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DEPT. COMM. NO. 137

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December 14, 2023

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, as required by Act 100, Session Laws of Hawaii 1999, as amended by Act 154, Session Laws of Hawaii 2005. 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,

A handwritten signature in blue ink that reads "Anne E. Lopez".

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 2024-2025

*Submitted to
The Thirty-Second State Legislature
Regular Session of 2024*

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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 2022-2023 resulted in the collection of \$103,228,469.08 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; active awards for fiscal year 2022-2023 totaled \$35,845,108 million. 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.

On December 28, 2022, the Department had 199 deputy attorneys general and five hearings officers. As of December 13, 2023, the Department had 206 deputy attorneys general and six hearings officers. That is an increase of seven deputy attorneys general and one hearing officer in the last year. The increase in the number of deputy attorneys general is, in large part, the result of the generous appropriation from the Legislature to raise salaries to be competitive with other agencies and departments that employ attorneys. The professionals in the Department range from new hires to career deputies, including seventeen deputies and one hearing officer with over 30 years of service, one deputy with over 40 years of service, and one deputy with

over 50 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. The experience and cumulative knowledge of our Department allowed for a smooth transition to a new Administration and a new Attorney General beginning on December 5, 2022. Our Department's structure and protocols allowed for easy adaptation to the policies and priorities of the new Administration.

In addition to the general goals and objectives of our Department listed in this report, we cannot ignore the additional responsibilities that have become apparent as a result of the tragic Maui wildfires. As of the writing of this report, it is not possible to know how far-reaching this tragedy and its consequences will be to our State. Our Department was consulted in the immediate aftermath about emerging issues such as public safety, search, rescue, and recovery operations, and coordination of county, State, and federal agencies. We assisted the Governor with necessary emergency proclamations. The Department's Tax and Charities Division has received an unprecedented number of complaints and questions regarding the legality of solicitations for Maui wildfire relief made by individuals and entities. Every complaint is reviewed and investigated and when appropriate, action taken. The Department is representing the State in a number of wildfire cases where the State has been named as a defendant. We were called upon to perform an independent investigation to evaluate the response of State and county agencies to the wildfires. We are committed to assisting the Governor and the Legislature in evaluating and implementing measures to ensure that nothing like this happens again. We are also committed to assisting our State clients as they provide services to support the ongoing recovery.

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.

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. It is especially important 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 products.

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. Based on the Legislature's approval of funding for increases in deputy salaries in 2022, we have already been able to increase salaries to more competitive rates, and we can 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. Division supervisors also train their new deputies, upon employment.

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 accommodation for leave time.

Objective: To increase exposure to various legal issues 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/Opinion 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 successful 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.

Review and update as needed the Department's remote work policy for exempt excluded deputy attorneys general and ensure that staff subject to collective bargaining are working in a manner compliant with the statewide remote work policy.

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. The need for remote meetings has outlasted the dangers of the pandemic and the convenience has become a part of 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 products utilizing ProLaw, iManage, and SharePoint, and other appropriate programs.

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 allow for sharing of information.

Identify information to post on the departmental intranet 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 that 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 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 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 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., the Office of the Governor, the Office of the 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, and the Office of Information Practices). The division also provides representation, advice, and counsel to the Judiciary and the Legislature and their agencies, as well as to the public services divisions of the Department.

During the period covered by this report, the Administration Division's usual workload was heavily impacted by the 2022 election, which generated a marked increase in the number of campaign spending and election claims that usually result from an election, and an unprecedented number of cases filed in State and federal courts challenging the election results and the election process. The division has prevailed in all of these cases; although a few have been appealed by the unsuccessful parties and are pending in the appellate courts. There was also an increase in the division's workload due to the election of a new Governor and the numerous and various attendant issues that result from a change in the Administration. Somewhat surprisingly, there were numerous projects arising from the continuing impact of the COVID-19 pandemic and the federal funds it engendered and the amount of available state tax revenue. The relative increase in federal and state funds available this past legislative session raised some questions from the division's clients on subjects including the relative authority of the branches of government, budgeting, financing, and appropriations. The division received an uncommon number of questions relative to the specific wording and meaning of various appropriations. The division continues to advise the Departments of Accounting and General Services and of Budget and Finance and legislators to ensure federal COVID-19 relief funds and state funds are properly appropriated and expended. Additionally, the division assisted with the review of the Governor's emergency proclamations.

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 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 by 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 the 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 the Department's clients and to provide constructive and quality advice to deputies throughout the Department on all appellate 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 and other courts 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, including a review of the key cases decided during the U.S. Supreme Court's recently concluded 2022-23 term.

Over the past year through the present, the Appellate Division has, among other accomplishments: (1) represented the State in a number of important Second Amendment cases, such as *National Association for Gun Rights v. Lopez*, 22-cv-404 (D. Haw.), *Wolford v. Lopez*, 23-cv-265 (D. Haw.), *Yukutake v. Lopez*, No. 21-16756 (9th Cir.), and *Teter v. Lopez*, No. 20-15948 (9th Cir.); (2) provided substantial assistance in connection with the passage of Act 2, Session Laws of Hawaii 2023, relating to reproductive health care services; (3) provided substantial assistance in connection with the passage of Act 52, Session Laws of Hawaii 2023, relating to firearms; (4) obtained favorable decisions in climate change cases in which the division authored amicus briefs for the State, including in *City and County of Honolulu v. Sunoco LP*, 36 F.4th 1101 (9th Cir. 2022); (5) provided amicus support in the City and County of Honolulu's climate change litigation before the Hawaii Supreme Court; (6) obtained a favorable decision in *Ho'omoana Foundation v. Land Use Commission*, 152 Hawai'i 337, 526 P.3d 314 (2023); and (7) defended the constitutionality of rules promulgated by the Hawaii Supreme Court.

Another achievement of the Appellate Division was organizing and running the Department's Summer Internship Program. In its third year (summer 2023), the program hosted six law students for approximately 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 the 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 2022 through the present, the Appellate Division has reviewed, assessed, and analyzed at least 171 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 about whether to join.

Goal 1: Develop and maintain the highest quality appellate writing and advocacy skills.

Objective: Continue to hone the division's research, writing, and analytical skills.

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

Action Plan: Facilitate training opportunities on appellate practice for appellate deputies.

Encourage all deputies with appellate matters to contact the Appellate Division: (1) to discuss ideas and arguments supporting the State's positions or rebutting 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 a member of the Appellate Division 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 or 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: **Ensure the Appellate Division serves as 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 Department's Appellate/Opinion Review Committee meetings on a rotating basis.

Have at least one Appellate Division member serve on the Department's Litigation Management Committee.

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

Provide all 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 measures of success for this action plan are: (1) a better ability for deputies 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 the division: (1) authors or coauthors multi-state amicus briefs on behalf of the State addressing issues of importance to the State; and (2) assists the Attorney General in making amicus joinder decisions based on the soundest advice.

