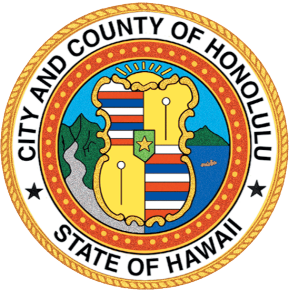




Office of the City Auditor



**City and County of
Honolulu
State of Hawai`i**

**Report to the Mayor
and the
City Council of Honolulu**

**Follow-Up on
Recommendations
from Report No. 17-02,
*Audit of How Domestic
Violence Cases are
Handled, Processed,
and Resolved***

**Report No. 21-03
June 2021**

**Follow-Up on Recommendations
from Report No. 17-02, *Audit of
How Domestic Violence Cases
are Handled, Processed, and
Resolved***

A Report to the
Mayor
and the
City Council
of Honolulu

Submitted by

THE CITY AUDITOR
CITY AND COUNTY
OF HONOLULU
STATE OF HAWAII

Report No. 21-03
June 2021



TROY SHIMASAKI
ACTING CITY AUDITOR

OFFICE OF THE CITY AUDITOR
CITY AND COUNTY OF HONOLULU

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June 4, 2021

The Honorable Tommy Waters, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

A copy of our audit report, *Follow-up on Recommendations from Report No. 17-02, Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*, is attached. This audit was conducted pursuant to Section 3-502.1(d), Revised Charter of Honolulu, which authorizes the Office of the City Auditor to perform follow-up audits and monitor compliance with auditor recommendations. This audit was also included in our office's Annual Work Plan for FY 2021.

The original audit, *Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*, Report No. 17-02, issued in June 2017, was conducted pursuant to Council Resolution 16-1, CD1. The resolution requested that the city auditor determine whether domestic violence cases, administered by the Honolulu Police Department (HPD) and the Department of the Prosecuting Attorney (PAT), are handled, processed, and investigated in an economical, efficient, and effective manner. Report No. 17-02 made 12 recommendations (6 were addressed to both HPD and PAT, 1 was addressed to HPD, and 5 were addressed to PAT).

In this follow-up audit, we found that for HPD, two recommendations were *completed*, two were *resolved*, and three are *in process*. For PAT, one recommendation was *completed*, two were *resolved*, one was *dropped*, and seven are *in process*.

In response to a draft of this follow-up audit, the Managing Director, on behalf of the Honolulu Police Department, expressed general agreement with our audit findings and recommendations, and committed to addressing the three outstanding recommendations we deemed *in process* (see Appendix B). In a separate response, the Prosecuting Attorney also expressed general agreement with our audit findings and recommendations. The Prosecuting Attorney indicated actions the department will take to address the seven recommendations that remain *in process* (see Appendix C).

The Honorable Tommy Waters, Chair
and Members
June 4, 2021
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We would like to express our sincere appreciation for the cooperation and assistance provided us by the managers and staff of the Honolulu Police Department and the Department of the Prosecuting Attorney. The audit team is available to meet with you and your staff to discuss this report and to provide more information. If you have any questions, please call me at 768-3134.

Sincerely,

A handwritten signature in black ink that reads "Troy Shimasaki". The signature is written in a cursive style with a large initial "T".

Troy Shimasaki
Acting City Auditor

c: Rick Blangiardi, Mayor
Michael D. Formby, Managing Director
Rade K. Vanic, Acting Police Chief, Honolulu Police Department
Steven S. Alm, Prosecuting Attorney, Department of the Prosecuting Attorney
Andrew Kawano, Director, Department of Budget and Fiscal Services

Follow-Up on Recommendations from Report No. 17-02, *Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*

June 2021

Background

This is a follow-up audit to *Report No. 17-02, Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*. The Honolulu Council adopted City Council Resolution 16-1, CD1 requesting that a performance audit of how domestic violence cases are handled, processed, and resolved by the city, including the enforcement of temporary restraining orders. The resolution requested that the city auditor determine whether domestic violence cases were handled, processed, and investigated in an economical, efficient and effective manner. The completed audit was issued in response to the resolution on June 13, 2017.

The audit found that the process for investigating and prosecuting domestic violence cases is complex and that final charges may change over the lifecycle of developing a case and bringing the defendant to trial. Domestic violence case tracking, monitoring, and management could be improved by the Honolulu Police Department (HPD) and the Department of the Prosecuting Attorney (PAT) developing common definitions, terms, and sharing data. The lack of formal PAT administrative processes and procedures, reliance on informal guides, and the judicial and trial processes compound the difficulties of successfully prosecuting domestic violence cases.

Additionally, the Hawai'i Revised Statutes (HRS) was amended in 2014 to classify abuse before a child under 14 years old as a felony. Although this change was intended to deter domestic abuse cases, the amendment created additional work for HPD and PAT and did not result in significantly reducing domestic violence for several reasons: (1) the law was difficult to prosecute because victims were unwilling to testify or were reluctant to appear in court; and (2) the HPD and PAT lifecycle for domestic violence incidents can result in reclassifications and decisions that affect the case.

The audit offered 12 recommendations (6 addressed to both HPD and PAT, 1 addressed to HPD, and 5 addressed to PAT):

1. *We recommend that the Managing Director, HPD, PAT, and the City Council should continue to lobby the state legislature to amend HRS §709-906 to reduce the domestic violence case, physical abuse in the presence of any family or household member who is less than 14 years of age from a class C felony to a misdemeanor with incarceration of 90 days.*
2. *PAT should consider temporarily suspending its no drop policy until its workload can be stabilized or the HRS amended.*
3. *PAT should establish a formal, written administrative policy to use vertical prosecution whenever possible and to minimize personnel rotations for domestic violence cases.*

4. *The City Council and PAT should continue to lobby the state legislature and the state judiciary to provide more judicial resources related to domestic violence cases.*
5. *HPD and PAT should eliminate some of the redundancy in their data collection systems by developing a non-statutory memorandum of understanding that allows both HPD and PAT to access their information systems, share information, and use database or system administrators to wall off and protect sensitive data within the departments.*
6. *Under the non-statutory memorandum of understanding, if possible, HPD and PAT should establish one, common data collection system that allows access to data needed for each department's operations and limit access to sensitive or confidential information through a table of authorizations, read vs write access, or database administrators or system administrators.*
7. *HPD and PAT should develop a memorandum of understanding that defines domestic violence terms; itemizes the categories to be reported under domestic violence; and provides consistent and uniform definitions, terms, and jargon that facilitate domestic violence reporting and communications.*
8. *The HPD and PAT memorandum of understanding should require HPD and PAT to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (such as HRS §709-906 related incidents) that will allow city managers, the City Council, and the public to monitor and track the number and types of domestic violence cases occurring in the city. The reports should provide reliable, complete, accurate, and consistent domestic violence data to decision makers and segregate the categories covered under HRS §709-906 from the categories that fall under other sections of the HRS (such as attempted murder, kidnapping, and robbery).*
9. *Like HPD, PAT should develop formal, written policies, procedures, and processes for administering domestic violence cases; and written rules and regulations that provide useful information for managing, tracking, and accounting for domestic violence cases assigned to the unit.*
10. *PAT should update and develop formal guides that its trial attorneys can use to prepare cases for trial and to prosecute and try domestic violence cases in court.*
11. *HPD and PAT should develop domestic violence performance metrics and data that allow organizations to benchmark and evaluate their performance; determine how well goals are being achieved; can be used to manage their workload; and justify the need for resources.*
12. *HPD should centralize Temporary Restraining Orders (TROs) data and allow all police districts and authorized HPD divisions to access the TRO information.*






