

**OFFICE OF THE PROSECUTING ATTORNEY  
ANNUAL REPORT**

**July 1, 2010 through June 30, 2011**

**I. Mission Statement**

The Office of the Prosecuting Attorney (OPA) is guided by the principle of “Pono Kaulike”, which translates into “Equal Rights and Justice for All”. We seek to incorporate Hawaiian values into our daily operations to ensure that people impacted by crime are treated with respect, dignity and righteousness.

**II. Department Goals**

1. Strive to promote the fair, impartial, and expeditious pursuit of justice.
2. Strongly commit to ensuring the safety of our neighborhoods.
3. Zealously protect the rights of victims.
4. Restore public confidence by actively engaging the community in awareness and crime prevention efforts.
5. Uphold the highest level of respect, integrity, commitment and responsibility in the prosecution profession.

To achieve these goals, we will:

- File charges only on those cases that we can prove beyond a reasonable doubt.
- Seek high conviction rates for violent individuals, repeat offenders, drug traffickers and for those facing mandatory penalties.
- Promote victims’ and witnesses’ rights and treat them with compassion and dignity.
- Respect constitutional safeguards of the accused.
- Streamline our office workflow in order to provide effective and efficient public services
- Advocate for personnel staff, training, and resources to provide the best service possible to the people of Kauai.

- Utilize a community prosecution model in order to include members of the community in the prosecutorial process
- Continue heightened efforts in seizing the fruits and instrumentalities of crime through the asset forfeiture process

### **III. Highlights**

With a continued increase in crime on Kaua‘i during this time of economic recession, the Office of the Prosecuting Attorney made a commitment to become not only tough on crime, but smart on crime as well. After streamlining operations during the last fiscal year, the primary goals of the 2010-2011 year were to utilize a multi-faceted approach to effectively combat prescription drug crime, aggressively advocate for new legislation to protect victims of domestic violence, and launch an unprecedented and innovative community-based misdemeanor diversion program.

#### **1. INCREASED FOCUS ON VIGOROUSLY PURSUING PRESCRIPTION DRUG PROSECUTIONS**

After having experienced several major crime incidents related to prescription drug abuse over the past several years, the OPA increased its focus on vigorously prosecuting and tracking statistics on prescription drug related crime. This new approach involved three primary enhancements to our office’s strategy in handling these cases: better enforcement, more detailed screening, and appropriate and sentencing recommendations.

The Deputy Prosecuting Attorney assigned to felony drug cases worked with KPD to develop sound strategies and best practices in the investigations of the illegal prescription drug trade. This inter-agency collaboration resulted in not only an increased quantity of prescription drug related arrests, but also in a better quality case that could be successfully prosecuted.

The OPA also began a more focused and specialized approach in screening and charging cases that involved prescription drugs. Each case was screened separately by the Deputy Prosecutor assigned to felony drug cases, who has specialized training and experience in handling these often complicated prosecutions. This vertical prosecution model, implemented under the current OPA administration in 2008, ensures that each crime is charged appropriately by an attorney with a deep understanding of the complexities of prescription drug cases. As a result of this approach, over 50 felony prescription drug cases were initiated during the 2010-2011 fiscal year.

With an increased focus on vigorously pursuing prescription drug crimes, the OPA also began seeking more stringent sentences for those convicted of dealing prescription drugs, and increasing the availability of rehabilitative services for those caught in the debilitating cycle of prescription drug abuse. The OPA's approach to sentencing recommendations are rooted in principles that 1) those addicted to prescription drugs should receive appropriate treatment, and 2) those who choose to sell or distribute the drugs should receive appropriate punishment. By following these principles, collaborating with the law enforcement agencies and treatment providers, the OPA began a new era of effective and thoughtful prosecution of prescription drug offenses.

2. **AGGRESSIVELY ADVOCATED FOR NEW LEGISLATION THAT INCREASED PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE**

During 2011, the OPA helped spearhead a statewide initiative to ensure increased protections for victims of Domestic Violence. The Protect Victims of Domestic Violence Act was part of a two-bill legislative package submitted by the Hawai'i Law Enforcement Coalition, which is comprised of the Prosecuting Attorneys and Chiefs of Police from all four counties, the Attorney General, and the United States Attorney for the District of Hawai'i. Under the act, violent crimes like murder, assault, and terroristic threatening would be subject to increased penalties if the crime occurred while there was a valid order of protection in place against the offender.

The OPA took the position that when victims of domestic violence take the courageous step to seek the assistance of police and the justice system, they should be met with the assurance of enforceable protections. A passage of the bill would represent the notion that Protective Orders should be more than just paper, they should be meaningful deterrents used to free victims from the vicious cycle of violence.