Action Plan: Seek 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, 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 Second Amendment issues and help defend against legal challenges to Hawaii's firearms laws.

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

Work with other legal divisions that may be handling Second Amendment matters to assist (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 regarding evolving Second Amendment-related legal issues.

Target: The target date for this goal is ongoing.

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. The division also administers the Notary Public Office and Asset Forfeiture Program.

The most visible measure of effectiveness for the Civil Recoveries Division is the amount of funds 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 2003-2004 through fiscal year 2022-2023 with an average cost to the taxpayers of approximately \$.10 for each dollar recovered (cost ratio*). The total amounts recovered, costs, and cost ratio for the Civil Recoveries Division over the last 20 years are:

| Fiscal Year | Total Recovered | Total Costs | Cost Ratio* |
|--------------------|------------------------|--------------------|--------------------|
| 2003-2004 | \$12,033,156 | \$1,437,964 | \$.12 |
| 2004-2005 | \$16,325,147 | \$1,226,855 | \$.08 |
| 2005-2006 | \$14,674,863 | \$1,557,900 | \$.11 |
| 2006-2007 | \$16,084,654 | \$1,530,434 | \$.10 |
| 2007-2008 | \$13,431,248 | \$1,611,831 | \$.13 |
| 2008-2009 | \$14,439,462 | \$1,712,413 | \$.12 |
| 2009-2010 | \$11,532,711 | \$1,534,201 | \$.13 |
| 2010-2011 | \$16,529,627 | \$1,318,438 | \$.08 |
| 2011-2012 | \$12,403,154 | \$1,201,531 | \$.10 |
| 2012-2013 | \$29,950,131 | \$1,123,887 | \$.04 |
| 2013-2014 | \$10,954,082 | \$1,459,147 | \$.15 |
| 2014-2015 | \$11,040,041 | \$1,678,746 | \$.15 |
| 2015-2016 | \$ 9,966,581 | \$1,861,960 | \$.19 |

| | | | |
|--------------|----------------------|---------------------|--------------|
| 2016-2017 | \$16,650,589 | \$1,713,818 | \$.10 |
| 2017-2018 | \$14,929,096 | \$1,312,752 | \$.09 |
| 2018-2019 | \$15,626,788 | \$1,525,882 | \$.10 |
| 2019-2020 | \$35,140,578 | \$1,695,315 | \$.05 |
| 2020-2021 | \$15,119,858 | \$1,866,194 | \$.12 |
| 2021-2022 | \$17,943,577** | \$1,698,260 | \$.09 |
| 2022-2023 | \$20,066,501 | \$3,747,885 | \$.19 |
| TOTAL | \$324,841,844 | \$32,815,413 | \$.10 |

* Cost incurred by the Department for each dollar collected, rounded to the nearest number. While the average cost to recover funds has averaged \$.10 for each dollar collected over the last twenty years, the individual years' costs have ranged from \$.04 to \$.19 due to the amount and type of cases referred, extraordinary costs such as retaining special deputy attorneys general, compensating expert witnesses, litigation expenses, and other costs.

** The total amount recovered for 2021-2022 was amended this year by subtracting \$5,000 from the amount previously reported. That reduction represents an amount collected on behalf of the Department of Human Services in the month of December 2021, that was inadvertently input twice in the records.

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 notaries public 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.

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 moneys 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 to 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 online 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 moneys owed to the State with credit cards, debit cards, and e-checks.

Action plan: Work with a vendor (currently Tyler 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 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 in the 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 favorable settlements to limit the State's exposure. A few examples of the division's recent successes include:

(1) *Duke's Investments LLC v. Char*, Civil No. 22-00385 (D. Haw. 2022). Plaintiff, a company specializing in the sale of hemp and hemp products, sued the State of Hawaii Department of Health and Dr. Elizabeth Char, the Director of Health, challenging certain 2022 amendments to chapter 11-37 of the Hawaii Administrative Rules governing hemp processing and hemp products. Plaintiff later moved for preliminary injunction and the State Defendants moved to dismiss the action. The United States District Court for the District of Hawaii denied the Plaintiff's motion for preliminary injunction and granted the State Defendants' motion to dismiss but gave Plaintiff leave to amend certain causes of action. When Plaintiff failed to meet its amendment deadline, the Court dismissed the action in its entirety.

(2) *For Our Rights v. Ige*, Civil No. 21-00488 (D. Haw. 2021). Plaintiffs alleged that Governor David Y. Ige violated their procedural due process rights and rights under the Fourth Amendment when he issued emergency proclamations requiring quarantines during the height of the COVID-19 pandemic. Governor Ige filed a motion to dismiss the Complaint, which was granted with leave to amend. Plaintiffs filed an Amended Complaint and Governor Ige again filed a motion to dismiss. The United States District Court found that Governor Ige was immune from suit and granted the motion to dismiss without further leave to amend.

(3) *Greer v. State of Hawaii*, Civil No. 22-00286 (D. Haw. 2022). Plaintiff asserted 42 U.S.C. § 1983 claims against multiple defendants, including the State of Hawaii and several state agencies and employees. Plaintiff alleged that he suffered disability discrimination and violations of his equal protection rights when a varicocele that he contracted was misdiagnosed and improperly treated by his physicians and when

proper treatment was withheld from him. The State Defendants filed a motion to dismiss all claims. The United States District Court granted the motion to dismiss but certain claims were dismissed without prejudice with leave to amend. After Plaintiff filed his Amended Complaint, the State Defendants again filed a motion to dismiss because Plaintiff had not cured the legal defects in his original complaint. The Court granted the motion to dismiss with prejudice, and all State Defendants were dismissed from the action.

(4) *Odquina v. City and County of Honolulu*, Civil No. 22-00407 (D. Haw. 2022). Plaintiff applied to the City and County of Honolulu (City) for a personalized license plate with the letter combination "FCKBLM." The City mistakenly issued the plate to Plaintiff in violation of State and City rules. The City recalled the plate and directed Plaintiff to surrender the plate. Plaintiff refused to surrender the plate and has been unable to renew his vehicle registration as a result. Plaintiff filed a motion for temporary restraining order and a motion for preliminary injunction against the City and the State. He claimed violations of his right to free speech under the First Amendment and sought declaratory relief, damages, and an order enjoining Defendants from enforcing those rules that inhibit his ability to keep his desired vanity plate. The United States District Court denied the motion for preliminary injunction because it found that Plaintiff was not likely to succeed on the merits. Plaintiff appealed to the Ninth Circuit Court of Appeals. The appeals court affirmed the denial of the motion. *Odquina v. City and County of Honolulu*, CV 22-16844 (9th Cir. 2023).