In response to the 2017 audit, the Managing Director and the Department of the Prosecuting Attorney generally agreed with the audit recommendations and indicated that HPD and PAT had implemented, or were in the process of implementing, the recommendations.

The objective of this current follow-up audit is to report on the status of HPD's and PAT's implementation of the original 12 recommendations made in Report No. 17-02.


AUDIT RESULTS


For HPD, we found that two of the original recommendations were completed, three are in process, and two were resolved.

For PAT, we concluded that one of the original recommendations was completed, seven are in process, one was dropped, and two were resolved.

 Completed	 Resolved	 In Process	 Not Started	 Dropped
HPD: 2	HPD: 2	HPD: 3	HPD: --	HPD: --
PAT: 1	PAT: 2	PAT: 7	PAT: --	PAT: 1
Agency has sufficiently implemented the audit recommendation.	Although agency did not implement the audit recommendation, it implemented an alternative solution that sufficiently addressed the applicable audit finding or risk.	Agency started or has partially implemented the audit recommendation.	Agency has not begun implementation of the recommendation.	Agency has no plan to implement the recommendation; the risk associated with the recommendation no longer exists, or is no longer applicable.

Recommendation 1

HPD  Resolved

PAT  Resolved

The Managing Director, HPD, PAT, and the City Council should continue to lobby the state legislature to amend HRS §709-906 to reduce the domestic violence case, physical abuse in the presence of any family or household member who is less than 14 years of age, from a class C felony to a misdemeanor with incarceration of 90 days.

Report No. 17-02 noted that HPD is committed to working with all community partners and stakeholders to develop legislation that supports victims and their families. PAT acknowledged that while the provisions of HRS §709-906 increased the workload, that itself should not be the only reason to change the law. The reclassification from a felony offense to misdemeanor would only shift the workload to an already overloaded family district court. A misdemeanor offense would still entitle defendants to a jury trial, which would increase the number of cases dismissed due to lack of court resources.

STATUS UPDATE

HPD

HPD reported that it recognizes the audit’s finding that the number of cases involving abuse in the presence of a child less than 14 years old increased HPD Criminal Investigation Division (CID) workload, the increase has not significantly impacted operations. HPD does not agree that such efforts are in vain nor should they be dismissed given the seriousness of the crime involved. While an amendment to a misdemeanor may decrease the workload for a felony domestic violence (DV) detective, there has been no evidence that the CID DV detectives’ caseloads are currently unmanageable without the amendment.

HPD also provided additional caseload data and the number of police officers assigned to cases involving abuse in the presence of a child less than 14 years old. The caseload breakdown from 2017 to 2020 is shown in Exhibit 1.

Exhibit 1

Caseload Breakdown - 2017 to 2020

Year	Number of Personnel Assigned	Caseload
2017	11	213
2018	9	191
2019	10	179
2020	10	147

Source: Honolulu Police Department

We reviewed the updated status provided by HPD and based on our review of additional data, we found that even with no change to HRS §709-906, which reduces a domestic violence charge from a class C felony to a misdemeanor, the caseload data presented does not show any substantial increase in cases assigned to felony domestic violence detectives. In fact, the workload data provided by HPD shows about a 31 percent reduction in caseloads from 213 cases in 2017 to 147 cases in 2020 with about the same number of personnel assigned to these cases.

We concluded that this recommendation has been resolved. Based on updated caseload data, we determined that current state law is no longer taxing on the department’s resources. As a result, HPD has opted not to pursue amending the state law. It is the department’s belief that individuals found guilty of domestic violence crimes involving abuse in the presence of a child should be accountable at the felony level and that existing resources are sufficient to investigate such cases.

PAT

PAT reported that it did not lobby the Legislature to amend HRS §709-906(1) and (9) (referred herein as *under 14 law*). PAT addressed the volume of work created by the passage of the under 14 law by increasing the number of Deputy Prosecuting Attorneys (DPAs) in the domestic violence misdemeanor team to seven in 2019 and nine in 2020. The domestic violence felony team maintained approximately five to six DPAs between 2018 and 2020.

PAT’s previous management supported various legislation aimed at improving DV prosecution. In the 2020 Session, the Legislature considered several bills related to domestic violence, including

legislation to make felony abuse conviction subject to the repeat offender statute, to reclassify a petty misdemeanor offense as abuse, and to provide additional guidance on hearsay evidence in DV cases.

PAT's current management is considering other ways that the department can improve DV prosecution. One of the priorities is training. PAT will be instituting a number of training modules designed to improve prosecutor skills. The current PAT administration has also reconsidered the use of the *no drop* policy in an effort to improve outcomes of DV prosecution and be able to provide the appropriate resources to DV prosecution.

After reviewing PAT's updated response, legislative activities and additional efforts to improve domestic violence prosecution, we concluded that this recommendation is resolved. Although PAT responded that it had not started to address this specific recommendation, it adjusted staffing levels to address the volume of work created by current state law. Additionally, PAT continues to pursue and support legislative initiatives aimed at improving prosecution of domestic violence cases.

PAT also hired consultant, Scott Kessler. Kessler is the former Domestic Violence Bureau Chief of the Queens District Attorney's Office in New York. This consultant was tasked to focus on training domestic violence deputies and to assess operational processes to increase positive outcomes.

Recommendation 2

PAT



Completed

PAT should consider temporarily suspending its *no drop* policy until its workload can be stabilized or the HRS amended.

In its response to Report No. 17-02, PAT implemented a *no drop* policy that protected victims from being threatened or harmed if they did not *withdraw their complaints*. Prior to policy implementation, victims could request that charges be withdrawn and it was granted even though there was sufficient evidence to prove abuse. Once a report by the victim is made, and a statement is given detailing the abuse, the case can still be prosecuted with a rule of evidence. The rule of evidence allows statement admission even though the victim may recant during trial. Although PAT concurs that allowing withdrawals of complaints would reduce the number of felony and misdemeanor abuse cases, the department asserts that victim protection outweighs the reduction of cases.

