

**OFFICE OF THE PROSECUTING ATTORNEY  
ANNUAL REPORT**

**July 1, 2011 – June 30, 2012**

**I. Mission Statement**

The Office of the Prosecuting Attorney (OPA) is dedicated to upholding our guiding principle of *Pono Kekaulike*, equal rights and justice for all, through the investigation, prosecution, and prevention of crime in our community.

**II. Department Goals**

1. Diligently represent the County of Kauai and State of Hawaii in the prosecution of all offenses against the laws of the State and the ordinances and regulations of the County of Kauai.
2. Advocate for crime victims' rights and ensure that victims have a voice in the criminal process.
3. Maintain close relationships with local, state, and federal law enforcement agencies to ensure successful prosecution of criminal offenses.
4. Work closely with community organizations to formulate community-based solutions for crime prevention and prosecution.
5. Maintain a high level of ethical integrity and professionalism.
6. Practice sound fiscal management and strive to achieve optimum levels of operational efficiency.

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

### **III. Program Description**

#### a. Objectives

In August 2011, the OPA launched Project P.O.H.A.K.U. – **Productive Optimism Helps All Kauai Unite**, the first misdemeanor program of its kind in the nation as an alternative to the traditional court process. Nationally recognized as an innovative approach to diverting cases from the courts to the community, Project P.O.H.A.K.U. gives non-violent misdemeanor offenders an opportunity to complete both a culturally-based personal responsibility class and community service rather than facing the possibility of a jail sentence. If participants successfully complete the program, their case is dismissed. If they fail to complete the program, they are adjudicated based on their admission to the charges.

#### b. Highlights

With the first class held in January 2012, the initial results were with resounding success. Participants reported high satisfaction levels on every aspect of the class and unanimously agreed that the experience was both beneficial and eye-opening. The OPA will continue to build on the early success of this program, and will strive to develop and implement innovative processes to restore the victim, the offender, and the community after a crime occurs.

Participants praised the program by saying:

*“I am honored to get a second chance to clear my name, I learned that we can change with positive behavior and admitting what we can do wrong can set you free...”*

*“I thought the class was very interesting. I do appreciate what the program is doing for me and I am grateful...”*

*“The program will help the court system immensely.”*

*“This is a wonderful crash course to help people with the tools needed to stay out of the system, and receive a second chance.”*

*“I appreciate the second chance that I was given and also the people who help people like us who lost need a little help or understanding to change our life...”*

c. Activities

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.

**IV. Program Measures – Accomplishments/Evaluation**

During FY 2012, the OPA continued to make key advancements in attaining high conviction rates, securing extended prison sentences for the most dangerous offenders, improving efficiency in processing cases to adjudication, implementation of an innovative and culturally-based diversion program, and educating our island’s seniors about the dangers of elder fraud and prescription drug crimes. These advancements have improved operations on every level, and bode well for the future of the safety of Kauai’s community.

1. Conviction Rates

The dedicated Deputy Prosecuting Attorneys at the OPA have secured convictions in many high-profile cases over the past year. Their collective trial experience exceeds 85 years, which has led to a consistency and quality of work never before seen at the Office of the Prosecuting Attorney.

Despite tremendous caseloads, OPA attorneys have been extremely successful in maintaining phenomenal conviction rates. Since 2007, the OPA has seen a caseload increase of 4,089 for district court criminal cases, 895 felony cases, and 2,448 juvenile cases. However, the dedication, proficiency, and experience of the OPA’s Deputy Prosecuting Attorneys, leads to prompt and just outcomes when cases reach adjudication.

Some high-profile examples of cases closed in FY 2011-12 include:

- Brendan Duarte – 10 years imprisonment for drugs and firearms offenses
- Clifton Cabinatan – 10 years imprisonment for sexual assault

- Ernest Moniz – 10 years for sexual assault
- Bradley Pundyke – 10 years for felony domestic violence related offenses

2. Improving Efficiency

The OPA has continued to streamline and improve office operations to achieve unprecedented efficiency in processing cases to adjudication. The scanning and electronic archiving of case files promises to reduce the amount of space currently occupied by closed files and increases access to case information in electronic form. A new records management system interconnects with other law enforcement agencies and provides a user-friendly process by which to access current case information. Also, OPA's new rolling mechanical file storage system centralizes all remaining case files for improved accessibility.