While the legislation was pending before lawmakers, the OPA actively garnered support from community organizations like the YWCA and partnered with victim advocacy groups to encourage informed testimony in relation to the bill. Prosecuting Attorney Shaylene Iseri-Carvalho provided testimony in support of the bill and, in her capacity as President of the Hawai'i Prosecuting Attorneys Association, participated in lobbying efforts to raise awareness among the members of the legislature as to the importance of the legislation.

After receiving overwhelming support in both the House and Senate, the bill passed and was signed into law by Governor Neil Abercrombie.

3. **DEVELOPED AND LAUNCHED A MISDEMEANOR DIVERSION PROGRAM DESIGNED TO REDUCE RECIDIVISM**

After nearly three years of planning and project development, the OPA is pleased to introduce “Project P.Ō.H.A.K.U.,” a new innovative diversion program that provides an alternative to the traditional court process.

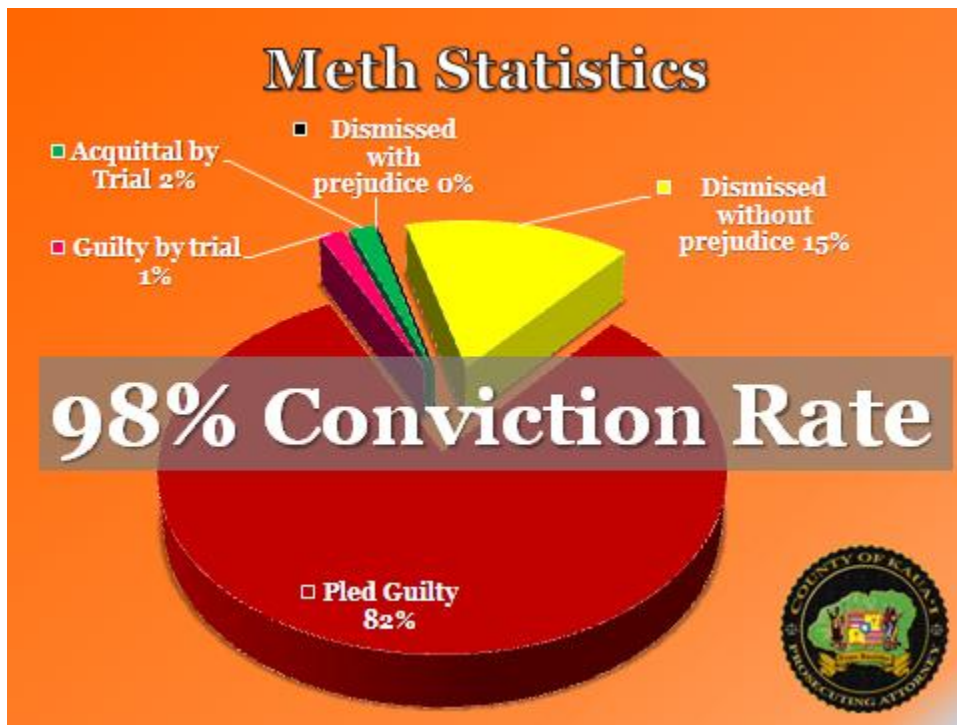
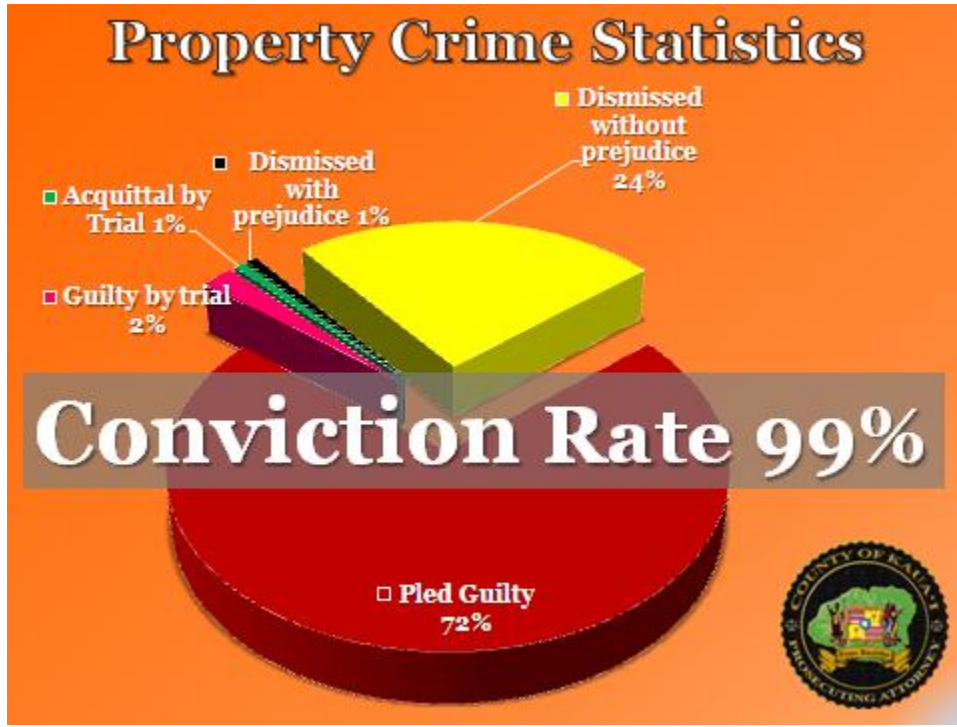
P.Ō.H.A.K.U. stands for **P**roductive **O**ptimism **H**elps **A**ll **K**aua‘i **U**nite and is the first program of its kind that incorporates culturally-based education and provides restorative justice to victims.

