

CHAPTER 21

Department of the
Prosecuting
Attorney

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The Department of the Prosecuting Attorney's mission is to investigate and prosecute violations of all statutes, ordinances and regulations for which there are criminal sanctions occurring within the City and County of Honolulu.

To accomplish the charter's mandate to serve and advance the general welfare and safety of city and county residents, the department's administration has established the following goal and objective: promote and ensure public safety and order through effective, efficient and just prosecution.

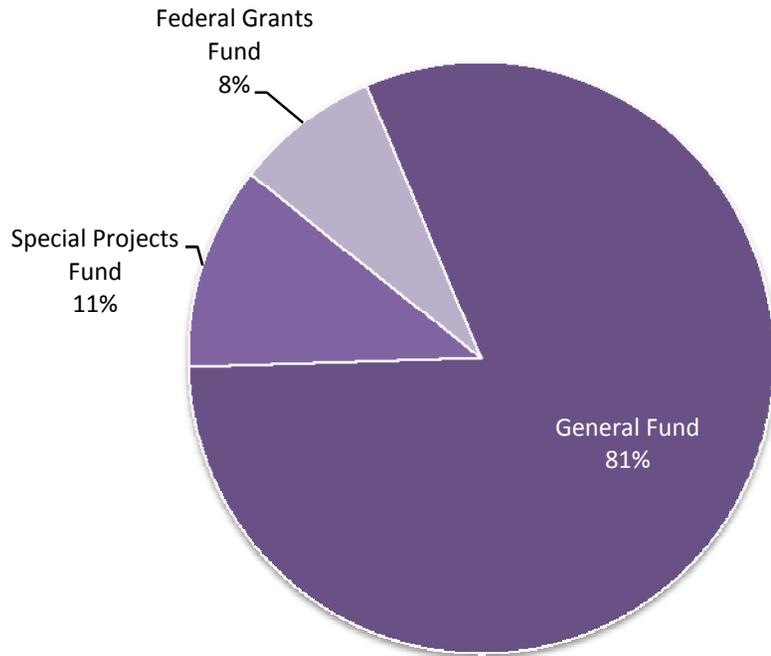
The department consists of ten divisions:

- Appellate – Represents the State of Hawai'i in all matters filed in state appellate courts, and provides research and reference assistance.
- Career Criminal – Prosecutes cases involving defendants who commit crimes while on probation or parole.
- Domestic Violence (misdemeanor and felony units) – Prosecutes cases of domestic abuse and protective order violations.
- Elder Abuse Unit – Charges and prosecutes cases in which victims are senior citizens, and also provides outreach to help the elderly (*kupuna*) recognize and avoid financial scams.
- Investigative Services – Provides security for department employees, serves warrants and subpoenas, and conducts criminal investigations.
- Juvenile – Prosecutes cases involving offenders under the age of 18 that are adjudicated in Family Court.
- Misdemeanor and Traffic – Prosecutes misdemeanor cases and motor vehicle and traffic violations, such as distracted driving.
- Screening and Intake – Confers with police on criminal reports and determines proper charges to file.
- Trials – Prosecutes cases within the First Circuit Court's jurisdiction, such as murder, robbery, assault and identity theft cases.
- Victim/Witness Kokua Services – Assists and supports victims of crimes whose cases are being prosecuted by the department.

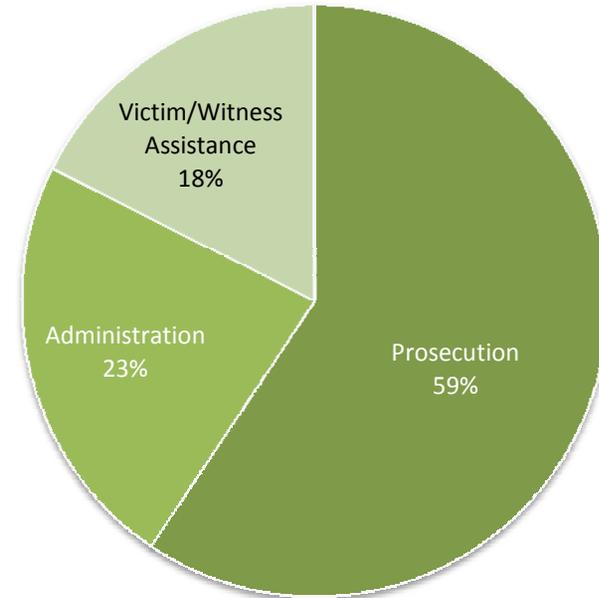
To promote and ensure public safety and order through effective, efficient and just prosecution.