STATUS UPDATE

We concluded that the recommendation to suspend the *no drop* policy has been completed because PAT's current administration opted to discontinue the use of the policy. The department took action that went beyond the recommendation's intent, which further improves its workload efficiency. PAT reviewed current best practices authored by the National District Attorney's Association (NDAA) and Association of Prosecuting Attorneys (APA) that further support this position. The department will also continue to provide information and referral services to victims affected by this policy change.

PAT reported that prior management did not suspend its use of the *no drop* policy. While PAT did not suspend its *no drop* policy at that time, PAT increased support to the domestic violence misdemeanor team in 2019 and 2020 in an effort to establish better communication with victims,

improve case outcomes, and provide sufficient resources to handle the volume of domestic violence cases. To support this effort, a consultant provided specific training on speaking to witnesses. By reaching them early and effectively communicating with the victims, PAT increases its chances of victim participation in the prosecution. The consultant also provided training to DV DPAs on other topics relevant to DV prosecution.

The current PAT administration is discontinuing the use of the *no drop* policy. PAT reviewed the current best practices guide authored by the NDAA and the APA Domestic Violence Committee Position Statement. PAT contacted the authors of these documents and engaged in further discussion about the *no drop* policy. The department learned that Honolulu is in a very small minority of jurisdictions still utilizing the *no drop* policy. PAT also met with local community stakeholders that included domestic violence advocates and discussed discontinuing the use of the *no drop* policy. Based on the literature review and stakeholder discussions, PAT decided to discontinue the use of the *no drop* policy. PAT, through the Victim Witness Kokua Services, will continue to provide information and referral services to victims affected by this change in policy. In moving away from the *no drop* policy, the department will be charging and taking cases to trial that fulfill its ethical obligations to prosecute cases that the state can prove beyond a reasonable doubt.

Recommendation 3

PAT



In Process

PAT should establish a formal, written administrative policy to use *vertical prosecution* whenever possible and to minimize personnel rotations for domestic violence cases.

Report No. 17-02 stated that to prosecute domestic violence felonies, PAT uses *vertical prosecution* which is the recommended practice of using one prosecutor to handle a case from filing to final disposition. The practice is endorsed by the National District Attorneys Association and involves using the same prosecutor at all stages of the domestic violence process from arraignment through post-sentencing motions. The use of vertical prosecution eliminates the need for numerous prosecutors; the need for victims to repeat the facts and history of their case; and minimizes the number of personnel with whom the victim must interact. The practice is not formalized in PAT administrative policies or procedures.

In the original audit, PAT explained that vertical prosecution is already employed in both felony and misdemeanor cases. However, the department reported that rotation of attorneys is frequent in misdemeanor cases because they are handled by attorneys who seek experience in a variety of cases and want to advance in conducting felony cases. According to PAT managers, personnel are initially assigned to the domestic violence misdemeanor team and rotated to a felony team as part of their professional development.

Report No. 17-02 also concluded that despite this practice, PAT turnover in the Domestic Violence Division continued to occur, particularly within the domestic violence misdemeanor team. Other changes occurred due to retirements, departures for better employment opportunities, and transfers to other PAT divisions.

STATUS UPDATE

PAT reported that it continues to employ *vertical prosecution* whenever possible. *Vertical prosecution* is still the primary method of prosecution for the domestic violence felony team. PAT has not drafted a written policy to formalize this practice, but intends to complete one.

The DV misdemeanor team continues to experience turn over due to professional development and reassignment to felony teams. However, in 2019 and 2020 the number of DV misdemeanor DPAs increased to seven in 2019 and nine in 2020. The DV felony team maintained approximately five to six DPAs between 2018 and 2020.

After our review of PAT's updated response and additional information provided by PAT, we concluded that the status of this recommendation is in process. Although PAT continues to cite staff turnover as an issue for the domestic violence misdemeanor team, the need to establish formal policies and procedures remains.

NEXT STEPS

PAT should complete a formal, written administrative policy to use vertical prosecution whenever possible.

Recommendation 4

PAT

X

Dropped

The City Council and PAT should continue to lobby the state legislature and the state judiciary to provide more judicial resources related to domestic violence cases.

In Report No. 17-02, PAT stated that lobbying the legislature to fund the Judiciary with additional resources would be fruitless with no control over how the resources would be used. PAT noted that in 2012 and 2014, it submitted a bill to the state legislature to request funding for two judges to try domestic violence cases. Despite the Judiciary's opposition to the funding request, the legislature agreed with the Prosecuting Attorney and provided funding for one Family Court judge position to try domestic violence cases. However, the Family Court used that judge position to handle temporary restraining orders instead of domestic violence trials.

STATUS UPDATE

PAT reported that rather than lobby the legislature for additional funding for the judiciary, it focused on other legislation relevant to prosecuting domestic violence cases. Additionally, PAT's reconsideration of the *no drop* policy will help to address resource availability issues.

After reviewing PAT's response along with its legislative activities and change in position to discontinue the *no drop* policy, we concluded that this recommendation should be dropped. PAT continues to pursue legislation aimed at improving prosecution of DV cases and there is potential for additional resources now that the new PAT administration will only pursue DV cases that can be charged and brought to trial that fulfill their ethical obligation to prosecute cases that the state can prove beyond a reasonable doubt.

Recommendation 5

HPD  In Process

PAT  In Process

HPD and PAT should eliminate some of the redundancy in their data collection systems by developing a non-statutory memorandum of understanding that allows both HPD and PAT to access their information systems, share information, and use database or system administrators to wall off and protect sensitive data within the departments.

Report No. 17-02 stated that HPD had recently transitioned to the new Crime Reporting System (CRS) for its records management. The CRS records and stores data from all police reports and has the capability to retrieve statistical information that was not available in the prior system. Both HPD and PAT have access to the CRS. At the time, HPD was working with PAT to develop an electronic conferral process. Reports generated in the CRS would ultimately be sent electronically and uploaded directly into PAT's case tracking system. This would result in improved tracking of information and reporting between the two agencies.

PAT concurred with the recommendation and reported that it had been working with HPD to import information from the police to the prosecutor's system.

STATUS UPDATE

HPD

HPD reported that PAT continues to have access to HPD's CRS which allows prosecutors to view reports, body worn camera videos, and other documents (e.g. temporary restraining orders, lethality assessment program, victim statements, etc.) that HPD uploads. However, PAT continues to use the Prosecutor by Karpel (PbK) case management system, which remains independent of HPD's CRS. The two departments have been unable to achieve a successful interface between their respective data collection systems. Given current budgetary constraints, HPD reported that it is unlikely this situation will be resolved in the near future. Establishing a memorandum of understanding (MOU) to allow for a shared interface at this point is moot. However, HPD recently met with Prosecuting Attorney to have a preliminary discussion regarding the various audit recommendations.