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. The division 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 the State's 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 the division has 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 those 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. The division hopes to resume the process for in-person training or to determine whether there are effective and better alternatives to in-person training 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 multistate 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 the division's effectiveness can be demonstrated by a few examples of the division's accomplishments:

During the period covered by this report, the division settled claims against the three largest opioid retailers (Walmart, Walgreens, and CVS), and the remaining two largest opioid distributors (Teva and Allergan). As a result, Hawaii is entitled to approximately \$59.32 million dollars to be paid in different time frames ranging from 3 to 15 years. The exact amounts have not yet been precisely determined and additional filings are required to finally execute the settlement agreements. All the money is to be used for opioid and non-opioid remediation.

The division will facilitate the execution of an agreement between the State and all of Hawaii's counties on the use and the method of allocation for the money resulting from the above settlements.

The division settled antitrust claims against the manufacturer of Suboxone for its anticompetitive practices in which it switched the Suboxone market from tablets to film, while attempting to destroy the market for tablets, to preserve its drug monopoly. The total national settlement was for \$102.5 million, including significant injunctive relief. Hawaii's share is still being determined.

The division also got the final dismissal of the claims in a case relating to a denial of a license and report of that denial to the National Practitioner's Data Bank. Lillian Jones v. Hawaii Medical Board, CAAP-18-00776.

The division also worked on emergency rules for out-of-state nurses to work in Hawaii, approved a contract by which the Department of Commerce and Consumer Affairs could hire temporary relief workers to address the backlog of application processing, and approved new by-laws for the High Technology Development Board.

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

Objective: Ensure that all deputy attorneys general 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 provides core services to the State and its departments. The Complex Litigation Division is 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 legal, 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 multistate, 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, Special Investigations and Prosecution 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 *State v. JUUL Labs, Inc.*, Civ. No. 20-0000933 (Haw. 1st Cir. 2023), working with counsel in multistate litigation, the division secured a multi-year consent judgment that will fund educational efforts for the next decade directed towards Hawaii's youth about the hazards of electronic cigarettes and vaping. Hawaii deposited its first payment of over \$564,000 in March 2023, and should receive its next payment in December 2023.

In *DW Aina Le 'a Development, LLC v. State*, Civ. No. 17-CV-00113 (D. Haw. 2022), the division continues to defend the State against claims by a development entity that alleges it lost hundreds of millions of dollars in profits due to Land Use Commission actions.

The division defended the State against claims contesting its actions to improve pedestrian safety and ease traffic congestion in the area of Laniakea Beach. *Abellira v. State*, Civ. No. 14-1-0005-01 (Haw. 1st Cir. 2022).

The division is also prosecuting an unfair and deceptive acts or practices case against parties who claimed to own several streets and charged the public to park on them. In a previous case, a court ruled that the parties charging do not own the streets and the streets have long been dedicated to public use. The division is now seeking financial

recovery from the purported owners. *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) *Office of Hawaiian Affairs v. State*, Civ. No. 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 (3) *Navahine v. State*, Civ. No. 22-1-0631 (Haw. 1st Cir. pending) (a multi-plaintiff suit against Governor Green and the Department of Transportation challenging the State's plans regarding greenhouse gas emission reduction and decarbonization).

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 medications and 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, 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, unauthorized practice of law, environmental crimes, crimes related to state corrections facilities, 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, the Medicaid Fraud Control Unit, and the Tobacco Enforcement Unit. The division also has responsibilities for the sex offender registration and surveillance review programs. The division administratively supports the Law Enforcement Standards Board and manages the State Firearms Certification Program under the Law Enforcement Officers Safety Act of 2004.

The division reviews criminal justice related legislation and addresses legal issues in the legislation. The division also provides legal support to other state departments on criminal justice related matters.

The division highlights the following as some of its accomplishments:

The Internet Crimes Against Children Unit:

- Operation Keiki Shield is an ongoing effort in the Internet Crimes Against Children Task Force to track down adults who prey on children through use of the Internet. Since the last report, Operation Keiki Shield child enticement operations resulted in 40 arrests.
- Operation Shine the Light is Hawaii's missing and runaway foster child recovery operation within the Internet Crimes Against Children Task Force. Within that program is the Endangered Sex Trafficked Runaway Operation. During the last reporting period, 19 children were recovered.
- The Internet Crimes Against Children Unit's prosecutions included:

State v. Pascual: Electronic Enticement of a Child in the First Degree. Pending trial.

State v. Tothina: Electronic Enticement of a Child in the First Degree. Defendant entered a plea of guilty to the amended charge of Attempted Sexual Assault in the Second Degree. Pending sentencing.

State v. Lacaden: Electronic Enticement of a Child in the First Degree. Defendant entered a plea of guilty to the amended charge of Attempted Sexual Assault in the Second Degree. Sentenced to five years' probation with eighteen months incarceration.

State v. Carvalho-Cybertip: Promoting Child Abuse in the Second Degree (from 2019). Revoked Defendant's release on conditions for unfitness to proceed after a full evidentiary hearing. The Defendant was sent to the Hawaii State Hospital and regained fitness within a week. Case back on trial track and pending trial in Hilo.

State v. Mahoney: Defendant entered a plea of guilty to Promoting Child Abuse in the Second Degree and Violation of Privacy 2nd. Sentenced to five years' probation and 21 days jail.

State v. Oishi: Defendant entered a plea of guilty to Promoting Child Abuse in the Second Degree, Promoting Dangerous Drugs in the Second Degree, Promoting Dangerous Drugs in the Third Degree, Promoting Detrimental Drugs in the Second Degree, and Unlawful Use of Drug Paraphernalia. Sentenced to five years' probation and 14 days jail.

State v. Cortes: Charged three counts of Promoting Child Abuse in the Second Degree based upon sharing child sexual abuse material on Instagram and the BitTorrent peer-to-peer file sharing network. Defendant entered a plea of guilty to two counts of Promoting Child Abuse in the Second Degree. Pending sentencing in Kona.

State v. Valli: Defendant entered a plea of guilty to Promoting Child Abuse in the Second Degree. Pending sentencing.

The Medicaid Fraud Control Unit:

- In the past year, the Medicaid Fraud Control Unit received and reviewed 668 referrals of suspected fraud, abuse, and neglect. Of those, 93 cases were found to be within the unit's jurisdiction and were accepted for investigation (26 fraud and 67 abuse or neglect). During that time frame, 125 investigations were closed (21 fraud and 104 abuse or neglect). The unit continues to actively investigate its open cases and on any given day has approximately 130-150 cases under investigation. One fraud case was negotiated as a pre-complaint civil settlement and resulted in the recovery of \$140,000 in fines and restitution from the provider suspect. The unit also opened 22 global qui tam cases and participated in 5 global qui tam settlements resulting in the recovery of approximately \$54,205 in total. The unit continues to be involved in approximately 350 pending qui tam cases that are pending throughout the nation.

The Tobacco Enforcement Unit:

- 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 \$40.9 million in April 2023.

