

# **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 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 Ninth 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:	8

## **Budget**

In the 2001 to 2002 fiscal year, the office had a total projected operating budget of \$5,330,381 of which 34% or \$1,805,000 was from federal and state grants. Federal funds through the U.S. Department of Justice provided funding for Community Oriented Prosecution, 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.

## **Highlights/Activities**

## 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.

<b>Team</b>	<b>Attorneys</b>	<b>Districts Covered</b>	<b>Cases</b>
East Hawaii	19	North & South Hilo, Puna	Felonies & misdemeanors
		South Kohala, Hamakua, Ka' u	Felonies
West Hawaii	7	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, cases involving women victims, and one designated to research and address information sharing issues relating to juveniles. There are deputies in East and West Hawaii designated for Family Court matters and 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.
- The **Circuit Court Unit** prosecutes all felony cases within the County of Hawaii for crimes ranging from theft to the most vicious homicides and also handles misdemeanor cases where a jury trial is requested. In addition, the unit is responsible for all appeals from felony convictions, writ practice in both Federal and State Court, evidentiary hearings relating to motions in felony and misdemeanor cases that are set for jury trial, felony sentencing proceedings, probation revocation

hearings, parole board hearings, assistance to the Police Department with officer training, review of search warrants and after-hour pager duty.

- 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. Legal proceedings were initiated to recover \$289,117 of assets derived from illegal activity for the State Asset Forfeiture Program. The Office received \$31,112 of those proceeds.
- The **District/Family Court Unit** handles all traffic and misdemeanor cases occurring in 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 driving under the influence cases with more cases on calendar and set for trial.

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 and 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 some of the many duties assigned to this unit. State and federal grants fund the majority of personnel in this unit, which provided assistance to 3,460 victims and witnesses of crime 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 18 clerical staff handling reception, case-tracking and court-related procedures in the Hilo office and six in the Kona office.

### **Highlights**

- Received federal funding totaling \$978,487 for the Community Oriented

Prosecution project, Victims of Crime Act program, a Violence against Women deputy, Juvenile Accountability Incentive Block Grant programs, Local Law Enforcement Block Grant and CEO projects.

- Received state funding totaling \$635,067 for the Career Criminal and Victim/Witness programs.
- Implemented a Community Oriented Prosecution program islandwide with federal funds. The program involves a long-term pro-active partnership between the prosecutor's office, police department, community, and public and private organizations. The prosecutor's office coordinates efforts to resolve community-identified crime problems, improve public safety and enhance the quality of life in the community.
- Provided federal funds to the Hawaii County Police Department for the Sex Assault Nurse Examiner (SANE) Coordinator and to Mothers against Drunk Driving (MADD), Child and Family Services and Turning Point for Families (formerly Family Crisis Shelter) for direct services to victims.
- Implemented the Community Empowerment Organization (CEO) project, a federally funded multi-agency effort to improve the safety and well being of Big Island communities.
- Secured funding for two deputy prosecuting attorneys to address gun violence and related crimes.
- Coordinated completion of a juvenile justice comprehensive strategic plan for Hawaii County in a concerted effort with representatives of the courts, law enforcement, education, private and non-profit service providers, student representatives and community members. The plan identifies juvenile justice system shortcomings and makes recommendations to improve supervision, service and support for our youth in an effort to combat juvenile crime. The plan has already served as a basis for attracting outside funding for program initiatives.
- Implemented a Community Oriented Prosecution program in West Hawaii with federal funds.
- Secured fourth year federal funding for a Violence Against Women deputy prosecuting attorney.
- Initiated legal proceedings to recover \$289,117 of assets derived from illegal activity for the State Asset Forfeiture Program. Received \$31,112 of those proceeds.
- Provided Keiki Identification cards at three island-wide community events.
- Participated in the planning effort to establish an Adult Drug Court program for the Big Island. The Adult Drug Court program commenced in September 2002.
- Sponsored/co-sponsored workshops and seminars to improve law enforcement efforts and the criminal justice system –
  - Sponsored through federal grant funds a statewide Sex Assault Response Team (SART)/Sex Assault Nurse Examiners (SANE) Institute in October 2001.
  - Co-sponsored with the Hawaii County Police Department and community individuals the islandwide Neighborhood Watch Solutions 2002 conference in April 2002.

- Co-sponsored with Western Community Policing Center of Seattle a three-day Community Teams training for Community Police Officers, Neighborhood Watch participants and community members in June 2002.
- Sponsored six community assessment and strategic planning workshops to complete the juvenile justice comprehensive strategic plan.

### **Special Projects**

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

### **Community Oriented Prosecution (COP)**

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 in order to reduce crime. Community Oriented Prosecution offers a major link between the police, prosecutors and the judicial branch of government, giving citizens a better sense of community. It encourages cooperation between all people on the Big Island and fosters an atmosphere of community empowerment.

One deputy in Hilo and one in Kona are assigned as the Community Oriented Prosecutors who work closely with Community Police officers in educating and empowering communities to unify against crime. Edward Byrne Memorial State and Local Law Enforcement Assistance Grant funding was obtained to establish a Community Oriented Prosecution Unit in the Kona office to provide expanded coverage for the entire island. The unit also includes an investigator and legal clerk.

### **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, 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**

The Office of the Prosecuting Attorney established a Violence against Children's Unit to address child physical and sexual abuse cases in 1998. The project was initially funded by federal grant funding and was adopted by the County in 1992. The Unit seeks 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. It further extends the concepts of protection for the community that were first addressed by the domestic violence project. Both projects seek to prevent violence and make our communities safer through coordinated community response, education and public awareness.

## **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 Juvenile Justice Comprehensive Strategic Plan**

The Comprehensive Strategic Plan is an organized plan for our community to effectively deal with juvenile delinquency. It is a data-driven, research-based, outcomes-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 participated in the process to develop the Juvenile Justice Comprehensive Strategic plan for Hawaii County. The five-year plan based on Hawaii County's risk factors, resources and needs includes recommendations directed at systemic, prevention and graduated sanction issues.

## **Community Empowerment Organization (CEO)**

The Hawaii County Community Empowerment Organization (CEO) project is a community-based initiative to enhance the safety and health of Big Islanders 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 the law enforcement system and community building; become a part of a communication network where information is shared and the people's voices are heard; and take advantage of grant and social opportunities to secure a safer and healthier future for all.

## **Community Gun Violence Prosecution Program**

The goal of the Community Gun Violence Prosecution program is to deter crime and positively affect the community's perception of safety by prosecuting firearm-related crimes in a rapid, responsive and effective manner. The primary objectives of the program are to develop and implement an intake process to expedite screening and charging of violent crimes involving guns and employ a vertical prosecution strategy.