After reviewing HPD's updated response and memorandum of agreement (MOA) for PAT's use of the CRS, we concluded the status of this recommendation is in process. Although HPD could not achieve a successful interface between HPD and PAT data collection systems, the departments were able to execute a MOA allowing PAT the use of the HPD's CRS in July 2019. This provides PAT access to HPD DV data that is essential for PAT to fulfill prosecutorial and investigative duties. In addition, HPD continues to work toward improving its records management system. A replacement system is projected to go live in August 2021 and will include an improved dispatch function, work flow processes, and data recording.

PAT

PAT reported that both PAT and HPD were working toward sharing information via their respective case management systems. The project stalled in the intervening time. HPD informed

PAT that they will phase out its existing CRS case management system. CRS derives its data from records management system (RMS) and HPD intends to replace RMS later this year. PAT reported that it has not received a formal schedule from HPD regarding its new system and is not aware what type of access HPD will be providing PAT under HPD's new system. PAT intends to coordinate with HPD on this matter.

PAT also reported that it was pursuing grant funding that would allow for system interfacing or data sharing between PAT, HPD, the Criminal Justice Data Center, and other associated agencies. In response to our request for additional information, PAT provided more information on the grant sources and its current status in pursuit of the grants.

PAT is currently pursuing the Bureau of Justice Assistance *Fiscal Year 2021 Smart Prosecution – Innovative Prosecution Solutions* grant in order to facilitate data sharing practices with HPD. Although the Smart Prosecution grant is not directly connected to domestic violence prosecution, the result is expected to be improved data sharing and coordination with the HPD.



Although PAT did not meet this year's deadline for the Office of Violence Against Women (OVW) *Fiscal Year 2021 Improving Criminal Justice Responses to Domestic Violence, Sexual Assault, and Stalking* grant, PAT intends to pursue this grant next year to improve its domestic violence response. This grant would fund additional training and professional development of prosecutors and coordinate computer tracking systems. Other agencies, including the Association of Prosecuting Attorneys and the National Center for Victims of Crime (NCVC), expressed an interest in participating with PAT to execute the grant, but time constraints prevented PAT from submitting a timely application.

Currently, there is no memorandum of understanding in place between PAT and HPD to share or coordinate domestic violence data. However, PAT maintains access to HPD's CRS system.

After reviewing PAT's updated response and CRS user agreement, we found that the status of this recommendation is in process. Although there is still no MOU in place for the two departments to interface with each other's records management systems, there is an MOA in place for PAT to have access to HPD's CRS which allows the department to view DV case data that is essential for PAT to fulfill prosecutorial and investigative duties. PAT is also currently pursuing a grant that would allow system interfacing or data sharing between PAT, HPD, the Criminal Justice Data Center, and other associated agencies.

NEXT STEPS

HPD and PAT should continue to work on improvements to their respective case management systems. We continue to recommend that the non-statutory MOU be executed to formalize information exchange arrangements.

Recommendation 6	HPD	 In Process
	PAT	 In Process

Under the non-statutory memorandum of understanding, if possible, HPD and PAT should establish one, common data collection system that allows access to data needed for each department’s operations and limit access to sensitive or confidential information through a table of authorizations, read vs write access, or database administrators or system administrators.

Report No. 17-02 noted that HPD supported this recommendation provided that the appropriate security measures were in place and appropriate funding was available. HPD and the PAT already share access to police reports via the CRS. A seamless system with the Judiciary would further improve tracking and adjudicating domestic violence cases.



PAT concurred with the recommendation. PAT has been trying to import information from the police and the prosecutor’s system so that it can be shared and viewed by affected personnel.

STATUS UPDATE

We determined that this recommendation is in process. See status update to Recommendation 5 above.

NEXT STEPS

Since HPD is deferring to PAT’s preference regarding access to its case management system, HPD and PAT should continue to pursue improvements to their respective systems and work toward executing a MOU for data sharing.

Recommendation 7	HPD	 Resolved
	PAT	 Resolved

HPD and PAT should develop a memorandum of understanding that defines domestic violence terms; itemizes the categories to be reported under domestic violence; and provides consistent and uniform definitions, terms, and jargon that facilitate domestic violence reporting and communications.

In Report No. 17-02, HPD responded that its policy was based on state law and used the Hawai‘i Revised Statutes definition of *family or household member* to determine which incidents were considered *domestic violence*. It is unclear how a memorandum of understanding would improve services to the public.

PAT concurred with the recommendation. PAT indicated that it would coordinate with HPD to establish uniform categories and definitions that facilitate reporting and communication while still adequately addressing each department's reporting needs for grants and outside agencies.

STATUS UPDATE

HPD

HPD reported that it continues to adhere to definitions as codified in state law and does not have an MOU with PAT. However, since the audit, changes were made to the HPD CRS that enables the system to track offenses involving domestic violence as well as segregate and isolate domestic violence offenses from other HRS-defined incidents such as a burglary, criminal property damage, or harassment cases. Previously, CRS did not have this ability, which made it difficult to distinguish and quantify domestic violence cases.

To address this recommendation, HPD demonstrated its ability to track domestic violence incidents. HPD conducted sample search queries in CRS, which populated a dropdown list of HRS offenses by category and allowed the user to check all the offenses that applied to a particular search query.



After reviewing HPD's updated response, law enforcement policies provided by HPD, and CRS capabilities, we concluded that this recommendation is resolved. HPD updated the CRS system to allow the department to track offenses involving domestic violence offenses and demonstrated the ability to segregate and isolate domestic violence offenses from other HRS offense categories. Additionally, the department's law enforcement policies relating to domestic violence provide definitions that are in accordance with state law.

PAT

PAT reported that it had not developed a memorandum of understanding with HPD regarding definitions of domestic violence terms. Both PAT and HPD agree that the HRS provides sufficient definitions for criminal offenses. The department explained that domestic violence cases are largely dependent on the individual facts of a case. While it is ideal to have specific categories of offenses reported as domestic violence, non-domestic violence cases rely on similar criteria (i.e. Assault in the Second Degree, Kidnapping, and Murder). Statutory changes could clarify uniform classifications for domestic violence offenses.

For many years, PAT relied on established criteria, which HPD also recognizes, that provides specific guidance for determining a domestic violence case. This written criteria has allowed HPD and PAT to maintain common definitions for domestic violence and other offenses for the purpose of conferrals and establishing charges.

Although HPD and PAT did not execute a formal MOU, after reviewing PAT's report and the department's criteria for felony domestic violence cases, and HPD's efforts to improve CRS' ability to identify domestic violence cases, we concluded that this recommendation has been resolved.