Eligible participants attend public responsibility classes related to Hawaiian-based values, perform cultural community service projects, and pay restitution (if applicable) instead of facing conviction, and the possible punishment of fines, probation, and/or incarceration.

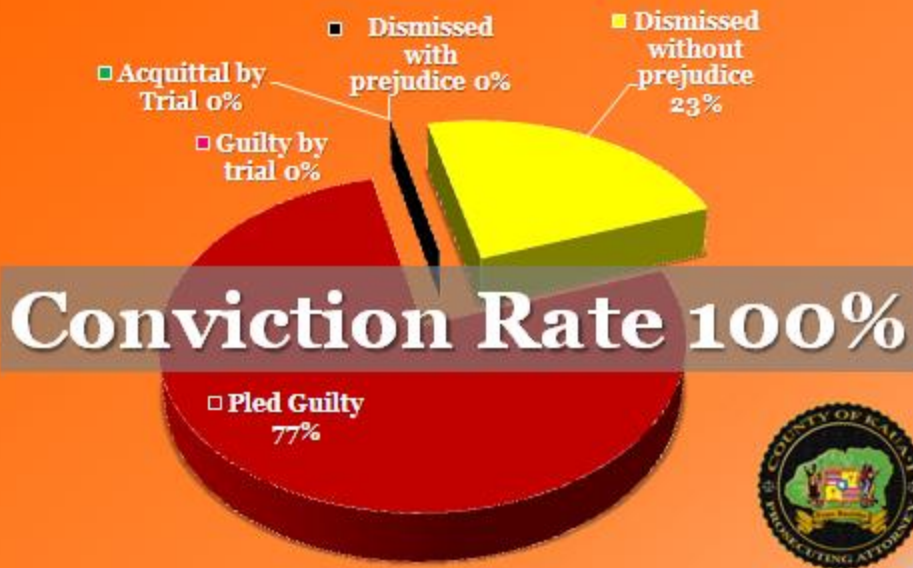
“Pono Kaulike – Equal Rights & Justice for All,” is the guiding principle of OPA which translates into this program. We hope to unite our island home of Kaua‘i by ensuring justice for victims, deterrence of criminal activity, and creating a safer community.

We are optimistic that participants who complete this program will gain a sense of personal responsibility for their offenses, gain respect for others and the āina, feel a sense of pride in their communities, and develop a sense of duty and personal commitment for the safety of future generations of our island of Kaua‘i.