- The unit joined in efforts to pass a new law, Act 62, Session Laws of Hawaii 2023, that will tax and regulate electronic smoking devices and e-liquids for the first time, an important step in better protecting Hawaii's youth from the vaping epidemic.
- The unit has been working with the Department of Health, the Department of Taxation, the Governor's Office, and members of the public to address the impact of Act 62. This includes closing operations of the Electronic Smoking Device Retailer Registration Unit, transitioning regulation of electronic smoking devices and e-liquids to other state agencies, and preparing for enforcement of Act 62.
- The unit met with other states and worked with the Department of Taxation to add additional security features to Hawaii's cigarette tax stamps. As a result of these efforts, the Department of Taxation will be entering into a new contract with the stamp vendor that will include stamps that, for the first time, will have unique numbering, variable images, and microprint.

Goal 1: Fill critical vacancies in the division.

Objective: Hire at least two legal clerks or office assistants, and one legal assistant (paralegal) to provide necessary support to the ten deputy attorneys general in the division (apart from the Internet Crimes Against Children Unit, the Medicaid Fraud Control Unit, and the Tobacco Enforcement Unit).

Action Plan: Rely on the Department of Human Resources Development to identify and qualify candidates for these positions, and engage in recruitment and hiring to fill these very difficult to fill vacancies. It will require flexibility and innovation, that may include downgrading of positions, hiring 89-day term personnel, or looking to temporary services agencies.

Target: The target date for this action plan is December 2023.

Goal 2: Coordinate with other state law enforcement agencies to facilitate and improve communications and processes for the referral of criminal investigations to the division for prosecution as the new Department of Law Enforcement begins operations in January 2024 and as the Honolulu Prosecutor refers state agency investigations to the division starting October 1, 2023.

Objective: Coordinate with the Department of Law Enforcement, the Sheriffs Division and the Narcotics Enforcement Division of the Department of Public Safety, the Harbors Division of the Department of Transportation, the

Department of Agriculture, and the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources to establish clear procedures for the efficient and effective referral and prosecution of criminal cases generated by these law enforcement agencies.

Action Plan: Meet with law enforcement agencies, establish clear procedures for the referral of criminal cases to the division, and develop written memoranda of understanding to clarify and document those procedures.

Target: The target date for this action plan is October 1, 2023.

Goal 3: Continue Developing the Victim Witness Support Unit.

Objective: Maximize available resources to assist the victims and witnesses of the cases being prosecuted by the division while also providing needed support to the deputy attorneys general handling the prosecutions.

Action Plan: On-board the new victim witness specialist, fill the vacancy for the office assistant for the unit, and provide orientation and training for both positions.

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

Goal 4: Through the Medicaid Fraud Control Unit, conduct a statewide program for the criminal and civil investigation and prosecution of suspected provider fraud against the Medicaid program, suspected fraud in the administration of the Medicaid program, and suspected abuse and neglect of Medicaid beneficiaries and residents of board and care facilities throughout the State.

Objective: To identify and prosecute, as appropriate, any instances of fraud, abuse, or neglect within the unit's jurisdiction, via criminal prosecution or civil action.

Action Plan: Make effective and efficient use of the Medicaid Fraud Control Unit's organizational scheme; assigning complaints to multi-disciplinary investigative teams consisting of an investigator, an attorney, and an auditor to work collaboratively to gather information and evidence to determine whether a crime or civil violation has been committed and whether sufficient evidence exists to warrant criminal prosecution or civil action. Continue to expeditiously identify and close non-viable cases to allow the investigative teams more time to focus on the cases where prosecution may be appropriate and warranted.

Create positions for additional professional staff (two investigators and one attorney) to address increasing caseloads overall and an increase in complex fraud investigations.

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 Procedure Manual to improve unit operations and to ensure compliance with the U.S. Department of Health and Human Services Office of Inspector General's twelve performance standards.

Execute and maintain the newly established Medicaid Fraud Control Unit Training Plan to help unit employees develop and maintain the skills and proficiencies they need to do their jobs and to aid in the mission of the unit.

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 may have an interest in preventing, identifying, investigating, and prosecuting fraud, abuse, or neglect in the State. Conduct public outreach to increase awareness about the unit, what it can do, and how people can help.

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

Goal 5: **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.

Enhance diligent enforcement efforts of the Master Settlement Agreement through the recently added auditor.

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. Continue 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, auditor, and attorneys to monitor and investigate cigarette sales in furtherance of the unit's statutory obligations.

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 6: **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 assisted the School Facilities Authority, Executive Office on Early Learning, and the Department of Education in implementing the Lieutenant Governor's Pre-K initiative, entitled "Ready Keiki." Through "Ready Keiki," the division's clients were able to successfully collaborate in creating new Pre-K classrooms throughout the State. Eleven new Pre-K classrooms will be ready for use by students by the start of the 2023-2024 school year.

The Education Division also successfully defended a \$1,000,000 breach of contract lawsuit filed by Ohana Controls Systems, Inc., related to the upgrade or installation of fire alarms in eight public schools. On June 14, 2023, Circuit Court Judge Kevin Morikone granted the State's motion for summary judgment on all claims. Final judgment in favor of the Department of Education was entered on July 17, 2023.

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 the Division's 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 the division's clients in adhering to changes to the Sunshine Law.

Objective: In recent years, several changes were made to the Sunshine Law that affect the way boards and commissions hold public meetings, especially with regard to remote meetings. To comply with open meeting requirements, the Department of Education and its various related boards and commissions require consistent legal advice on holding hybrid virtual meetings. This is especially true for those boards that have experienced turnover on the board and newly created boards.

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 provide consistent advice to all client boards.

Target: The target date for this goal is ongoing.

Goal 4: Collaborate with the Department of Education to train incoming 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 training 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 ongoing, as needed.

Goal 5: Facilitate discussions between the Department of Education and other state agencies.

Objective: The Department of Education provides a broad spectrum of services that overlap and/or run parallel to services provided by other state agencies. At times there is confusion as to which agency has primary responsibility over a discrete population of students. To clarify the responsibilities of each agency, memoranda of understanding need to be created, or, in the alternative, legislation on a disputed subject matter needs to be drafted and proposed.

Action Plan: Meet with clients to identify potential problems and propose strategies to address them. Coordinate meetings with other state agencies through their respective deputy attorneys general.

Target: The target date for this goal is June 30, 2024.

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. Deputies

in the division make themselves available to clients for meetings in advance of acting or making decisions. The members of the Division 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 the first half of calendar year 2023, the Family Law Division filed about 276 petitions for involuntary hospitalization, 135 Child Protective Act petitions for children who were subjected to harm or threatened harm by their families, 35 guardianship and 73 adoption petitions for children in the custody of the Department of Human Services, 47 petitions for truancy, and 12 guardianship petitions for incapacitated adults. The division also handled 28 appeals, 16 of which are still active.