Recommendation 8	HPD	 In Process
	PAT	 In Process

The HPD and PAT memorandum of understanding should require HPD and PAT to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (such as HRS §709-906 related incidents) that will allow city managers, the City Council, and the public to monitor and track the number and types of domestic violence cases occurring in the city. The reports should provide reliable, complete, accurate, and consistent domestic violence data to decision makers and segregate the categories covered under HRS §709-906 from the categories that fall under other sections of the HRS (such as attempted murder, kidnapping, and robbery).

Report No. 17-02 noted that HPD supported this recommendation. PAT also concurred with the recommendation. The departments acknowledged that if HPD directly imported information to PAT’s case management system, data will become more consistent and reliable for reporting purposes. PAT and HPD had been working on, and would continue to work on, importing information directly into their respective case management systems.

STATUS UPDATE

HPD

HPD reported that although it supported the recommendation, executing an MOU with PAT regarding domestic violence incidents did not occur. However, HPD continues to see value in producing a report on domestic violence incidents and is currently creating a new unit dedicated to data collection and report creation. Further, the department recently met with the prosecuting attorney’s office and had a preliminary discussion regarding audit Report No. 17-02 recommendations.

After reviewing HPD’s updated response and information pertaining to HPD’s creation of a new analysis unit dedicated to data collection and report creation, we concluded that the status of this recommendation is in process. Although HPD reported that executing an MOU with PAT proved to be difficult, it continues to have dialogue with PAT’s new management regarding audit recommendations and is pursuing efforts to build an HPD unit that will focus on gathering and analyzing data, as well as conducting audits within the department.

PAT

PAT reported that current management has made transparency with the public a priority. PAT is reviewing platform options to share data periodically with the public, city council, and other stakeholders. PAT will continue working with HPD to determine whether and when data sharing will take place. The coordinated systems would make for consistent, reliable and accurate data. PAT is currently pursuing a grant that would allow system interfacing or data sharing between PAT, HPD, the Criminal Justice Data Center, and other associated agencies.

PAT understands that this audit recommendation requests, in part, that reports segregate the categories covered under HRS §709-906 from cases that fall under different statutes. Pursuing this type of report requires further discussion internally within PAT. This discussion would focus on the most efficient way to capture the data while accounting for the different categories and any overlap. To date, PAT has focused on the individual facts of a case to determine whether an offense constitutes domestic violence, rather than focusing on the charge or statutory section number as the determining factor.

After reviewing PAT's updated response, we concluded that this recommendation is in process. PAT reports that there is no MOU between PAT and HPD to issue formal periodic reports on domestic violence incidents, but the department continues to have internal discussions regarding the best platform for data sharing and will continue to work with HPD on these efforts. PAT is also pursuing a grant that will allow for system interfacing or data sharing between their departments and other associated agencies.

NEXT STEPS

The HPD and PAT should continue to pursue a memorandum of understanding that requires their departments to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (established under HRS §709-906).

Recommendation 9

PAT



In Process

Like HPD, PAT should develop formal, written policies, procedures, and processes for administering domestic violence cases; and written rules and regulations that provide useful information for managing, tracking, and accounting for domestic violence cases assigned to the unit.

Report No. 17-02 noted that PAT concurred with the recommendation. Domestic violence cases are currently subject to office-wide data entry and tracking standards. PAT indicated that it would update its guides to outline court and administrative processes which will enable new deputies to more readily understand case workflow and monitor various stages of prosecution.

STATUS UPDATE

PAT reported that its case management system is able to manage, track, and account for cases assigned to the Domestic Violence (DV) Division. Staff training includes a component regarding the need for the input of data accurately and timely in the case management system. PAT's staff creates the written procedures and updates as necessary. PAT is currently considering whether to centralize these procedures in one location. Each unit has specific needs that require a different process for managing cases in the division; therefore, further internal discussion is required. The DV misdemeanor team has training materials for each new staff person regarding data entry in DV cases. The DV felony team utilizes materials prepared by staff within the felony team and other sections in the office. Additionally, reference materials are available to staff and deputy prosecuting attorneys regarding case management data entry standards and *how-to* guides on the PAT intranet. The department's intranet also provides resources and guides related to eFiling.

We evaluated PAT's training materials, reference materials, how to guides, and manuals. PAT has developed and produced a number of formal written procedures and processes for administering domestic violence cases. We found that PAT staff can access these resources through its intranet. PAT further noted that the materials were developed on an as needed basis by DV misdemeanor and felony teams independently of each other, and is currently assessing the feasibility of centralizing the documents. However, given differences in processing requirements, further study and evaluation is needed for centralization. For this reason we concluded that this recommendation is still in process.

NEXT STEPS

PAT should continue its work on this recommendation to ensure all policies and procedures are formalized in writing and accessible to the appropriate staff.

Recommendation 10

PAT



In Process

PAT should update and develop formal guides its trial attorneys can use to prepare cases for trial and to prosecute and try domestic violence cases in court.

Report No. 17-02 noted that PAT concurred with the recommendation, in part. PAT sought to provide up-to-date summaries of the laws and procedures governing trial. However, the department emphasized that attorneys must exercise individual discretion in applying these tools to their cases in order to meet legal and ethical obligations based on the facts presented. Statutes, rules, ordinances, case law, and ethical obligations are the formal guides with which attorneys are expected to follow.

STATUS UPDATE

PAT reported that in an effort to pursue this recommendation and give trial attorneys material they can use to prepare cases for trial and try domestic violence cases in court, PAT enhanced its training for DV DPAs. PAT contracted with a consultant that provided several trainings sessions to the DV Division since 2019. The training sessions included: Direct Examination, Cross Examination, Opening Statements, and Impeachment among other topics. In addition, the consultant provided training on other aspects of DV prosecution including evidence gathering, working with victims, and effectively resolving and disposing cases.

In addition to consultant training sessions, the division provided its own training and resources to the DPAs. An experienced prosecutor presented training on child abuse and working with children. The DV misdemeanor team captain provided a training on how to handle cases involving Hawai'i Revised Statutes Section 704. PAT had two trainings provided by a prosecutor from their appellate section on topics relevant to the DPAs current caseloads. These internal trainings provided DPAs with references to statutes, rules, and case law that guide the DPAs in the handling of all cases. The division further added resources from the national group Aequitas into a folder accessible to the DPAs. Aequitas is a nonprofit organization focused on developing, evaluating, and refining prosecution practices related to gender-based violence and human trafficking.



