cannot always accommodate the Investigations Division's off-hours arrests. By obtaining an agreement with the Honolulu Police Department, the Department will be able to detain arrestees to complete investigations in charge cases. This will protect the community in a more efficient manner.

**Action Plan:** Review the development of a memorandum of agreement with no unreasonable cost to the Department. Work as a team with the Honolulu Police Department to keep violent offenders off the streets.

**Target:** To be accomplished by January 2023.

**Goal 9: Continue to support other state law enforcement agencies in the execution of arrest warrants.**

**Objective:** Certain state law enforcement agencies, such as the Insurance Fraud Division of the Department of Commerce and Consumer Affairs, do not have full law enforcement capabilities and the ability to carry firearms and other defensive weapons. The division has been executing those agencies' arrest warrants after their indictments have been attained.

**Action Plan:** During 2021, the Investigations Division was assigned forty-three arrest warrants from various state and county agencies in Hawaii and thirty-six of these arrest warrants have been executed. In 2022 (as of July 2022), the division has been assigned thirty arrest warrants and twenty have been executed. The suspects that were not arrested had fled the State, and those warrants have been entered into the National Crime Information Center for mainland arrests.

**Target:** The target date for this goal is ongoing.



**Goal 10:** Support the well-being of residents under the jurisdiction of the DHHL in efforts of reducing crimes in their community.

**Objective:** Continue to support DHHL and its mission to provide a better and stronger community for all DHHL beneficiaries through community partnership, enforcement action, drug nuisance abatement efforts, and continued cooperation with county, state, and federal law enforcement partners. Execute a memorandum of understanding between DHHL and the Department to formalize the working relationship.

**Action Plan:** Investigators with the Investigations Division, in partnership with state and county law enforcement agencies, will continue to work with various DHHL homestead communities on Oahu and Maui to address the increase in crime within those neighborhoods. Investigators have led the way in enforcement action against wanted suspects, conducted threat assessments, partnered with neighborhood watches, conducted surveillance, and executed court orders. Investigators have also provided a security component for DHHL personnel when homesteaders are unwilling or unable to comply with commission rules and leases and their leases are terminated through the contested hearing process. Through the efforts of the investigators, a collaborative effort involving all stakeholders (administrative, community, law enforcement, and legal) has been created to address the complex issues facing the Hawaiian Homestead communities.

**Target:** The target date for this goal is ongoing.

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

The purpose of the Office of Child Support Hearings is to resolve child support disputes impartially and expeditiously. This is accomplished by Child Support Hearings Officers through an administrative hearings process. Orders issued by Hearings Officers establish, modify, terminate, and enforce child support obligations statewide.

Orders may also address child support arrears, debt owed to the State for periods when children received welfare benefits, and in certain cases, spousal support arrears. Hearings Officers may also confirm, modify, and enforce out-of-state orders brought under the Uniform Interstate Family Support Act. Orders issued by Hearings Officers are filed in the Hawaii Family Court without further review and have the same force and effect as orders issued by Judges.

All cases handled by the Office of Child Support Hearings are processed through the Child Support Enforcement Agency, which is a separate division of the Department. If the Child Support Enforcement Agency is processing a case and a hearing is requested, the agency may schedule it for an administrative hearing with the Office of Child Support Hearings. Hearings are conducted pursuant to chapters 91 and 576E, Hawaii Revised Statutes; chapter 5-34, Hawaii Administrative Rules; and the most current Hawaii Child Support Guidelines.

The Office of Child Support Hearings had many accomplishments during the main COVID-19 pandemic period (March 2020 – March 2022). This included quickly changing hearing procedures from in-person to phone hearings beginning May 2020, and then changing back to in-person hearings beginning May 2022. This allowed the Office of Child Support Hearings to continue to serve the public immediately, safely, and effectively. During 2021, 1163 hearings were scheduled. From January – June 2022, 799 hearings were scheduled. This was accomplished even though some positions in the office were vacant.

In addition to conducting hearings, the Hearings Officers are engaged in outside activities related to improving the child support process. This includes being active members of the:

- *Hawaii Child Support Guidelines Committee*: this is the first year that the Office of Child Support Hearings participated as active members. This committee is responsible for reviewing, updating, and modifying how child support is calculated statewide. The guidelines are supposed to be updated every four years, but the 2018 updates were not completed until 2020. To get back on track, another update is anticipated for this year, and then the next one should be in 2026;
- *Hawaii Divorce Manual*: this is the first year that the Office of Child Support Hearings has been asked to review, update, and modify the child support section of the manual. The manual is a guide of all divorce-related issues and can be used by all attorneys statewide;
- *Family Law Section of the Hawaii State Bar Association*: this is the first in many years that the Office of Child Support Hearings has been asked to participate in a panel discussion with the Child Support Enforcement Agency to update and educate the private bar on the administrative process and child support.

