



# **Office of the Prosecuting Attorney**

**Fiscal Year 2021 Annual Report**

**July 1, 2020 – June 30, 2021**

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## OFFICE OF THE PROSECUTING ATTORNEY (OPA)

### **I. MISSION STATEMENT**

It is our mission to promote the fair, impartial and expeditious pursuit of justice in every case, to ensure safer communities, and to promote integrity in our profession. It is also our mission to temper justice with compassion, and to do our work in an open, transparent, and accountable way.

### **II. DEPARTMENT GOALS**

- A. Diligently represent the County of Kaua'i and the State of Hawai'i in the prosecution of all offenses arising under the laws of the State and the ordinances and regulations of the county of Kaua'i in a swift manner, and to ensure justice is served in each case.
- B. Advocate for crime victims' rights and ensure that victims have an active voice in the criminal process by maintaining a fully functional Victim/Witness Program (VWP).
- C. Maintain close relationships with federal, state, and local law enforcement agencies to ensure successful prosecution of criminal offenses.
- D. Increase presence and participation at the State Legislature to ensure a coherent legislative agenda regarding public safety.
- E. Develop community oriented prosecution by strengthening outreach, accessibility, and participation.
- F. Maintain a high level of ethical integrity and professionalism.
- G. Practice effective fiscal management and strive to achieve optimum levels of operational efficiency.

### **III. PROGRAM DESCRIPTION**

#### OPA Case Management and Workflow

- A. Program Objectives
  - 1. Maximize the Journal Technologies Case Management System (JustWare) features to generate accurate and meaningful statistical reports.

2. Interface between state agency database systems (Juvenile Justice Information System and Hawai'i Criminal Justice Information System).

B. Program Highlights

1. Implemented an at-a-glance dashboard in case management software that displays vital information/notes of defendant.
2. Successful integration of case management software with Kaua'i Police Department's Spillman software to automate the import and sharing of discovery documents.
3. Completed interface with between OPA and State of Hawai'i Juvenile Justice Information System.
4. Regular updates of new statute language in case management software and charging manual to eliminate expired language.

Victim/Witness Program (VWP)

A. Objectives

1. Provide services to at least 800 victims.
2. Of the total number of victims who receive services, a cumulative percentage of at least sixty percent will be victims of high priority categories as follows:
  - a. Child abuse
  - b. Sexual assault
  - c. Domestic violence
  - d. Surviving family member of murder or negligent homicide

B. Highlights

1. Served 1,007 victims and provided 2,732 services.
2. Served 173 witnesses and provided 491 services.
3. Served 6,695 victims of a high priority category, or a cumulative percentage of sixty-nine percent.

C. Program Highlights

1. Translated our Victim/Witness Program brochure into five languages:

- Ō‘lelo Hawai‘i
- Marshallese
- Chuukese
- Pohnpeian
- Spanish

2. Participated in a virtual National Children Alliance site review which was a required component in the successful re-accreditation of the Children’s Justice Center.

3. Coordinated and assisted in a murder case involving family members as well as thirty-two witnesses resulting in a jury trial guilty verdict.

a. Grant Programs

Sex Assault Prosecution Unit (SAPU)

- SAPU was established on July 1, 2016. This unit consists of one 0.90 FTE Deputy Prosecuting Attorney that focuses solely on sex assault cases crimes that occur in the County of Kaua‘i.
- SAPU’s goal is to improve public safety through efficient and effective prosecution of those who commit sexual assault crimes and increase services to victims of sexual assault.

Grant Program Highlights

- From July 1, 2020 to June 30, 2021, there were seven cases received with one case resulting in conviction (14%).

Domestic Violence Prosecution Unit (DVPU)

- DVPU has been funded through the STOP Violence Against Women Grant since 1997. This unit consists of one 0.65 FTE Deputy Prosecuting Attorney whose primary role is to focus solely on Domestic Violence and Temporary Restraining Order violations.
- DVPU’s goal is to improve public safety through efficient and effective prosecution of domestic violence crimes, including the violation of restraining/protective orders.

#### Grant Program Highlights

- iv. From July 1, 2020 to June 30, 2021, there were one hundred fifty-six (156) domestic violence cases received with twenty-eight cases resulting in conviction (18%).

#### Department of Transportation Highway Safety Grant

- i. The Department of Transportation Highway Safety Grant supports the Traffic Support Resource Prosecutor (TSRP). The TSRP serves as the statewide representative and is responsible for facilitating a coordinated, multi-disciplinary approach to impaired driving prosecution and other traffic crimes, based on the National Highway Traffic Safety Administration's Traffic Safety Resource Prosecutor Manual. The TSRP mentors fellow Deputy Prosecuting Attorneys on the prosecution of vehicular crimes, such as Operating a Vehicle Under the Influence of an Intoxicant (OVUII), misdemeanor and felony Negligent Homicide and Negligent Injury cases.

#### Grant Program Highlights

- i. In Calendar Year 2020, the OPA achieved an eighty-one percent, or thirty-four out of forty-two cases, conviction rate in vehicular crimes.

#### Career Criminal Prosecution Unit

- i. The Career Criminal Prosecution Program (CCPP), funded by the State of Hawai'i Department of the Attorney General, funds one full time Deputy Prosecuting Attorney whose primary focus is to investigate and prosecute individuals identified as "career criminals" as well as liaison with the Department of Justice Offices of the United States Attorneys.

#### Grant Program Highlights

- i. Established the Project Safe Neighborhood Project to quickly and efficiently identify gun arrests, violent offenders, and drug trafficking organizations on Kaua'i.
- ii. Partnered with Federal agency to assist in the prosecution of an individual suspected of dealing drugs out of his home; this arrest resulted in the seizure of seventy grams of heroin, firearms and 1,000 rounds of ammunition.

b. Property Crime Prosecution

Program Objectives

- i. Partner with community organizations and law enforcement to recognize and respond to trends.
- ii. Civil nuisance abatement of “drug houses” - which have a direct and indirect impact on property crimes.

Program Highlights

- i. Successful leveraging of plea agreements to convict property offenders and obtain restitution for victims of property crimes.

c. Community- Oriented Prosecution

Program Objectives

- i. Attend community and/or Mayor’s Community meetings.

Program Highlights

- i. Participated in multiple community interviews/programs (prior to COVID-19 pandemic).

d. Support Staff

Program Objectives

- i. Maintain cross-training of support staff.
- ii. Provide continual support in continuous e-filing implementations by Judiciary.

Program Highlights

- i. Support staff received continuous training in all courts, broadening their knowledge of different court operations.
- ii. Successfully transitioned staffing levels during the COVID-19 pandemic to fifty percent in-house and fifty percent teleworking without a reduction in service or detriment to office operations.

**IV. BUDGET**

- A. Operating Budget, \$4,786,334 (Ordinance B-2019-856).

**V. ACCOMPLISHMENTS/EVALUATION**

- A. Implemented a wide range of written policies designed to reflect the Office of the Prosecuting Attorney's mission of tempering justice with compassion, by seeking alternatives to mass incarceration for non- violent offenders who do not pose a public safety risk.
- B. Collaborated with Hale 'Opio and the Vera Institute's Motion for Justice Program to implement a program that would create a measurable reduction in racial disparities in case outcomes; increased understanding of history of racial injustice within the criminal justice system among deputies, advocates and administrative staff, especially in the Hawai'i-specific context of colonialism; community engagement and understanding of the campaign's justice to pursue racial equity.
- C. Completed a successful jury trial resulting in the conviction of Murder in the Second Degree while strategically balancing the challenges of COVID-19's impact on the Judiciary system and operational procedures.