- Mission Statement

Funding Sources



Funding Uses



	Total Operating Expenditures (\$ million)	Staffing			Overtime Expenditures ²	
		Total Authorized FTE	Total Vacant FTE	Cost Per FTE ¹	Total	Non-Holiday
FY 2009	\$19.1	287.0	38.0	\$66,384	\$54,895	\$54,332
FY 2010	\$21.2	287.5	49.5	\$73,734	\$8,873	\$8,743
FY 2011	\$17.8	287.5	57.0	\$61,978	\$10,620	\$10,360
FY 2012	\$17.0	287.5	57.5	\$59,136	\$11,053	\$11,053
FY 2013	\$20.0	288.0	49.0	\$69,522	\$17,074	\$16,776
Change from last year	18%	0%	-15%	18%	54%	52%
Change over last 5 years	5%	0%	29%	5%	-69%	-69%

Source: Executive Operating Program and Budget (FY 2010-FY 2015), Honolulu Department and Agency Reports (FY 2013), Department of Budget and Fiscal Services, Department of the Prosecuting Attorney and other city, county websites, Full Time Equivalent (FTE) Department of Budget and Fiscal Services BRASS data (FY 2009-FY 2010), and Advantage Budget System (ABS) data (FY 2011-FY 2013). ¹Cost per FTE = Operating Expenditures/Total Authorized FTE. ²Overtime pay is established by bargaining unit agreement, as applicable.

Spending and Staffing

Over the past year, operating expenditures increased 18%, from \$17 million (FY 2012) to \$20 million (FY 2013). PAT reports this increase is due to a grant-in-aid from the state (to support the Career Criminal Unit, victim-witness advocates, and deputies for HOPE Probation and Drug Court), a 5% salary restoration, and installation of a new case management system.

PAT's authorized FTEs have been stable over the past five years, while vacant FTEs have increased 29%. The prosecuting attorney took office in October 2010 and prioritized the filling of deputy vacancies. In FY 2013, the department had 288 total FTE, of which 212 were attorney FTE. Of the 46 total vacant FTE in FY 2013, 11 were vacant attorney FTE.

Over the past five years, PAT's overtime expenditures decreased nearly 69%, from \$54,895 (FY 2009) to \$17,074 (FY 2013). In 2008 the courts began requiring prosecutors to file written complaints on every case, which significantly increased overtime for clerical staff. The department reports that responsibility has since been shifted to deputies who work on salary. More deputies have also been hired.

In FY 2013, PAT's cost per FTE was \$69,522, which is lower than the FY 2013 budgeted cost per FTE for Denver, CO (\$126,614), San Diego, CA (\$158,160), and Montgomery County, MD (\$100,586).

In FY 2013, the department sponsored five mandatory seminars on specialized areas of prosecution. These sessions were conducted by prosecutors and consultants recognized as leading experts in their fields--domestic violence, sex assault, child abuse, interviewing child victims, using DNA evidence and forfeiture proceedings. Honolulu police, military prosecutors, social workers and victim advocates were also invited to attend.



Photo Courtesy of Department of the Prosecuting Attorney

The department continued to fulfill the charter’s mandate and its goal of ensuring public safety and order through effective, efficient and just prosecution. In FY 2013, the department’s priorities continued to be elder abuse, domestic violence, sex assaults, cybercrimes, drugs, and cruelty to animals. In FY 2013, prosecutors took seven murder cases to trial, which resulted in four convictions, one acquittal and two mistrials.

In FY 2013, the Elder Abuse unit brought charges in 172 cases. Of the cases that went to trial, there were four convictions, four acquittals and one dismissal. The other cases remain in trial or are pending trial. Members of the unit delivered 57 presentations, including information booths at senior fairs, training seminars to financial institutions, and television and radio appearances to educate the public in recognizing and avoiding scams that target senior citizens. The work of this unit is consistent with the mayor’s priority for an Age-Friendly City.

In FY 2013, there were 1,948 domestic violence cases that were charged. Of these cases, for abuse of a family or household member, 1,043 were for misdemeanor abuse and 358 were for felony abuse.

In FY 2013, the department obtained federal funding for a computer forensics investigator to assist the White Collar Crime Unit in prosecuting cybercrimes. In FY 2013, the White Collar Crime Unit brought charges in 18 cases with a total dollar loss of \$4 million.

Total cases accepted and resolved in FY 2013 were 5,914 and 1,897 cases, respectively, resulting in a case resolution rate of 32%. There were 49 jury trial convictions and 317 non-convictions.

Over the past five years, the number of copper theft cases prosecuted has been increasing. The prosecutor’s office notes that finding offenders is difficult and the resulting number of criminal cases is relatively low.

	Total Cases ¹			Jury Trials ¹			White Collar Crime		Total Copper / Metal Theft Cases	Total Copper / Metal Theft Convictions
	Accepted	Resolved	Resolution Rate ²	Total Convictions	Total Non-Convictions ³	Elder Abuse Cases	Total Cases	Dollars Lost		
FY 2009	7,601	2,160	28%	95	170	62	35	-	1	-
FY 2010	7,586	2,039	27%	86	182	84	27	-	0	0
FY 2011	7,727	2,187	28%	66	122	127	34	-	6	6
FY 2012	7,465	1,968	26%	57	109	179	16	-	7	7
FY 2013	5,914	1,897	32%	49	317	172	18	\$4M	9	9
Change from last year	-21%	-4%	6%	-14%	191%	-4%	13%	-	29%	29%
Change over last 5 years	-22%	-12%	4%	-48%	86%	145%	-49%	-	800%	-

Source: The Department of the Prosecuting Attorney. ¹Figures above include felony cases only, no misdemeanors and traffic cases. ²Case Resolution Rate = Cases Resolved/Total Cases Accepted. ³ Total jury trial non-convictions include dismissed cases, acquittals and trials where the defendant was found not guilty.

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