Goal 1: **Ensure that the division can provide quality legal representation to the division's clients on all islands. This goal comes with the challenge 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 and filling in when vacancies occur in one of the division's 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 the division's clients in the courts, which will help to build the division's knowledge base, resulting in better representation for the 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 can 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 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. There are insufficient deputies on neighbor islands to allow for rotations, so the neighbor island deputies need 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 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 regularly.

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 of the Department of Human Services. The division also meets with the Department of Health, the Department of 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 the mutual clients, which might affect how the division represents those clients in Family Court. Meet monthly with the respective division supervisors.

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 and 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 multistate 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. And, after the tragic Maui wildfires, there are emerging public health issues, such as reduced air quality, unprecedented volumes of solid and hazardous waste, the need to mitigate the effects of ground and surface water pollution, and of course, mental health issues about which the Division must advise the Department of Health.

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. The division also advises the Office of the Governor, the Attorney General, and the Legislature on a broad range of human services issues, which, for at least the upcoming year, will include advice relating to the human services aspects of

homelessness, joblessness, and loss of life and security in the wake of the Maui wildfire tragedy.

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 the deputy's usual assigned areas by, for example, working with unfamiliar programs and investing considerable time on Department-wide projects and committees. The Division collaborates 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 Division 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 the Department of Human Services to achieve a greater level of skill, confidence, and success in the staff when they appear before a hearings officer or judge, and in making accurate timely decisions in their daily work.**

Objective: Ensure that the Department of Human Services' staff 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, and efficiently perform their other duties.

Action Plan: The deputies regularly provide training for the clients on contract review and confidentiality issues. Over the past 12 months the division presented a training on contract review to contract specialists in all divisions of the Department of Human Services. The division plans to increase the frequency of those trainings and schedule them on a recurring basis. Also, over the past 12 months, the division developed and deployed training on data sharing and how to draft and monitor data-sharing agreements between the client and private entities or other government agencies. In the past, the division has provided training on investigations

and report writing for enforcement actions related to child care licensing, which will be updated and presented regularly as needed, and expanded to other areas, including child and adult protective cases.

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, the Workforce Development Council, the Hawaii Civil Rights Commission, and the Hawaii Retirement Savings Board. 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:

The division provided and continues to provide to the Department of Labor and Industrial Relations advice, counsel, and representation as issues continue to arise because of the pandemic and the Maui wildfires, mainly with respect to appeals of decisions relating to the provision of unemployment benefits.

The division assisted and continues to assist the Department of Labor and Industrial Relations regarding contract matters and with its modernization projects.

The division successfully represented the Special Compensation Fund of the Disability Compensation Division in four cases that were pending before the Intermediate Court of Appeals. In Pave v. Production Processing and Dias v. Altres, Inc., which were consolidated in No. CAAP-17-0000925, Agasiva v. Realty Laua, LLC, No. CAAP-17-0000596, and Josiah v. Target Corporation, No. CAAP-19-0000120, the Intermediate Court of Appeals agreed with the Special Compensation Fund's position that section 386-33, Hawaii Revised Statutes (HRS), requires that the employer must prove that the employee had a pre-existing disability before the Special Compensation Fund is liable for any portion of the employee's workers' compensation benefits. These cases will have a significant, beneficial impact on the Special Compensation Fund.

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

Objective: Continue to assist the Unemployment Insurance Division with its needs related to the increased number of unemployment claims and related appeals filed due to the pandemic and the Maui wildfires.

Continue to assist the Unemployment Insurance Division with other issues arising out of the COVID-19 pandemic and the Maui wildfires.

Action Plan: Allocate division workload to allow deputies sufficient time to assist the Unemployment Insurance Division in COVID-19- and Maui wildfires-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- and Maui wildfires-related matters and agency appeals and other issues that arise.

Target: The target date for this goal is ongoing.

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 the administrative rules regarding apprenticeship with the Workforce Development Division.

Target: The target date for this goal is ongoing.

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: The target date for this goal is ongoing.

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 there are procedures already in place, this is a continuing goal.

Goal 6: Hiring and training of attorneys and staff.

Objective: To maintain quality representation by conveying institutional knowledge to the division members that will provide a foundation for attorneys and staff and will be beneficial to the division when assisting and advising clients.

Action Plan: Provide training to attorneys and staff by more experienced attorneys and staff, and cross train attorneys and staff. Continue to have group discussions to pass on the knowledge and information.

Target: The target date for this goal is ongoing.

Land Division

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. 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, appeals of contested case hearings, and original actions. The division responds on behalf of the State to all quiet title actions.

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. Last year, the Land Division continued to successfully resolve Department of Land and Natural Resources cases involving unauthorized shoreline structures on the North Shore of Oahu.

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 Land Division will assist the Department of Land and Natural Resources in completing a multi-year acquisition of over 1,045 acres of land in fee simple 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: 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 staff of the Land Division to build more capacity to enable providing additional support. Last year, the division filled two deputy positions and one of two staff positions funded by the 2022 Legislature. Recruitment efforts continue for the second staff person.

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 as either the attorney for the Department or the attorney for the tribunal.

Target: The target date for this goal is ongoing.

Goal 2: Assist the Department of Land and Natural Resources with acquisitions of interests in land.

Objective: Increase capacity for more federal and state funded land acquisitions.

Action Plan: Provide mentoring and training for deputies in real estate transactions.

Target Date: 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 sometimes assists with 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 the division developed in 2021 allows the division 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 2023 Regular Session, the Legislative Division reviewed and submitted about 430 testimonies of the Department on introduced bills. After the Legislature adjourned, the division reviewed reports to the Governor on 274 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, to provide support to the Attorney General, the Governor, and the Legislature.

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 for the Governor's Administration bill package and assist with requests from the Legislature relating to possible bills.**

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 the Governor's legislative coordinators' 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 supervisors and 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 in finalizing 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 is ongoing and continuous because the tasks repeat 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.

Ensure that supervisors and 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 is ongoing and continuous because the tasks repeat 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 is ongoing and continuous because the tasks repeat annually.

Goal 4: Provide appropriate legal services to State government officials 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 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 is ongoing and continuous because the tasks repeat 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 legislative 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 is ongoing and continuous because the tasks repeat 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; assist the commissioners 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 is ongoing and continuous because the tasks repeat 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 (to be renamed the Department of Corrections and Rehabilitation on January 1, 2024) 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, the Hawaii Public Housing Authority, and the Department of Defense, including the Hawaii Emergency Management Agency (HIEMA).

The division's work with HIEMA has increased significantly since August 9, 2023, due to the devastating and far-reaching impacts of the Maui wildfires. The division has assisted HIEMA and will, along with other divisions in the department, continue to provide support to the State in its ongoing response to the tragedy.

The Division will accomplish its 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 our clients.

