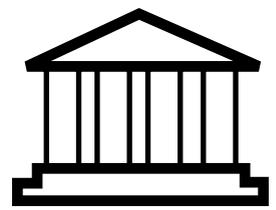


City Auditor's Highlights

Audit of the Department of the Prosecuting Attorney's Policies, Procedures, and Controls, Resolution 19-255 Report No. 20-09

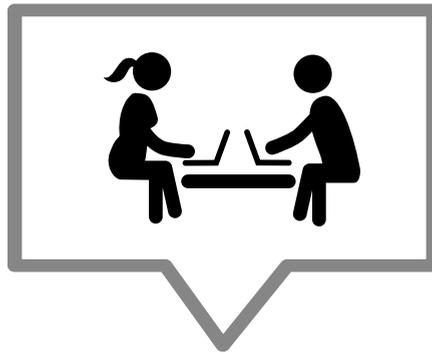


Despite recent high-profile controversies and misconduct allegations in the department, the Department of the Prosecuting Attorney's policies, procedures, and controls have not changed significantly and more needs to be done. We found that management did not initiate a review or evaluation of its policies and procedures that allowed one of its higher-ranking deputy prosecutors to use the office for criminal activity. The department continues to follow older versions of its policies and procedures established by former administrators. The department's priority is on processing its heavy workload, rather than managing its staff to ensure that cases are performed correctly and in accordance with departmental and other professional standards. The department needs to be motivated to make changes necessary to identify and prevent misconduct.



Conflict of Interest

We found that the department's conflict of interest practices are passive and reactive, and rely on voluntary disclosure by staff. We found that the current approach for identifying and responding to conflicts of interest appear insufficient and lacks sufficient guidance and information.



Effective Supervision of Staff Attorneys is Limited

We found that supervisory practices for circuit court plea bargains are inconsistent. There is no common approach, standard, or guideline for how supervisors handle and review plea bargaining in circuit court cases. We also found that the circuit and family court post-case evaluations are not designed to detect misconduct. The post-case nature and uneven utilization of the case evaluation system is not an effective means to detect potential staff misconduct or improper case handling.



Complaints Handling

The department's handling of internal complaints is inconsistent and does not effectively identify or address instances of misconduct. We found that the department does not have a formal complaint process to manage internal staff complaints. Instead, the department relies on the use of internal email complaints or the use of an anonymous information box where written complaints may be deposited.

Review of Complaints - Our sample review of internal complaints from FY 2015 to FY 2019 involved the following topics areas:



- 11 complaints of hostile work environment, harassment, discrimination;
- 7 complaints of violation of the respectful workplace policy;
- 1 complaint of the unauthorized use of access;
- 1 breach of confidential agreement;
- 1 complaint insubordination, and;
- 1 complaint performing work related duties on comp leave.



We found that there are no written guidelines to help management assess whether complaints should be reviewed internally or be referred externally, and complainants have no guidance or expectation for how their complaints will be addressed.

We made 9 recommendations to ensure the effectiveness and efficiency of the department's policies, procedures, and controls. The department indicated that while it was not in complete agreement with the audit's findings, it acknowledged that it must restore the public confidence and trust in the department lost after the Kealoha matter. The department expressed a willingness to make improvements and address issues raised by our findings.



For the full report and to see other audit reports from the Office of the City Auditor, please visit our website at: <http://www.honolulu.gov/auditor>