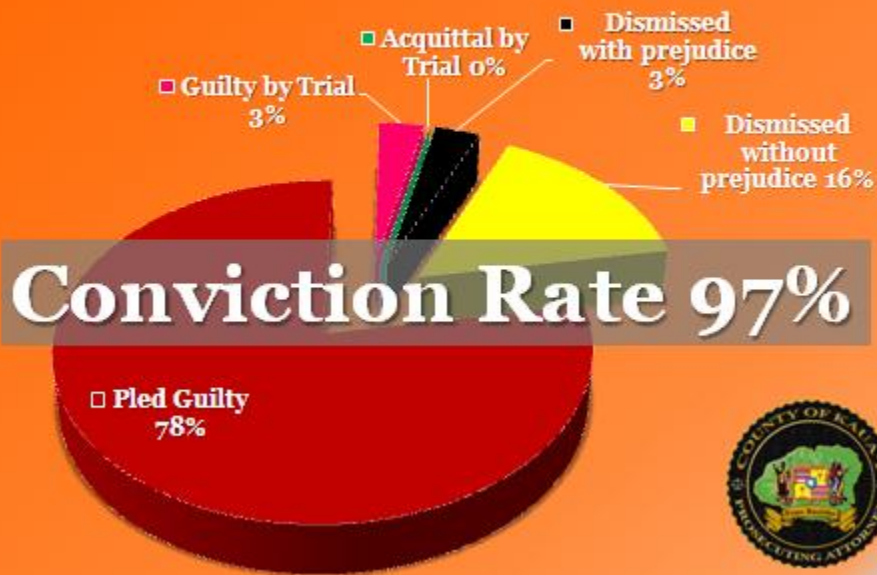
IV. Statistics



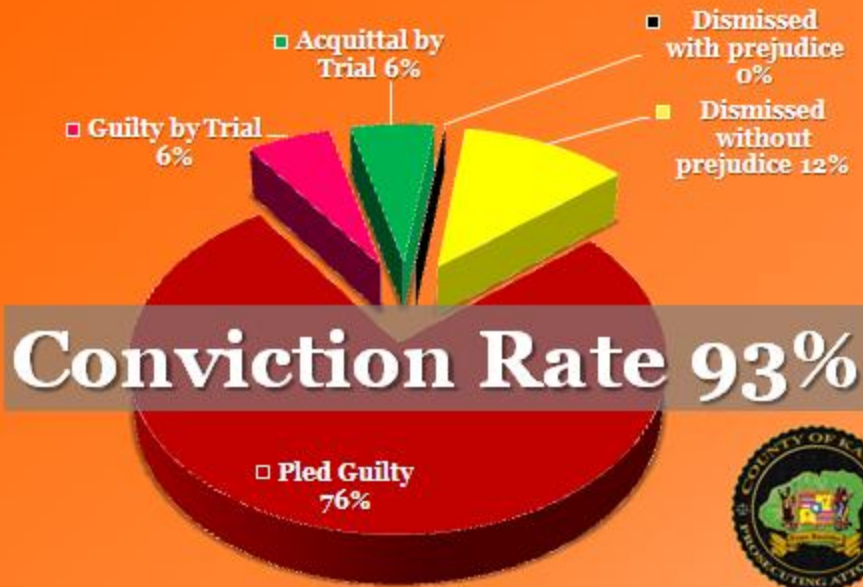
## Other Drug Crime Statistics



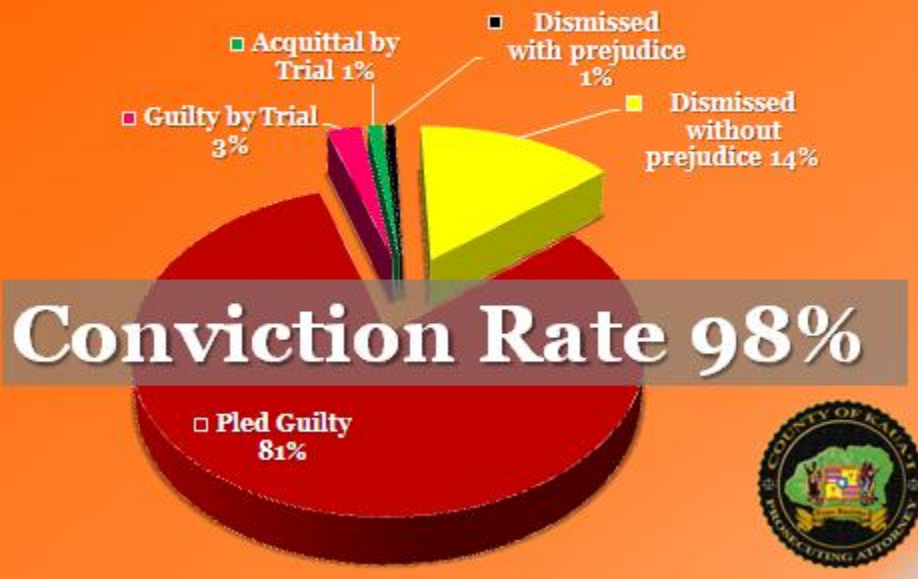
## Career Criminal Statistics



## Sexual Assault Statistics



## Domestic Violence Statistics



## V. ACCOMPLISHMENT AND EVALUATION

The Office of the Prosecuting Attorney continues to undergo major transformations to meet the many challenges of criminal prosecution. The changes will continue as we are forced to deal with fiscal constraints because of a slowing economy and the negative impact of such financial distress that leads to exponential increases in crime. We are committed to meeting these challenges by continuing our efforts to improve every aspect of the prosecution process. We have restructured the office to become more productive, efficient and responsive to our victims. We continue to refine our operations as we observe the impact of the changes, with the ultimate goal of providing the best services to the public in the most efficient and just manner.

In the coming year, the OPA will continue to build and strengthen the bridges that have connected us with the community. The OPA will continue paving the way for new and innovative solutions like Project P.O.H.A.K.U. that will transform the way that we approach the criminal justice process. Our relationships with the Kauai Police Department, State of Hawai'i Judiciary, Hawaii Visitors Bureau, Criminal Justice Center, YWCA, Hale Opio, Child Welfare Services, Department of Health and many others will help to improve services and attain successful prosecutions. We will meet all challenges head-on to ensure the highest level of respect, integrity, commitment and responsibility in the prosecution profession. We look forward to the future where Pono Kaulike will lead us. Pono Kaulike, Equal Rights and Justice for All.