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 later. 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 was created in 2022 and consists of the following positions: a supervising deputy attorney general, five deputy attorneys general, 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: The division hired five deputy attorneys general, three forensic analysts, a human trafficking abatement coordinator, two investigators, a legal clerk, and a legal assistant. The division's investigator positions are in the process of being converted from civil service to exempt. The team will turn its hiring focus to filling the remaining investigator positions. Ideally, the division will attract a diverse team with federal, state, and local law enforcement experience. The primary focus is hiring employees with a team-first attitude.

Target: December 31, 2023.

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: Over the last year, a deputy attorney general and the lead forensic analyst have painstakingly gone through existing policies and procedures and evaluated whether they are appropriate for the Special Investigation and Prosecution Division to adopt, in whole or in part. In addition, the division is in the process of implementing an investigator and analyst case management system called Kaseware to streamline and professionalize the investigator and analyst work flow. After first drafts are completed, the division will submit the drafts to the Attorney General for review and approval.

Target: December 31, 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.

Action Plan: The division created a secure case management system using its allocated drive on the Department server. The division's technological infrastructure securely stores investigative materials, casefiles, and confidential attorney work product. The division obtained a license to operate the Kaseware system, a program that will provide a uniform system for tracking its investigative efforts. There will be a learning curve and the goal is to have division staff fully trained to operate the system by the end of 2023. Eventually, the goal will be to have the Kaseware system input relevant data into an attorney case management system; however, that is a long-term goal that will be contingent on securing additional funding.

Target: December 31, 2023.

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. Coordinate responses to human trafficking allegations to effectively investigate those allegations and provide support to victims.

Action Plan: There are numerous service providers diligently working to help human trafficking victims. The division has coordinated with service providers to start work on creating a cohesive and coordinated response.

The Legislature passed Act 83 in the 2023 Regular Session. Act 83 provides the framework for the division's anti-trafficking effort, including requirements for public outreach and data sharing throughout state and local government. The Human Trafficking Abatement Coordinator will use Act 83 over the coming years to create a data-driven state plan that has the support of service providers and federal, state, and local law enforcement.

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: The Legislature passed some laws in the 2023 Regular Session designed to combat public corruption, including official misconduct (which was proposed by the Department) and general fraud. Over the coming years, the division will use these new tools to investigate and prosecute public corruption cases. The division will continue to evaluate the statutory framework and work to propose new laws or amendments as appropriate.

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, HRS. 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 9,100 charities and over 200 professional solicitors and professional fundraising counsels on the Department's charities registry.

The division has increased its enforcement focus on bringing registered charitable organizations current with the State's annual financial reporting and filing fee requirements. In the past fiscal year, this effort has resulted in the issuance of 118 notices of violation, the suspension of sixty-nine organizations from the Department's charities registry, and the collection of over \$101,000 in late filing fees and administrative penalties. The division has also focused on the enforcement of Hawaii's charitable solicitation laws by issuing 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) to allow 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) to provide the Attorney General information and authority to detect and prosecute unlawful conduct as it relates to charitable fundraising in the State.

Furthermore, the division assisted the Department of Taxation to collect more than \$2.7 million in taxes from the court cases it handled in the 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, HRS.

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, HRS.

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, HRS, and section 431:1-204, HRS, 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 a legal defense in 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 division drafts pleadings, motions, and briefs, investigates claims, conducts discovery, and otherwise litigates and defends cases at administrative hearings, court hearings, depositions, 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 in the millions. 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 many 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 the division can effectively litigate its 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

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

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. It assists the Highways Division with acquiring real property through eminent domain actions for public projects. It handles vessel impoundment matters and provides support with projects involving federal agencies such as the Coast Guard and the Army Corps of Engineers.

The division continues to assist with emergency proclamations issued for emergency work on roadways and harbors. It 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 better and more efficient handling of similar requests.

Action Plan: Continue recruitment efforts to fill open deputy positions.

Prepare instructional binders and guidelines of information for common work assignments (e.g., eminent domain, vessel impoundment, and procurement bid protests) to ensure the division maintains institutional knowledge with deputy turnover.

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 receives federal matching funds to operate its program. The agency receives 66 percent federal matching funds to meet its operating costs, requiring only 34 percent 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.

For state fiscal year 2022-2023, the agency collected and disbursed to families over \$100 million in child support. The agency also collected approximately \$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 performance measures identified by the Federal Office of Child Support Enforcement to evaluate agency effectiveness¹.

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 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 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.

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

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 six 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.

Modernize the legacy system's underlying programming language and database structure. The project will put the agency in a prime position to modernize its federally mandated enforcement system incrementally with current technology. Ultimately, the goal is to improve operational efficiency and effectiveness for greater customer experiences and satisfaction.

Action Plan: Complete the federal approval process to begin the modernization project.

Execute contracts with the project vendor and independent verification and validation vendor.

Target: The target date for this goal is two years.

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

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

The following are some of the division's accomplishments in fiscal year 2022-2023:

- Continued to develop E-grants, a web-based grants management system, that was launched in March 2022. The build out for the largest federal grant is near completion and development for the other grant programs will be underway. The use of E-grants allows for greater efficiency in grant administration and provides an online application portal for applicants.
- Received \$11.18 million in federal formula grants that will be distributed to local and state government criminal justice agencies and community nonprofit service providers to maintain and improve services in prosecution, law enforcement, and victim assistance.
- Participated in fifteen multi-disciplinary teams, including a minimum of five state, county, federal, private, and/or nonprofit agencies, to improve the State's response to victims, crime, and crime prevention.
- Co-hosted an in-person training on developing effective language access plans for the federal Victim Assistance grant program State Administering Agencies. Participants from New Mexico, Idaho, Wisconsin, and Michigan attended the three-day training.
- Provided one hundred eleven presentations (online and in person) to promote online safety and to prevent substance abuse/misuse, bullying, and fraud/scams. Approximately 13,668 participants attended.
- Participated in twenty-one community events to promote community safety and crime prevention. Those events drew 71,630 people.
- In calendar year 2022, assisted county, state, and federal law enforcement in 278 recoveries involving 78 reported missing children.
- Produced the Juvenile Delinquency Trends in Hawaii, Data Book for 2011-2020. This report summarizes juvenile justice data for the State of Hawaii and each of the State's four counties. Information for five key decision points in the juvenile justice system: arrest, petition, adjudication, probation, and confinement are presented.

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 or misuse, risk to vulnerable populations, and missing children.

Maximize and coordinate resources to benefit 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 misuse, 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 collaboration with other groups, including groups whose focus is on equity and inclusion. Collect evaluations from the trainings to document the benefits of the training.

Action Plan: Increase public awareness of how to prevent substance abuse or misuse, 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.

Provide victim service providers access to video recordings of the Hawaii State Victim Assistance Academy to improve or enhance victim services related, but not limited, to domestic violence, child abuse, intimate partner violence, sex abuse, and sex trafficking. The training is for new victim advocates who provide direct services to crime victims, victim advocates that had minimum training, and project staff that received funding from the Victims of Crime Act, Victim Assistance grant.