Clerical operations within the office also continue to improve through the leadership of OPA's Legal Clerk Supervisors. The extensive experience of these individuals and their exceptional leadership keeps the OPA running at peak efficiency.

3. Cold Case Collaboration with the Kauai Police Department

The OPA and the Kauai Police Department have partnered to re-ignite cold case murder investigations, some of which date back to the early 1980s. The experienced staff at KPD and the OPA review these cases together on a weekly basis to determine if today's technology can assist in solving some of Kauai's biggest unsolved cases. With advanced technology DNA testing, KPD is now able to test evidence samples dating back ten years or more. Through joint training programs and increased collaborative efforts within the county and beyond, our departments have achieved great and continuing success, which is a trend that promises to continue into the future.

4. Educating Seniors on the Dangers of Elder Fraud and Prescription Drug Crimes

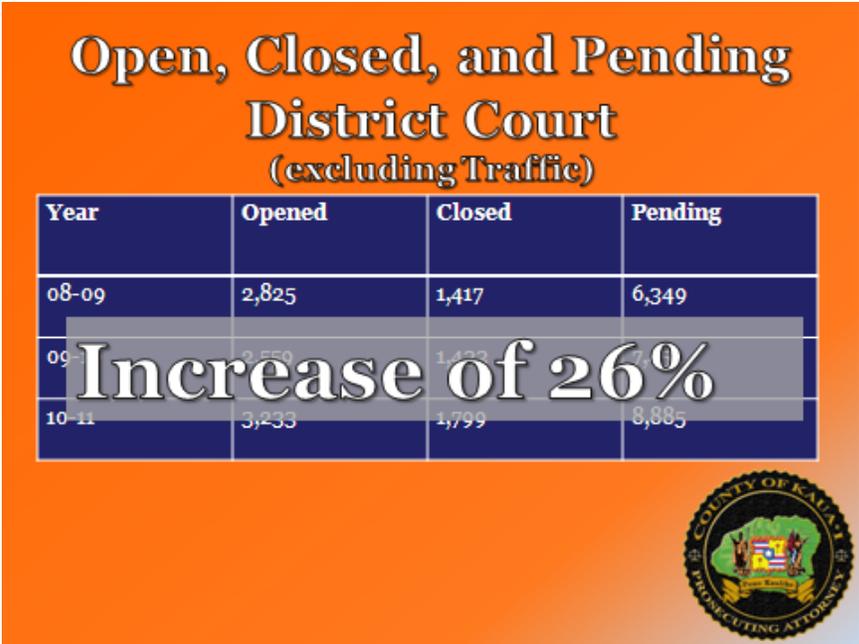
In recent years, senior citizens have become some of the most popular targets among criminals. Due to their trusting and helpful nature, senior citizens are seen as easy prey for a wide variety of financial scams. These scams, ranging from mail, telephone, and home repair fraud, devastate these vulnerable victims, who are often on a fixed retirement income and are unable to easily bounce back from the debilitating financial losses. Additionally, because many senior citizens have large amounts of prescription drugs in their home, they have become prime targets for home invasions by criminals looking to steal these valuable and potentially dangerous drugs.

In response to this disturbing trend, the OPA began a series of community presentations to our island’s senior citizens to raise awareness of the issues and educate seniors on how to prevent these types of crimes before they occur. The series, entitled, “*Protecting yourself, your Money, and your Property,*” provides useful information for seniors on how to stay safe, aware, and active in preventing fraud before it happens.

