

OFFICE OF THE PROSECUTING ATTORNEY

MISSION STATEMENT

The Office of the Prosecuting Attorney pursues justice with integrity and commitment.

ROLE AND DUTIES

The Office of the Prosecuting Attorney is the legal agency responsible for the prosecution of all criminal offenses occurring on the Big Island. The Prosecuting Attorney appoints the necessary staff to represent the people of this community before the District Court, Family Court, Circuit Court, Grand Jury, Intermediate Court of Appeals and the Supreme Court of the State of Hawaii.

The Deputy Prosecuting Attorneys also appear in Federal courts, including the 9th Circuit Court of Appeals and the United States Supreme Court, to see that Big Island convictions are not overturned. The agency's duty and goal is to seek justice in criminal cases in the County of Hawaii.

STAFF

| | |
|---------------------------|----|
| Appointed Personnel: | 29 |
| Permanent Personnel: | 32 |
| State-funded Personnel: | 15 |
| Federal-funded Personnel: | 7 |

BUDGET

In the 2000–2001 fiscal year, the office had a total projected operating budget of \$4,543,914, of which 34% or \$1,526,200, was from federal and state grants. Federal funding through the U.S. Department of Justice provides funding for Violence against Children, Violence against Women, Juvenile Accountability Incentive Block Grant and the Community Empowerment Organization projects. The Victims of Crime Act, a federal grant program, funds positions in the Victim Assistance Unit. In addition, State funding is received for the Career Criminal Program and Victim/Witness Program.

Units

Offices are located in Hilo, Kealahou, and Waimea to serve Big Island residents. The Prosecutor's Office is divided into five units: 1) the Deputy Prosecuting Attorneys' Unit; 2) the Investigative Unit; 3) the Victims Assistance Unit; 4) the Administrative Unit; and 5) the Clerical Support Unit.

The Deputy Prosecuting Attorneys' Unit is divided into East, West and North Hawaii teams to handle all criminal cases that occur in their respective districts.

| Team | Attorneys | Districts Covered | Cases |
|--------------|-----------|-------------------------------|-------------------------|
| East Hawaii | 18 | North & South Hilo. Puna | Felonies & misdemeanors |
| | | South Kohala, Hamakua, Ka' u | Felonies |
| West Hawaii | 6 | North & South Kona | Felonies & misdemeanors |
| | | Ka' u | Misdemeanors |
| | | North Kohala | Felonies & misdemeanors |
| North Hawaii | 1 | North & South Kohala, Hamakua | Felonies & misdemeanors |

The East Hawaii Team includes deputies designated for the prosecution of domestic and family violence misdemeanors, cases involving child physical and sexual abuse in Hilo and Puna, and cases involving women victims. There is also one attorney designated for Family Court matters and another designated for coordinating community outreach.

Major specialized areas and efforts within the Attorneys' Unit are:

The Career Criminal Prosecution Program is a State-funded project designed to get repeat criminal offenders through the system as quickly as possible with the maximum sanctions available. The Career Criminal program is also charged with handling sex offenders.

Drug prosecution attorneys handle major drug cases and advise the police regarding the increasing problems with cocaine, crack cocaine, heroin and crystal methamphetamine (Ice), commercial promotion of marijuana, and Ecstasy.

The Felony Unit – Notable trials this past year included: Jason Santos, convicted of murder and robbery; Bruce Frank convicted of manslaughter; Allen Branco, convicted of sex assault and kidnapping; and Garth Coleman, convicted of first-degree sexual assault, re-tried and convicted a second time.

The Screening Unit for East Hawaii is responsible for all screening and charging decisions for East Hawaii cases, including both felony and misdemeanor cases. They also analyze

cases for plea negotiations and present appropriate cases to the Grand Jury. The benefit to the County is greater uniformity in charging and faster response to the public.

Forfeitures remain an uncertain source of revenue for the office. A total of \$328,120 of assets derived from illegal activity was forfeited for the State Asset Forfeiture Program. The Office received \$15,705 of those proceeds.

The District/Family Court Unit handles all traffic and misdemeanor cases appearing before the seven District Courts. This caseload includes domestic violence as well as the juvenile cases that are scheduled in the Family Courts. The unit continues to be affected by increases in the number of DUI cases with more cases on calendar and set for trial.

CASE REFERRALS – July 1, 2000 – June 30, 2001

| District | # Defendants | # Charges |
|--------------|--------------|-----------|
| South Hilo | 2686 | 6661 |
| Puna | 1258 | 4457 |
| Ka' u | 250 | 552 |
| Hamakua | 293 | 660 |
| South Kohala | 744 | 1894 |
| North Kohala | 226 | 530 |
| Kona | 2126 | 5583 |
| | | |
| Honolulu | 6 | 8 |
| Kauai | 2 | 9 |
| Maui | 3 | 25 |

The Investigative Unit provides trial, pre-trial and post-trial investigative assistance to the deputy prosecutors. This unit also maintains a list of fugitives from Hawaii County on the FBI's National Crime Information Center computer system. It also works closely with the FBI and the U.S. Marshals Service in returning fugitives nationally or internationally.

The Victim/Witness Assistance Unit attends to the needs of victims and witnesses as they go through the criminal justice system. Case information, limited crisis counseling, assistance

with restitution and crime victim compensation and referrals to other agencies to satisfy victims' needs are among the many duties assigned to this unit. State and federal grants fund the majority of personnel in this unit that provided assistance to 3,466 victims and witnesses of crimes and their significant others in the second half of the fiscal year.

The Administrative Unit seeks additional state and federal funding for specialized programs and manages fiscal, personnel, facilities and management information systems for the largest legal agency in our County.