Provide training on effective language access plans to victim service providers to improve access to services by Limited English Proficient crime victims.

Target: The target date for this goal is ongoing.

Goal 3: Enhance data-driven and evidence-based research capacity and policy-relevant recommendations throughout the criminal justice system.

Objective: Provide documentation of objective research findings and evidence-based recommendations.

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

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 a disaster recovery site for the Next Generation Juvenile Justice Information System. This requires a system migration to the Office of Enterprise Technology Services Government Private Cloud.

Target: The target date for this goal is December 2023.

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 Hawaii Police Department 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 the Hawaii Police Departments ability to accurately report crime data per National Incident-Based Reporting System standards. 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 Hawaii Police Department's certification is spring 2024.

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 adult statewide criminal history repository, access, and dissemination of criminal history information, the statewide Automated Biometric Identification System that includes the statewide Automated Fingerprint Identification System, the statewide mug photo and facial recognition systems, and the statewide sex offender registry. The Data Center also serves as the State's Information Bureau and liaison to the Federal Bureau of Investigation's National Crime Information Center program.

The Data Center also manages the Hawaii Integrated Justice Information Sharing system, which provides services for the sharing of information between criminal justice agencies.

Over the last year, the Data Center has accomplished:

- Infrastructure hardening including enhancements to backup appliances and firewalls.

- Implementation of a disaster recovery plan.
- Improvements to the Data Center's systems, including browser compatibility, upgrades to application platforms, and enhanced fingerprint transaction reporting and archiving.
- Implementation of the Hawaii Message Switch system to a Software as a Service licensing and delivery model, including upgrades to software and hardware.
- Conversion of the National Law Enforcement Telecommunications System messages to Extensible Markup Language to meet the federal mandate.
- Resolving 16,917 delinquent dispositions in the Criminal Justice Information System-Hawaii.

Goal 1: Continue the modernization and development of critical criminal justice systems and services to improve security, workflows, data processing, and performance.

Objective 1: Implement federal mandates to the Hawaii Criminal Justice Information System- to enable multi-factor authentication.

Objective 2: Implement federal mandates to transmit data messages via web services and utilize the National Information Exchange Model Extensible Markup Language format.

Objective 3: 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 to (1) allow multi-factor authentication, (2) transmit data via web services and utilize the National Information Exchange Model Extensible Markup Language format, (3) process transactions more efficiently, and (4) process arrests more efficiently.

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

Target: The target date for Objective 1 is December 31, 2024.
The target date for Objective 2 is December 31, 2025.
The target date for Objective 3 is ongoing.

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

Objective 1: Upgrade firewalls.

Objective 2: Implement enhanced data transmission security features and enhanced security monitoring tools and features.

Objective 3: Replace the Automated Biometric Identification System (ABIS) hardware.

Action Plan: Conduct proof of concepts; procure and implement upgraded firewall appliances and security monitoring tools.

Procure new hardware for the ABIS. Migrate and implement upgraded hardware.

Target: The target date for this goal is June 30, 2024.

Investigations Division

The Investigations Division provides professional law enforcement investigative services at the direction of the Attorney General in criminal, civil, administrative, and regulatory matters. Investigators are vested with statewide law enforcement authority pursuant to section 28-11, HRS.

The Attorney General seeks to develop new capabilities for investigation that complement the law enforcement community by building capacity in areas where the Attorney General is uniquely qualified to act in the public interest and support underserved victim communities. The Attorney General seeks to provide services that are not provided by other law enforcement agencies. The Investigations Division has statutorily mandated core functions, and, building on those, it provides essential services to protect the people, the environment, and the public's trust in government in Hawaii.

The Investigations Division is the primary law enforcement element in the State investigating violations of chapter 846E, HRS.

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

- Supervised the state population of 3,010 registered sex offenders, conducted 510 criminal investigations of noncompliant sex offenders, and completed 1,101 compliance checks.
- Conducted 1,696 inspections of tobacco vendors, identified six unlawful retailers of tobacco, discovered twenty expired or not-displayed retail permits, and discovered seven vendors without electronic smoking device permits.
- Investigated 128 complaints of narcotics trafficking, illegal gambling game rooms, and other crimes against public health for nuisance abatement.

- Conducted a wide range of complex criminal investigations including murder, white-collar theft, identity theft, cybercrime, state computer network intrusion, bribery, and other crimes as directed by the Attorney General in the public interest.
- Conducted administrative investigations centering on workplace violence, hostile work environments, and other egregious workplace behavior in support of the Department of Transportation, the Department of Health (Hawaii State Hospital and Office of Health Care Assurance), the Department of Human Services (Office of Youth Services), and other state departments and agencies.
- Provided training in twenty-five sessions in state workplaces with over 600 individuals trained for survival in active shooter events.
- Conducted a wide range of difficult and complex criminal investigations, including murders and serious assaults in correctional facilities, white-collar crime, and cybercrime.

Goal 1: Protect vulnerable members of the community from sexual assaults and deter recidivism by convicted sex offenders.

Objective: Partner with the Hawaii Criminal Justice Data Center to ensure registration of convicted sex offenders, engage in compliance checks to ensure offenders comply with the law, and conduct investigations of felony crimes committed by noncompliant sex offenders. Coordinate with United States Marshals, Adult Probation, and other agencies to apprehend fugitive sex offenders and maintain deterrence against repeat offenses.

Action Plan: Register sex offenders and investigate noncompliant sex offenders to significantly deter convicted sex offenders from further predation and victimization. This plan aligns with the national and state strategy to prevent sex assaults through management of sex offenders who present high risk of repeating their crimes. Collaborate with the Hawaii Criminal Justice Data Center to supervise sex offenders. Unsupervised sex offenders have a high rate of repeat crimes, committing new sexual assaults on new victims. The action plan is to continue maximum efforts to deter repeat crimes and protect women, children, and other vulnerable members of the community from rape and other crimes committed by sexual predators.

Target: This goal is ongoing and continuous to fulfill the statutory responsibility.

Goal 2: Protect the community from illegal importation and distribution of tobacco products.

Objective: Along with the Tobacco Enforcement Unit of the Criminal Justice Division, enforce the Tobacco Master Settlement Agreement, deter the distribution of tobacco products to children, investigate illegal imports, and inspect tobacco vendors to ensure licensing and tax compliance.

Action Plan: The Tobacco Enforcement Unit focuses on the Tobacco Master Settlement Agreement and protection of the public health through inspections and criminal investigations to enforce chapter 675, HRS. Investigators inspect tobacco vendors to prevent illegal sales to minors. Inspections and criminal investigations of violators ensure both compliance with the law and sustained tax revenue for public education and health services. Investigators identify illegal importers and seize contraband tobacco products.

Target: This goal is ongoing and continuous to fulfill the statutory responsibility.

Goal 3: Protect public health through nuisance abatement.