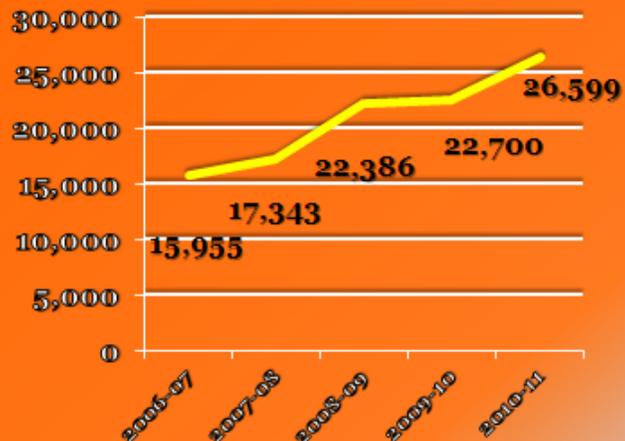
**V. Budget**

Throughout the 2012 fiscal year, the Office of the Prosecuting Attorney has been working tirelessly to minimize the effects of the economic downturn on the safety of our community. Increasing severity and frequency of crimes, coupled with climbing case numbers has made this a formidable challenge. While the OPA continues to streamline its operations and expenditures, the office has often struggled to meet the challenges posed by today’s socioeconomic reality due to a strain on resources and personnel. In addition to the issues faced during FY 2012, a variety of additional challenges loom on the horizon for FY 2013. Unusable office space has begun to diminish at an astonishing rate due to the sharp increases in caseload and need for additional personnel. With the elimination of community service as a sentencing option, the OPA expects many more cases to go to trial during FY 2013, which puts further strain on its already limited resources.