To continue to fulfill our purpose, the Office of Child Support Hearings has the following goals:

**Goal 1: Continue to serve the public quickly and efficiently.**

**Objective:** Conduct hearings, issue orders, and complete high-quality work.

**Action Plan:** Review and update the office and hearing policies and procedures to accommodate hearing participants despite unexpected challenges.

**Target:** The target date for this goal is ongoing.

**Goal 2: Continue to improve the hearing process.**

**Objective:** Discuss issues and adapt office and hearing policies and procedures to meet ongoing challenges.

**Action Plan:** Continue to update and improve the office and hearing policies, procedures, and staffing.

**Target:** The target date for this goal is ongoing.

**Goal 3: Hire another Hearings Officer.**

**Objective:** Hire and train an additional Hearings Officer.

**Action Plan:** Actively recruit candidates.

**Target:** The target date for this goal is ongoing.

**Goal 4: Continue to be active in child support-related outside activities.**

**Objective:** Continue to review and update the child support process in Hawaii and educate the private bar and public about the child support and the administrative process.

**Action Plan:** Continue to participate in outside activities that are appropriate and that relate to the child support and administrative process.

**Target:** The target date for this goal is ongoing.

### **Office of Dispute Resolution**

The mission of the Office of Dispute Resolution is to impartially and expeditiously adjudicate administrative proceedings initiated pursuant to the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

In fiscal year 2021-2022, the Office of Dispute Resolution's two Administrative Hearings Officers received forty-six Requests for an Administrative Hearing. Of those, thirty-two were fully adjudicated and fourteen are pending. Additionally,

sixteen cases filed in fiscal year 2020-2021 were also adjudicated during the fiscal year 2021-2022. The Office of Dispute Resolution was in full compliance with its mandated deadlines and withstood appellate review on all decisions reviewed by the United States District Court.

To accomplish the above-stated mission, the following goals and objectives are specified below.

**Goal 1:        Resolve due process hearing requests in a timely manner.**

**Objective:**    Keep quantifiable records and qualitative data to confirm deadlines have been met.

**Action Plan:** Continue adhering to agency guidelines for prompt resolution of due process hearing requests within the deadlines mandated by state and federal law.

Issue all hearing orders and decisions within the mandated deadlines or within permissible extensions.

Continue to hold frequent status conferences with parties to ensure that appropriate attention is given to each case to achieve timely case resolution.

**Target:**        The target date for this goal is ongoing.

**Goal 2:        Secure training for Hearings Officers to ensure they remain current on national trends in relevant areas of law and meet mandatory continuing education requirements.**

**Objective:**    Ensure that all Hearings Officers meet annual Continuing Legal Education and other appropriate training requirements to remain effective Hearings Officers.

**Action Plan:** Hearings Officers attend and complete training to meet annual Continuing Legal Education credit requirements.

Attend a weeklong training with a nationally renowned Technical Advisor retained specifically for the Hearings Officers to provide: (1) current educational training on the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973, (2) insight on conducting impartial hearings; (3) practical advice on handling high volume caseloads; (4) instruction on handling cases with pro se litigants and (5) hands-on advice on writing orders and decisions.

Attend the National Academy for Individuals with Disabilities Education Act Administrative Law Judges and Hearings Officers to ensure that the Hearings Officers possess: (1) a fundamental understanding of Individuals with Disabilities Education Act, (2) the knowledge and ability to conduct due process hearings, and (3) the ability to decide and write decisions that comply with the appropriate standard legal practice.

**Target:** The target date for this goal is ongoing.

**Goal 3: Maintain proficient use of virtual platforms for completion of administrative hearings.**

**Objective:** Completion of seamless proceedings while maximizing Centers for Disease Control and Prevention's COVID-19 safety protocols.

**Action Plan:** Because of potential stay-at-home orders, office closures, close-contact guidelines, and the need to maintain social distancing, the Office of Dispute Resolution adapted its procedures to ensure that operations continued in a safe, efficient, and effective manner. Our plan is to continue to hold administrative proceedings in a virtual format as long as necessary to ensure the safety of the office's personnel, the parties, witnesses, and necessary service providers.

Attend trainings related to the virtual platform to ensure the Office of Dispute Resolution remains adept in the use of the features and functions of the program. Success is measured by the office personnel's expertise in using the program.

Examine the available equipment needed to accomplish this goal in an effort to evaluate whether substitutions or additions are warranted.

**Target:** The target date for this goal is ongoing.

## **SECTION 5: CONCLUSION**

This report was prepared with the input of all the Department's divisions and has tried to capture the goals and objectives of the Department as a whole as well as the unique considerations of our individual divisions. It is our belief that as a Department we succeed in meeting our primary goal of serving the legal needs of the State on a daily and ongoing basis, while always striving to improve.