PAT continues to update its training materials and guides regarding domestic violence prosecutions. PAT added updated information to its manuals, and has begun to store updated

materials in a network folder making the information more accessible. Additionally, PAT developed guides/instructions to assist with specific topics such as charging and jury trials. DPAs use these materials as guides, but also use their own discretion in applying these tools to their cases in order to meet legal and ethical obligations. DPAs remain obligated to follow statutes, ordinances, rules, and case law that apply to their respective cases.

Although PAT enhanced DV division training, it has yet to formalize policies, procedures, and guides to ensure that the division prosecutes domestic violence cases consistently and accurately. The department reported that it is still working to develop guides and update training materials for domestic violence prosecution. After reviewing PAT’s updated response and training materials, we concluded that this recommendation is in process.

NEXT STEPS

PAT should continue to work on updating and developing formal guides its trial attorneys can use to prepare cases for trial and to prosecute and try domestic violence cases in court.

Recommendation 11	HPD	 Completed
	PAT	 In Process

HPD and PAT should develop domestic violence performance metrics and data that allow organizations to benchmark and evaluate their performance; determine how well goals are being achieved; can be used to manage their workload; and justify the need for resources.

In Report No. 17-02, HPD shared that it continually strives to improve services it provides to the community and is committed to identifying areas for improvement by evaluating their performance. HPD uses the budget process to address shortfalls in resources, as well as grant funding issues related to domestic violence. Officer performance and workloads are reviewed to ensure that the detectives are properly investigating their assigned cases in a timely manner.

PAT also concurred with the recommendation. PAT indicated that it would develop benchmarks that can be incorporated into yearly evaluations. PAT would then be able to track the progression of its attorneys and determine if current practices should be changed.

STATUS UPDATE

HPD

HPD reported that it currently uses CRS to monitor investigators’ caseloads for domestic violence and other investigations. Work efficiency is primarily measured by monthly conferrals, case closings, and Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) clearances.

Through the UCR Program, the Federal Bureau of Investigation (FBI) is responding to law enforcement’s call to upgrade and update the nation’s crime statistics. To accomplish this, the UCR

Program is transitioning from the Summary Reporting System (SRS) to the NIBRS by January 1, 2021. The FBI's transition to a NIBRS-only data collection will improve the nation's crime data by collecting more case data details and specifying offenses. HPD reported that it is in compliance with this federal standard through the use of CRS.

Additionally, we met with HPD for a CRS demonstration. HPD demonstrated the ability to report the number of cases assigned to the team. The department also reviewed the conferral tracking sheet log, which enables HPD to monitor case status. HPD presents a conferral sheet to PAT when HPD is pursuing a charge. Both the conferral tracking sheet log and CRS allows HPD to track efficiency.

In addition, the police chief incorporated Strategy 2.2 to increase emphasis on domestic violence in the department's five-year HPD Strategic Plan, which include three strategies: 1) Improve on the handling of domestic violence cases, 2) Improve relationships with DV services providers, and 3) Decrease the number of DV cases involving departmental personnel.

Exhibit 2 provides HPD's Strategic Plan 2020 Calendar Year Tracking Log. The log indicates the department's strategies, target year, measurable outcomes, and a status update.

Exhibit 2

HPD's Strategic Plan Tracking Log - 2020

Strategy	Target Year	Measurable Outcome	2020 Accomplishments
Improve on the handling of DV cases	2018-2025	Conduct quarterly audits of the department's Lethality Assessment Program (LAP) and obtain 100% compliance	During 2020, there was a 97.6% average compliance rate. 1 st Quarter: 96.7% 2 nd Quarter: 99.3 % 3 rd Quarter: 97.7 % 4 th Quarter: 98.3%
Improve relationships with DV service providers	2018-2025	Meet with DV service providers a minimum of once every quarter	Due to COVID-19 gathering restrictions, meeting the minimum quarterly requirement through traditional face-to-face meetings proved difficult. CID-DV Detail attended an average of 5 meetings a quarter with various DV service providers in 2020. Due to COVID-19 restrictions, the majority of meetings were conducted virtually.
Decrease the number of DV cases involving departmental personnel	2018-2025	Obtain input from DV service providers and implement a course emphasizing prevention and awareness. Reduce the number of DV cases involving department personnel by 10%.	A DV presentation/awareness course for officers was developed and has been presented to a representative of the Domestic Violence Action Center. Their feedback and recommendations are being considered in the finalizing of the course. Due to COVID-19 gathering restrictions, the best method of delivering the course is in discussion. The number of DV cases involving department personnel: 2018: 47 cases (baseline) 2019: 41 cases; reduced by 13% 2020: 17 cases; reduced by 64%

Source: Honolulu Police Department

We reviewed HPD's law enforcement LAP policy and screening tool. The LAP is an intervention process that assists officers in providing appropriate services and assistance to those affected by domestic violence. The program requires officers to use an evidence-based lethality screening tool, the HPD-DV-LAP form. The outcome of the screening will indicate if officers need to provide additional services. HPD conducted quarterly audits of this program to measure outcomes. As indicated in Exhibit 2, HPD reported a 97.6 percent average compliance rate in 2020, which indicates that most of its officers are using the screening tool during domestic violence cases.

After reviewing HPD's response, supporting documentation, and CRS capabilities, we concluded that this recommendation has been completed. HPD was able to use CRS to demonstrate its workload and work efficiency reports. Its conferral tracking log also allows HPD to monitor

case status and track work efficiency. Additionally, HPD provided examples of benchmarks and performance metrics in its strategic plan.

PAT

PAT reported that it evaluates DPA performance annually. PAT has a standard form used to evaluate the in-court performance of a DPA at various trial stages. The DV Division uses the form to evaluate DPA performance. The current case management system is capable of generating reports that inform a supervisor about how a DPA is managing their caseload. The DV Division will continue to utilize the case management system to track and evaluate performance. Additionally, PAT is incorporating new reports that will allow the department to track additional data more accurately and efficiently. Some of the performance metrics and benchmarks PAT is trying to develop into usable reports include: 1) the number of days it takes to dispose of a case, 2) the number of continuances in a case, and 3) the various dispositions in cases. PAT is continuing to discuss what types of benchmarks or performance metrics are appropriate given the need to fulfill its mission of serving justice. Benchmarks or performance metrics based on conviction rates or types of sentences imposed cannot be the sole method to track and evaluate DPA performance.

We reviewed PAT reports generated by its existing case management system. The report data indicates how the cases are being processed and also serves as an evaluation tool. For instance, PAT used the continuance report to determine how effective it is at getting cases to trial. Additionally, a report regarding time between arraignment and change of plea allows PAT to assess the length of time it took for each case to reach a conclusion. This information provides important data to determine how efficiently deputies are managing caseload or causes for why cases may be taking longer to resolve. PAT utilizes both reports as part of deputy evaluation and benchmarking.