The Clerical Support Unit keeps pace with the word processing and information management needs of the office by extensive use of computer equipment. The clerical support staff is an integral part of successful prosecution. There are eighteen clerical staff handling reception, case-tracking and court-related procedures in the Hilo office and five in the Kona office.

HIGHLIGHTS

In an effort to provide victims and the community an opportunity to have alternative restorative justice practices, we implemented a mediation diversion project between the victim and suspect as an alternative to criminal prosecution in certain situations.

Received a competitive federal grant from the Bureau of Justice Assistance for the Community Empowerment Organization (CEO), a multi-agency effort to improve the safety and well being of Big Island communities.

Received technical assistance from the U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop a Juvenile Justice Strategic Plan, an effort to coordinate juvenile justice efforts to combat juvenile crime. The Plan will coordinate prevention efforts with the juvenile justice system's response and will unify the efforts of all service and program providers.

Secured Edward Byrne Memorial State and Local Law Enforcement Assistance Grant funds to implement a Community Oriented Prosecution program in West Hawaii.

Provided over 400 Keiki Identification cards at five community events.

Participated in the planning effort to establish Adult and Juvenile Drug Court programs for the Big Island.

Sponsored/co-sponsored workshops and seminars to improve law enforcement efforts and the criminal justice system.

Four-day Violence against Women & Children Conference for prosecutors, police, investigators, counselors and service providers from throughout the state.

Sponsored a statewide Search & Seizure/Abuse of Household Member Workshop for prosecutors.

Sponsored a U. S. Secret Service School Safety and Workplace Violence Workshop for interested businesses and school personnel.

Sponsored Violence against Children strategic planning workshops for prosecutors, police and service providers.

Sponsored a two-day Drug Awareness Conference on date rape and rave drugs.

Co-sponsored with Family Court, Balanced and Restorative Justice Workshops to promote and establish restorative justice practices in East and West Hawaii.

SPECIAL PROJECTS

The Office has continued to focus on the areas of Community-Oriented Prosecution, Domestic and Family Violence, Violence Against Children, Juvenile Justice and Community Empowerment.

COMMUNITY-ORIENTED PROSECUTION

The mission of Community-Oriented Prosecution is to improve the quality of life in Hawaii County by creating and fostering partnerships between the community and other agencies to reduce crime. Community-Oriented Prosecution offers a major link between the police and judicial branch of government, giving citizens a better sense of community. It encourages cooperation among all people on the Big Island and fosters an atmosphere of community empowerment.

One deputy is assigned as the Community Prosecution Coordinator, who works closely with Community Police officers in educating and empowering communities to join forces against crime. Edward Byrne Memorial State and Local Law Enforcement Assistance Grant funding was obtained to establish a Community Oriented Prosecution Unit in our Kona office to provide expanded coverage for the entire island. The unit will be started in December 2001.

Domestic and Family Violence

Domestic and family violence is recognized to be a severe and increasing problem in the County of Hawaii. The Domestic Violence Unit, established within the Office in 1993, addresses expedited processing of domestic violence cases and coordinated efforts and information sharing between agencies.

The Domestic Violence Interagency Team (DVIAT) continues to meet monthly in East and West Hawaii and is comprised of over 150 individuals from government, law enforcement, the Judiciary, and non-profit agencies, community organizations and interested citizens. DVIAT's mission is to prevent and reduce family and domestic violence in Hawaii County, make victims safer and improve victim services.

Violence against Children

In an effort to continue to address the problem of domestic violence in the County of Hawaii, the Office of the Prosecuting Attorney applied for and received a grant to deal with cases of child physical and sexual abuse. The grant's goal, "to better protect children and hold offenders accountable by improving the prosecution and interagency response to violence against children, including sexual assault and physical abuse", further extends the concepts of protection for the community that were first addressed by the domestic violence project.

One of the primary objectives of this grant is to develop a county-wide protocol among police, prosecutors, child protective workers, schools, family court, guardian ad litem, substance abuse, mental health and other service providers to better process child physical abuse cases. Interagency coordination is essential for effective prosecution.

It is the hope of the Office of the Prosecuting Attorney that coordinated community responses, along with education and public awareness, will prevent violence and make our communities safer.

Juvenile Accountability Incentive Block Grant (JAIBG) Project

The Office of the Prosecuting Attorney is the designated authority for the County of Hawaii's Juvenile Accountability Incentive Block Grant allocation. Second-year funding was used to begin development of a comprehensive strategy for juvenile justice and to do preliminary work to establish a juvenile drug court program.

Hawaii County Comprehensive Strategy for Juvenile Justice

The Comprehensive Strategy is a plan for communities to effectively deal with juvenile delinquency. It is a data-driven, research-based, outcome-focused approach to prevention, intervention, incarceration and aftercare of juvenile offenders.

More than 290 representatives of state, county and service agencies and 65 high school students have participated in the process to develop the Juvenile Justice Comprehensive Strategy plan for Hawaii County. The five-year strategic plan based on Hawaii County's risk factors, resources and needs will be completed by April 2002. It will provide a strategy for reducing juvenile delinquency on the Big Island.

Community Empowerment Organization (CEO)

The Hawaii County Community Empowerment Organization (CEO) project is a community-based initiative to enhance health and safety on the Big Island through diverse partnerships. The Office of the Prosecuting Attorney applied for and received a discretionary federal grant from the Bureau of Justice Assistance to implement this project. It offers communities a way to: "talk story" and develop action steps to address community issues; receive training and assistance on community building; become part of a communication network where information is shared and the people's voices are heard; and take advantage of grant and social opportunities through Community Development Plans that secure a safer and healthier future for all.