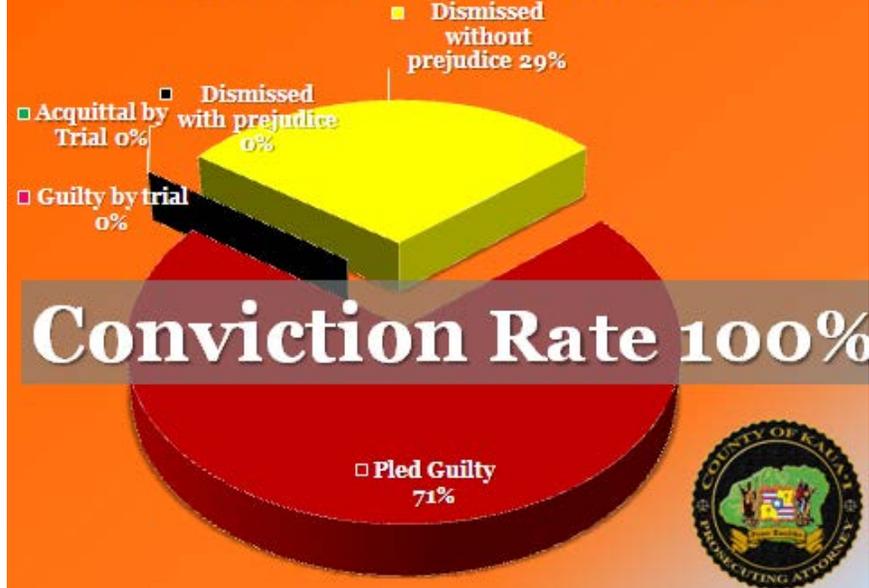
**VI. Statistics**

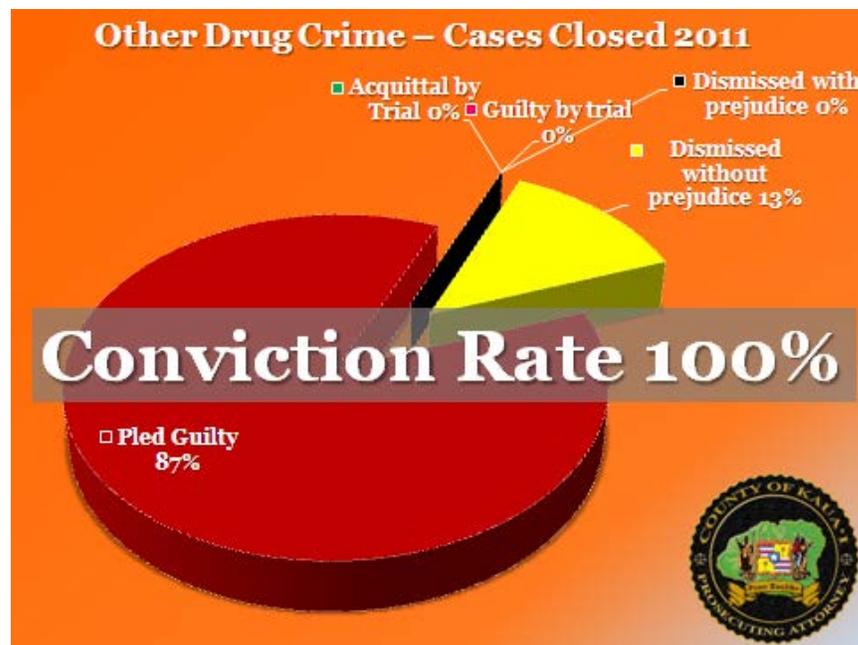
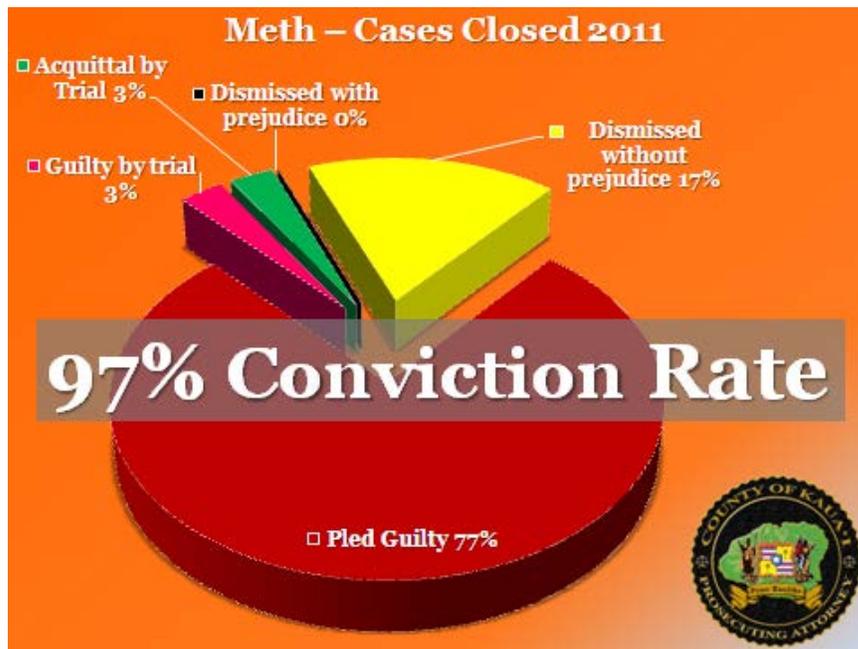


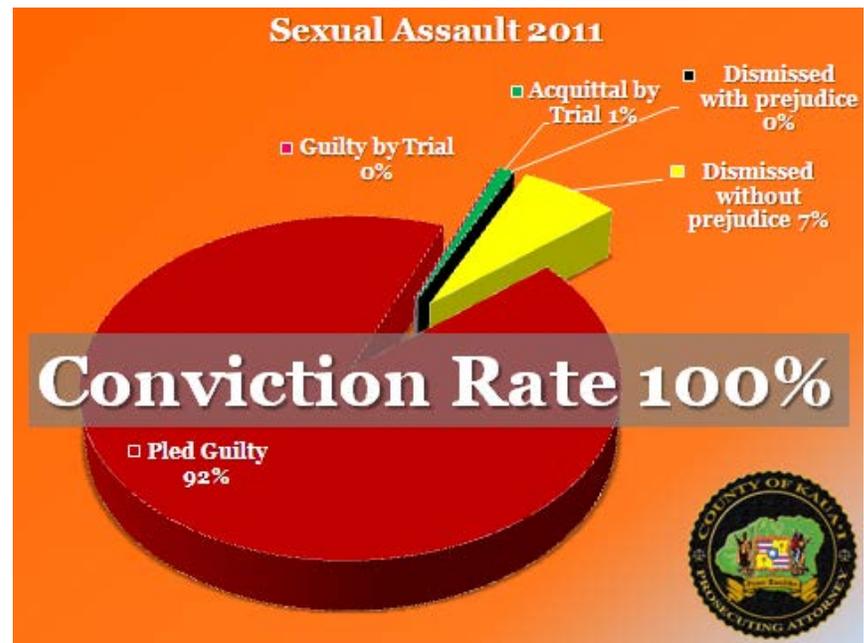
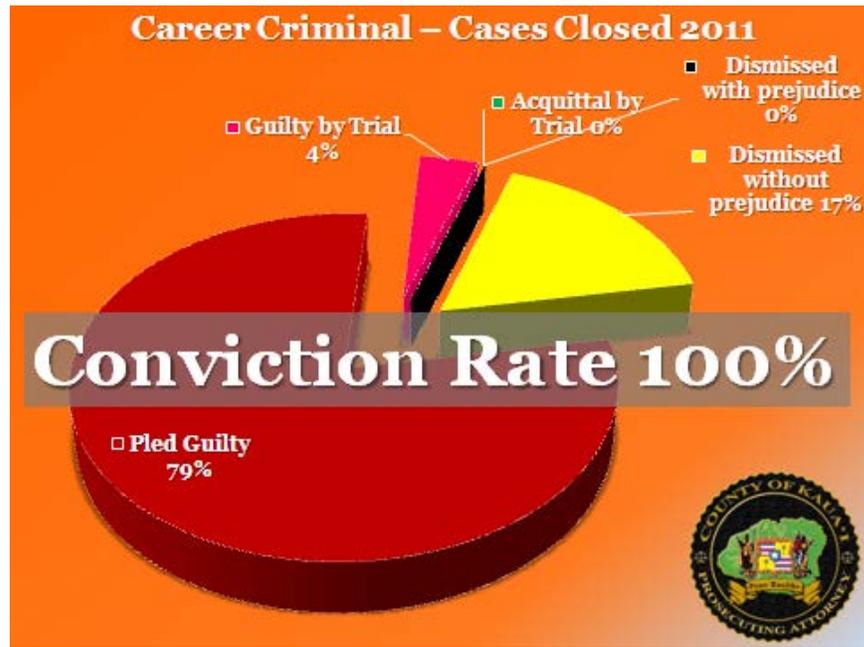
## Total Caseloads by Year