Although PAT was able to demonstrate evaluation tools they use for assessing and evaluating performance, as well as efficiency and effectiveness in handling domestic violence cases, it still lacks specific measurable metrics and benchmarks to evaluate performance, manage its workload, and justify resources. PAT management affirmed that the department is working to establish specific metrics and benchmarks. After reviewing PAT's response, performance evaluation forms, and report data, we conclude that this recommendation is in process

NEXT STEPS

PAT should continue to develop reports that the department has identified and may develop in the future, that would allow for data to be tracked more accurately and effectively. These reports may include, but are not limited to: 1) the number of days it takes to dispose of a case, 2) the number of continuances in a case, and 3) the various dispositions in cases.

Recommendation 12

HPD



Completed

HPD should centralize Temporary Restraining Orders (TROs) data and allow all police districts and authorized HPD divisions to access the TRO information.

In Report No. 17-02, HPD responded on June 1, 2017 that TROs had been centralized in the CRS. All officers and authorized civilian employees have access to the TRO information.

STATUS UPDATE

HPD reported that TROs continue to be centralized in the CRS. All officers and authorized civilian employees can input TRO information and make checks in the system at any time.

We observed the department's ability to generate TRO information including sample searches of TROs by report number, person that applied, and person served. HPD staff explained the TRO and service process and demonstrated that it maintains TRO data in CRS. After reviewing HPD's updated status report and CRS demonstration, we concluded that this recommendation has been completed.

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Appendix A

Audit Objectives, Scope, and Methodology

The objective of this follow-up audit is to determine whether the Honolulu Police Department and the Department of the Prosecuting Attorney have adequately addressed the 12 recommendations in Report No. 17-02, *Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*, with appropriate corrective actions. We did not address recommendations made to the Honolulu City Council. This follow-up audit is limited to reviewing and reporting on the implementation of the outstanding audit recommendations.

All 12 recommendations were reviewed in order to assess the extent to which the HPD's and PAT's corrective actions are substantiated. We reviewed the original audit and requested updated responses for each recommendation. We reviewed supporting documentation pertinent to the follow-up audit.

While initial interviews were conducted, adjustments were made due to the coronavirus pandemic. As a result, additional documentation requests were primarily accomplished through the use of email correspondence, and telephone calls as appropriate.

We assessed HPD's and PAT's internal controls to the extent that they relate to the audit objectives. During the audit we were not aware of any other investigations, audits or other work by other agencies that may impact our work.

We met with responsible representatives of HPD and PAT to discuss our preliminary findings in order to identify any concerns or clarifications that may be appropriate to the report. We then provided a written draft of the report that both departments could use as a basis for their formal written responses to the follow-up audit.

The audit was conducted from January 2021 to April 2021 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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Appendix B

Management Response - Honolulu Police Department

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR
DANETTE MARUYAMA
DEPUTY MANAGING DIRECTOR



May 27, 2021

Mr. Troy Shimasaki
Acting City Auditor
Office of the City Auditor
1001 Kamokila Boulevard, Suite 216
Kapolei, Hawaii 96707

Re: Follow-Up on Recommendations from Report No. 17-02, Audit of How Domestic Violence Cases are Handled, Processed, and Resolved

Dear Mr. Shimasaki,

Thank you for the opportunity to comment on the above-referenced audit report, which we received on May 20, 2021.

The Honolulu Police Department (HPD) in response to the original June 2017 audit and subsequent follow up meetings with representatives of the Office of the City Auditor in February and March 2021 offer the following reply to the three remaining recommendations that are still in progress listed below.

Recommendations:

5. HPD and PAT should eliminate some of the redundancy in their data collection systems by developing a non-statutory memorandum of understanding that allows both HPD and PAT to access their information systems, share information, and use database or system administrators to wall off and protect sensitive data within the departments.

Response:

Agree-In Process. The HPD currently uses the Crime Reporting System (CRS) program for its records management. The CRS records and stores data from all police reports and has the capability to retrieve statistical information. Both the HPD and PAT have access to the CRS and have executed a MOU in July 2019

Mr. Troy Shimasaki
May 27, 2021
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granting the PAT access to the HPD's records management system.

However, the PAT continues to use the Prosecutor by Karpel (PbK) case management system, which is unable to interface with the HPD CRS data collection systems. The HPD is phasing out the CRS, replacing it with a new enhanced Records Management System (RMS) that will improve dispatch function, workflow processes, and data recording. The new HPD RMS program shall Beta launch in August 2021 and the HPD will coordinate with the PAT to continue sharing information via their respective case management systems. System interface and information sharing between departments and the new HPD RMS will be dependent upon the PAT's ability to secure grant funding for such a project.

6. Under the non-statutory memorandum of understanding, if possible, HPD and PAT should establish one, common data collection system that allows access to data needed for each department's operations and limit access to sensitive or confidential information through a table of authorizations, read vs write access, or database administrators or system administrators.

Response:

Agree-In Progress. The HPD and PAT currently share access to police reports via the CRS and both departments concur with the recommendation to pursue improvements to their case management systems. The HPD continues to work with the PAT toward executing a MOU for data sharing with HPD's new RMS program and defer to the PAT for their preference in selecting a case management system that will successfully interface.

8. The HPD and PAT memorandum of understanding should require HPD and PAT to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (such as HRS §709-906 related incidents) that will allow city managers, the City Council, and the public to monitor and track the number and types of domestic violence cases occurring in the city. The reports should provide reliable, complete, accurate, and consistent domestic violence data to decision makers and segregate the categories covered under HRS §709-906 from the categories that fall under other sections of the HRS (such as attempted murder, kidnapping, and robbery).

Response:

Agree-In Progress. The HPD supports this recommendation and is currently working to create a new analysis unit dedicated to data collection and report creation. However, executing a MOU with the PAT has proven difficult due to the inability of data and case management systems to interface between departments. The HPD continues to dialogue with the PAT's new administration regarding audit recommendations and best platforms for data sharing.

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May 27, 2021
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The City Administration and the Honolulu Police Department appreciate the fine work of the Office of the City Auditor and recognize that without the concerted, collaborative effort of all City departments to improve the work environment and work processes, change cannot be effected.

Sincerely,

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Michael D. Formby
Managing Director

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Appendix C

Management Response - Department of the Prosecuting Attorney

Department of the Prosecuting Attorney
City and County of Honolulu

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1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

June 3, 2021

Troy Shimasaki
Acting City Auditor
Office of the City Auditor
City and County of Honolulu
1001 Kamokila Blvd., Suite 216
Kapolei, Hawai'i 96707

Dear Mr. Shimasaki,

Thank you for the opportunity to respond to the audit report, *Follow-up on Recommendations from Report No. 17-02, Audit of How Domestic Violence Cases are Handled, Processed, and Resolved*. While the initial audit was completed under the prior administration of the Department of the Prosecuting Attorney (PAT), the current PAT administration is committed to the effective and efficient prosecution of domestic violence cases. As such, PAT will continue its efforts to resolve and/or complete the "in process" recommendations of the audit.

