



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

March 1, 2023

The Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second Legislature, Regular Session of 2023
State of Hawai'i
State Capitol, Room 409
415 South Beretania Street
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker of the House of Representatives
Thirty-Second Legislature, Regular Session of 2023
State of Hawai'i
State Capitol, Room 431
415 South Beretania Street
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 803-47(b), Hawai'i Revised Statutes, the Judiciary respectfully transmits the following report relating to the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during the preceding calendar year. For the calendar year 2022, there were no applications for orders authorizing or approving the interception of wire, oral, electronic communications filed by the Attorney General and the Prosecuting Attorneys of the City and County of Honolulu, Maui, and Kauai.

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

- (1) There were four orders applied for in 2022;
- (2) The kind of orders applied for were Pen Register and Trap and Trace Devices, along with accompanying Search Warrants for Installation of a Mobile Tracking Device.
- (3) Each order was granted as applied for;
- (4) The period of interceptions authorized by the orders included two (2) orders for ninety (90) days and two (2) orders for sixty (60) days. No extensions were filed for all of these orders;
- (5) The offenses specified in the orders or applications, included Custodial Interference in the First Degree in violation of HRS §707-726(1); Promoting a Dangerous Drug in the First Degree under HRS §712-1241 and/or Promoting a Dangerous Drug in the Second Degree in violation of HRS §712-1242; and Murder in the Second Degree, HRS §707-701.5. There were no extensions of these orders;

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- (6) Law Enforcement Officer Jeremiah Hull, Hawai'i County Police Department, Deputy Prosecuting Attorney Charles E. Murray III requested the first and second orders with Judge Robert D.S. Kim granting the orders. Law Enforcement Officer Stephen Grace, Hawai'i Police Department, requested the remaining orders; the name of the person authorizing these requests was not provided.
- (7) Communications were intercepted via T-Mobile and AT&T Wireless networks using mobile devices and reports;
- (8) For the first two orders, no communications were intercepted. For the third and fourth orders – the order permitted the applicant to acquire and collect all dialing signaling, routing, delivery, addressing, unique device identifiers (IMEI, MEID, ESN, etc.), unique subscriber identifiers (IMSI), and other metadata related to voice, text, multimedia, and data (IP) communications of the number being monitored for a period of 60 days. Also, for the third order, the personnel offered by the Office of the Prosecuting Attorney incurred no costs relating to the order or compliance with the order. The information did not require the review by anyone other than the applicant officer/detective.

For the fourth order, the Order was signed and processed by AT&T Wireless, however the phone was shut off the day prior to the Order being received by AT&T so no data was actually collected. There were no incriminating communications intercepted, no other communications intercepted, and no persons whose communications were intercepted. The Office of the Prosecuting Attorney did not incur costs relating to the Order or compliance with the Order. The information received did not require the review by anyone other than the applicant, Detective Stephen Grace, though no information from the intercept was actually received.
- (9) No arrests have been made as of this date;
- (10) No trials have resulted from the interceptions as of this date;
- (11) No motions to suppress were made with respect to the interceptions as of this date;
- (12) No convictions have resulted from the interceptions as of this date;
- (13) No orders or extensions were obtained in a preceding calendar year and not yet reported; and
- (14) No other information required by the rules and regulations of the administrative office of the United States Courts.

Should your staff have any questions, please feel free to contact Karen Takahashi at (808) 539-4896.

Sincerely,



Rodney A. Maile
Administrative Director of the Courts