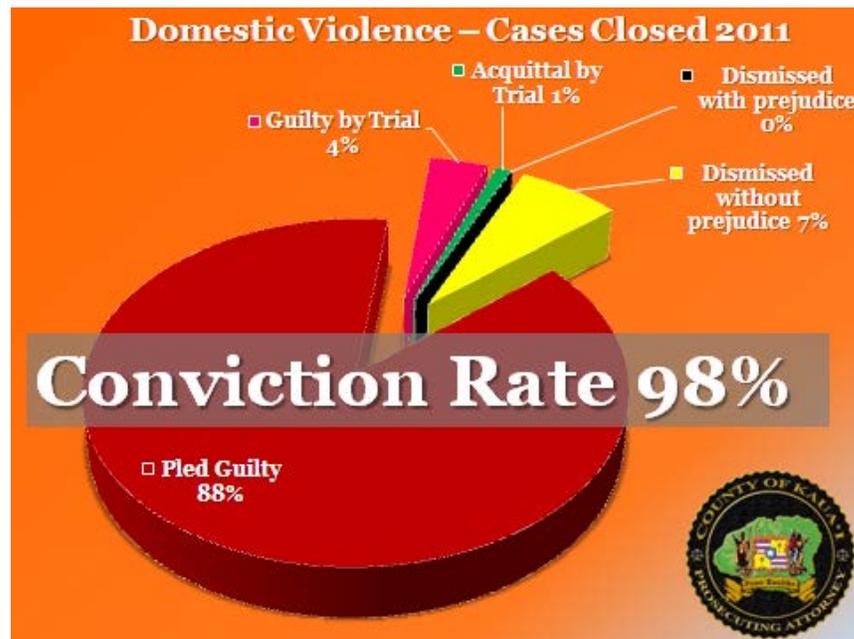


## Property Crimes – Cases Closed 2011









- ### Victim Services 10-11
- 3 Victim/Witness Counselors
  - 1 Victim/Witness Clerk
  - July 1, 2010 – June 30, 2011
    - 714 Total Victims Served
      - 337 Crimes Against Persons
      - 318 Property Crimes
      - 59 Both
- 

## Victim Services 10-11

### Services Provided to Victims

- 706 Education and Information
- 671 Advocacy
- 565 Counseling
- 300 Case Preparation
- 139 Crime Victims Compensation
- 167 Court Accompaniment
- 32 Referrals
- 19 Transportation
- 3 Outreach
- 0 Shelter



### VII. Holo Holo 2020 Project & Status

The Office of the Prosecuting Attorney is not currently responsible for any Holo Holo 2020 Initiatives.