PAT respectfully provides the following management responses to the recommendations found to be "in process":

Recommendation 3: PAT should establish a formal, written administrative policy to use vertical prosecution whenever possible and to minimize personnel rotations for domestic violence cases. *IN PROCESS*

Next Steps: PAT should complete a formal, written administrative policy to use vertical prosecution whenever possible.

PAT Response: Vertical prosecution continues to be the primary method of prosecution for the domestic violence felony team at PAT. Under the current administration PAT is re-examining a number of policies and implementing new policies. PAT intends to complete a formal, written administrative policy to use vertical prosecution whenever possible.

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Recommendation 5: HPD and PAT should eliminate some of the redundancy in their data collection systems by developing a non-statutory memorandum of understanding that allows both HPD and PAT to access their information systems, share information, and use database or system administrators to wall off and protect sensitive data within the departments. *IN PROCESS*

Next Steps: HPD and PAT should continue to work on improvements to their respective case management systems. We continue to recommend that the non-statutory MOU be executed to formalize information exchange arrangements.

PAT Response: PAT's pursuit of grant funding to facilitate data sharing between HPD and PAT is an important step in resolving this recommendation. Data sharing will benefit all parts of the PAT organization and PAT is committed to improving data sharing and coordination with HPD. PAT will continue discussions with HPD regarding the necessity of an MOU.

Recommendation 6: Under the non-statutory memorandum of understanding, if possible, HPD and PAT should establish one, common data collection system that allows access to data needed for each department's operations and limit access to sensitive or confidential information through a table of authorizations, read vs write access, or database administrators or system administrators. *IN PROCESS*

Next Steps: Since HPD is deferring to PAT's preference regarding access to its case management system, HPD and PAT should continue to work on improvements to their respective case management systems and work toward executing a MOU for data sharing.

PAT Response: PAT's pursuit of grant funding to facilitate data sharing between HPD and PAT is an important step in resolving this recommendation. Data sharing will benefit all parts of the PAT organization and PAT is committed to improving data sharing and coordination with HPD. PAT will continue discussions with HPD regarding the necessity of an MOU.

Mr. Troy Shimasaki, Acting City Auditor
June 3, 2021
Page 3

Recommendation 8: The HPD and PAT memorandum of understanding should require HPD and PAT to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (such as HRS §709-906 related incidents) that will allow city managers, the City Council, and the public to monitor and track the number and types of domestic violence cases occurring in the city. The reports should provide reliable, complete, accurate, and consistent domestic violence data to decision makers and segregate the categories covered under HRS §709-906 from the categories that fall under other sections of the HRS (such as attempted murder, kidnapping, and robbery). *IN PROCESS*

Next Steps: The HPD and PAT should continue to pursue a memorandum of understanding that requires their department to issue periodic, formal, and regular reports on domestic violence incidents that use consistent and regular categories (established under HRS §709-906).

PAT Response: The current PAT administration is committed to transparency with the public. In pursuing grant funding to facilitate data sharing with HPD, PAT hopes to produce meaningful and accurate data for city managers, the City Council, and the public. PAT intends to have further internal discussion as to the best platform for data to be shared with all concerned. PAT agrees that consistent and regular categories are helpful to the public as it reviews data. However, a single domestic violence case could be made up of multiple charges that are not limited to those identified in HRS §709-906. As such, reporting data by statute number may not meaningfully capture case information. Therefore, PAT requires further internal discussion to determine how best to report data in the manner recommended by the audit given the variety of criminal offenses that can be considered domestic violence.

Recommendation 9: Like HPD, PAT should develop formal, written policies, procedures, and processes for administering domestic violence cases; and written rules and regulations that provide useful information for managing, tracking, and accounting for domestic violence cases assigned to the unit. *IN PROCESS*

Next Steps: PAT should continue its work on this recommendation to ensure all policies and procedures are formalized in writing and accessible to the appropriate staff.

PAT Response: Under the current PAT administration, existing policies are being re-examined and new policies are being implemented. PAT intends to continue formalizing policies and procedures in writing and making them accessible to the appropriate staff.

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June 3, 2021
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Recommendation 10: PAT should update and develop formal guides its trial attorneys can use to prepare cases for trial and to prosecute and try domestic violence cases in court. *IN PROCESS*

Next Steps: PAT should continue to work on updating and developing formal guides its trial attorneys can use to prepare cases for trial and to prosecute and try domestic violence cases in court.

PAT Response: DPAs are expected to meet legal and ethical obligations in the performance of the duties as prosecutors. PAT continues to develop guides and provide tools to the DPAs to properly discharge their duties. Training is a significant tool in helping DPAs effectively and efficiently handle, process, and resolve domestic violence cases. PAT is committed to continued training for all DPAs. In fact, PAT has just concluded a week long, office-wide training program where DPAs practiced their trial advocacy skills and heard from speakers on various topics related to prosecution. This was the first office-wide training program since 1987. PAT intends to make this an annual training event.

Recommendation 11: HPD and PAT should develop domestic violence performance metrics and data that allow organizations to benchmark and evaluate their performance; determine how well goals are being achieved; can be used to manage their workload; and justify the need for resources. *IN PROCESS*

Next Steps: PAT should continue to develop reports that the department has identified and may develop in the future, that would allow for data to be tracked more accurately and effectively. These reports may include, but are not limited to: 1) the number of days it takes to dispose of a case, 2) the number of continuances in a case, and 3) the various dispositions in cases.

PAT Response: The current case management system has been able to produce reports that is used to manage workload, evaluate DPA performance, and identify areas of improvement within the criminal justice system. PAT will continue to develop reports that inform decision-making and make necessary changes based on those reports.

The current PAT administration is committed to making decisions based on available data, evidence, and best practices. Since taking office, PAT management has reached out to the National District Attorneys Association and the Association of Prosecuting Attorney to gather current information on domestic violence prosecution. The contacts established within these organizations have already helped PAT to review the way in which domestic violence cases are handled in Honolulu.

Mr. Troy Shimasaki, Acting City Auditor
June 3, 2021
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PAT would like to express its appreciation to the Office of the City Auditor, Mr. Troy Shimasaki and his staff, for their consideration, patience, and assistance during this audit recommendation follow-up process. PAT is committed to improving our processes in order to efficiently and effectively prosecute domestic violence cases. If you have any questions, feel free to contact me at (808) 768-6407.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Alm', with a long horizontal flourish extending to the right.

Steven S. Alm
Prosecuting Attorney

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