Objective: Carry out the provisions of chapter 712, part V, HRS, to abate criminal activity in places where violations of chapter 712 occur, by identifying places used for crimes against public health and morals. Investigate complaints of narcotics trafficking, prostitution, and illegal gambling for dislocation and abatement to disrupt criminal activity and make neighborhoods safer.

Action Plan: Work with the Department's Drug Nuisance Abatement Unit to initiate investigations based on public complaints received by hotline, web reports, and direct reports to the division. Respond to complaints of "drug houses" where methamphetamine and other illegal drugs are distributed. Engage with landlords to prohibit illegal activity on their properties. Work with county police to dislodge illegal game rooms and gambling operations. The strategy of community engagement and property owner compliance is an effective strategy to reduce these crime locations and make neighborhoods safer. Effective January 1, 2024, staffing is being reduced from three to two with the elimination of the working supervisor position. Create a new supervisory position to manage the workload and maintain the effectiveness of this legislatively assigned responsibility.

Target: This goal is ongoing and continuous to fulfill the statutory responsibility.

Goal 4: Investigate to address and mitigate workplace violence, hostile work environments, and other egregious workplace behavior in support of state departments and agencies.

Objective: Develop and fulfill memoranda of understanding with state agencies to conduct administrative investigations and support agencies' efforts to maintain safe and healthy work environments.

Action Plan: Provide essential services and specialized expertise in administrative matters and investigations that are not available within the respective departments through memoranda of understanding.

This plan includes providing training in the detection of potential threats of violence and mitigation of active shooter events. Certified instructors provide training to various state workplaces in active-shooter and active-aggressor incidents and support state agencies to develop safe exit strategies. Teach employees how to Avoid, Deny and Defend if confronted with an active shooter and how to use their work environment to advantage for protection.

Target: This goal is ongoing and continuous to fulfill the statutory responsibility and is managed through interdepartmental agreements.

Goal 5: Support the establishment of the Department of Law Enforcement.

Objective: Assist the criminal investigations unit in the new Department of Law Enforcement, which will consist of some investigators transferred from the Investigations Division. Support will include training, equipment, familiarization opportunities with the new department, and any other support the division can provide to assist with the establishment of the new unit and post-transition coordination and cooperation.

Action Plan: The Investigations Division has traditionally conducted investigations in support of the Department of Public Safety for crimes 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. This expertise is being used to support the personnel and functions being transitioned to the Department of Law Enforcement. The Attorney General has given her full support for this process and the Investigations Division is committed to fully supporting the transition.

Target: The Department of Law Enforcement is formally established January 1, 2024, and the target of this goal is to provide support before, during, and after that date.

Goal 6: Update the focus of the Division to concentrate on those investigative functions that remain in the Department that were not transferred to the Department of Law Enforcement.

Objective: Continue to conduct investigations in the public interest.

Action Plan: Update the description of the Division to concentrate on the investigation of matters that complement, not duplicate, the services provided by the Department of Law Enforcement and county police, including investigations of complex white-collar crimes involving fraud, theft schemes, breaches of fiduciary trust, securities, multistate cybercrime, unlicensed contractors, unauthorized practice of law, money laundering in organized crime, and other crimes in the public interest. These investigations can be highly resource- and labor-intensive and require investigators with specialized skill sets and expertise.

Support the work of other legal divisions in the department defending civil claims against the State, by locating and interviewing witnesses, assisting with civil recoveries, and other investigative services, as needed.

Target: The target date for this goal is July 1, 2024.

Goal 7: Achieve the highest professional standards, investigative capabilities, and law enforcement skills for sustained excellence.

Objective: Engage in training, certifications, and adoption of best practices to provide excellent services to the department and community.

Action Plan: Because 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. Core training areas include functional skills, firearms, active shooter response, less-lethal Taser, self-defense, and physical arrest processes. Professional skills include training by respected subject matter experts to enhance investigations. The training services are provided by investigators as add-on duties of their positions. There are no specifically dedicated positions for trainers. All trainers are certified experts in their areas.

Continue to develop professional standards and investigative capabilities and incorporate best practices of law enforcement in the work and organization. Ensure that policies and procedures are updated to comply with standards from the Law Enforcement Standards Board, the Commission on Accreditation for Law Enforcement Agencies, Inc., and guidance from the International Association of Chiefs of Police to ensure the highest quality of services for the community and community expectations.

Target: The target date for this goal is ongoing.

Office of Child Support Hearings

The Office of Child Support Hearings was established pursuant to section 576E-10, HRS, 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, HRS; 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, then changing back to in-person hearings beginning May 2022, and then changing back to phone hearings beginning August 2022. This allowed the Office of Child Support Hearings to continue to serve the public immediately, safely, and effectively throughout pandemic and post-pandemic periods.

During 2021, 1,163 hearings were scheduled. During 2022, 1,334 hearings were scheduled. From January 1 to June 30, 2023, 672 hearings were scheduled. This was accomplished even though one Hearings Officer position was 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 in the following committees and projects:

- *Hawaii Child Support Guidelines Committee*: This committee is responsible for reviewing, updating, and modifying how child support is calculated statewide. The Committee asks the Office of Child Supports Hearings for its input each time the guidelines are updated, which occurs about every four years.
- *Hawaii Divorce Manual*: The Office of Child Support Hearings was asked to review, update, and modify the child support section of the manual last year and

that process is ongoing. The manual is a guide of all divorce-related issues and can be used by all attorneys statewide.

- *Board of Bar Examiners:* A Hearings Officer is serving a second three year term as a board member.
- *Family Law and Family Court Pilot Program for Newer Attorneys:* A Hearings Officer has helped organize this program.
- *Hon. James S. Burns Aloha American Inns of Court:* A Hearings Officer is an active member.
- *Hawaii Access to Justice Commission:* A Hearings Officer is actively involved in the planning and coordination of the annual conference.

To continue to fulfill its 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.

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 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. This includes volunteering in various family law related activities as a group, and on an individual basis.

Action Plan: Continue to participate in outside activities that are appropriate and relate to family law, child support, and the administrative hearing 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 2022-2023, the Office of Dispute Resolution's two administrative hearings officers received forty-five requests for an administrative hearing. Of those, thirty-six were fully adjudicated and nine are pending. Additionally, seventeen cases filed in fiscal year 2021-2022 were also adjudicated during this fiscal year. 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 the office's 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 shall 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 the 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: This goal was accomplished during the week of July 11, 2023. The office hopes to send its hearings officers to this training annually.

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

Objective: Completion of seamless virtual proceedings while secondarily 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. Responding to COVID enabled the office to discover that it could maximize safety and efficiency, and simultaneously significantly minimize its travel expenses. The plan is to continue to hold administrative proceedings in a virtual format if the parties are willing and able. Thus far, the office has maintained virtual proceedings by agreement of the parties, thereby maximizing safety and minimizing travel costs.

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 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 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.