

A GUIDE TO THE PROSECUTOR'S OFFICE

Honolulu. Dept. of the Prosecuting Attorney.

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Honolulu. Dept. of the Prosecuting
Attorney.

A guide to the prosecutor's office.

Honolulu: 1992.

Pamphlet.

Honolulu. Dept. of the Prosecuting
Attorney. * Public prosecutors *
Honolulu * Seal

DATE: 03/02/92 COPIES: 2 COST: Free

rule on a case-by-case basis. However, a withdrawn complaint still does not necessarily mean that case will be dropped, especially when crimes of violence are involved, such as spouse abuse and child abuse.

3. If I make a complaint to the police, does that automatically mean someone will be prosecuted?

No. A complaint does not automatically mean prosecution will result. There are several steps taken before prosecution begins:

- **Investigation.** Police must investigate the complaint and gather the necessary evidence.
- **Arrest.** If there is sufficient evidence a suspect is arrested.
- **Charge.** If, after further investigation and/or interrogation, there is strong evidence that the suspect has committed a crime, he is formally accused ("charged") with the offense. At this point, prosecution begins.

Remember: A suspect is considered innocent until proven guilty.

4. Can you update me on the status of a case?

Yes, but only if you are the victim in the case or in certain circumstances, a member of the victim's immediate family.

Depending on the crime involved, our Victim/Witness Assistance Division keeps victims informed on their cases. If you are a victim, please contact this division at 523-4158 to find out if you qualify for help.

Information on cases is not given to anyone other than the victim or the victim's family because law enforcement records are confidential.

5. If I have any questions about the legality of an activity that I am planning, will the Prosecuting Attorney's Office give me a legal opinion beforehand?

The purpose of the Department of the Prosecuting Attorney is to prosecute criminal offenses. It would be improper for the department to provide legal advice. We strongly recommend that you retain the services of a private attorney to determine the legality of any activity that you are planning or intend to participate in.

**THE SEAL OF THE
DEPARTMENT OF THE
PROSECUTING ATTORNEY
City and County of Honolulu**



Officially adopted on February 7, 1990, this emblem superimposes the scales of justice over the Island of Oahu, which is the City and County of Honolulu. The large star on the left represents Hawaii's star on the U.S. flag. The crossed sticks on the right are puloulou sticks, the traditional Hawaiian symbol of rank and authority. Above the scales of justice is the seal of the City and County of Honolulu.

The white ring represents purity and integrity. It is bordered by a gold braid that symbolizes the cords of the robe of justice.

The Hawaiian motto, 'E Malama A E Ho'opale I Kaulike,' means 'To Preserve And Defend Justice.'

**DEPARTMENT OF THE
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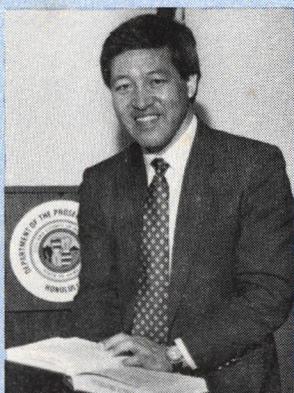


"To Preserve and Defend Justice"

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Honolulu, Hawaii 96813

**DEPARTMENT OF THE
PROSECUTING ATTORNEY**
CITY AND COUNTY OF HONOLULU
Keith M. Kaneshiro
Prosecuting Attorney

PROSECUTOR'S MESSAGE



Crime is a perennial concern of Honolulu's residents and for good reason. Each year in this City, millions of

dollars are lost and thousands of people are victimized because of criminal activity.

The Department of the Prosecuting Attorney serves an important role in bringing criminal offenders to justice. The department also assists victims and witnesses through the sometimes traumatic process of prosecution.

This brochure provides information on the organization and function of the Prosecutor's Office. It is designed to help citizens to better understand how the office operates.

I hope that you will find this brochure both informative and useful.

Keith M. Kaneshiro

KEITH M. KANESHIRO
Prosecuting Attorney

THE DEPARTMENT OF THE PROSECUTING ATTORNEY

Function

The Department of the Prosecuting Attorney initiates cases in criminal court against individuals who violate the law.

In general, prosecution occurs after the police first investigate and arrest the suspect and the suspect is charged (formally accused) with a crime.

The duty of the prosecutor is to seek justice, even if it results in an acquittal rather than a conviction of the accused. The mission of the department is: "To promote and ensure public safety and order through effective, efficient and just prosecution."

Size

The department has approximately 270 employees. More than 100 are deputy prosecuting attorneys. The remainder consists of support staff: administrators, clerical workers, counselors, paralegals and investigators.

Organization

There are five major divisions:

- **Special Prosecution.** This division consists of deputy prosecuting attorneys who specialize in cases involving organized crime, white collar crime, narcotics, career criminals and domestic violence.
- **Felony Prosecution.** This division is responsible for cases in Circuit Court, where serious crimes (offenses punishable by more than a year in jail) and some less

serious criminal cases are prosecuted. Felony crimes include murder, sexual assaults and thefts involving property of high value.

- **Misdemeanor Prosecution.** Criminal cases such as drunken driving, traffic violations and minor theft are handled by this division. Criminal cases involving juveniles and families are also under the jurisdiction of this division.
- **Legal Support Services.** When criminal convictions are appealed to a higher court, this division defends the prosecution's case. This division also provides training for deputies and is responsible for monitoring proposed laws and ordinances at the State Legislature and City Council which are of interest to the department.
- **Victim/Witness Assistance.** This program services victims and witnesses of crimes. Services include counseling and/or referral to other agencies for additional professional help. Victims and witnesses are also accompanied to court and updated on their cases.

A significant feature of the office structure is its emphasis on specialized prosecution. For example, within the Felony Prosecution Division are branches that focus on sexual assault, theft and forgery, robbery and burglary, homicide and assault and auto theft.

Deputy prosecuting attorneys are assisted by clerical workers, investigators, paralegals and counselors.

QUESTIONS WE ARE FREQUENTLY ASKED...

1. Can I file criminal complaints with the Prosecutor's Office?

No, when the crime involved is a felony (for example, robbery and certain types of assaults). Complaints of felony crimes are filed with Honolulu Police Department.

Yes, when the crime is a misdemeanor (a less serious offense) for which police have not made any arrest. In such cases, our Victim/Witness Assistance Division accepts the complaint and requests the necessary police reports. A determination is then made by office attorneys on whether to proceed with prosecution.

2. Once I file a complaint against someone, can I withdraw it?

Generally, no.

A crime is committed not only against an individual but against society as well. Therefore, prosecutors must consider the interests of society ("The State") and not just the individual victim.

As a general rule, our office is obligated to prosecute when there is sufficient evidence that crime has been committed.

Occasional exceptions are made to this general

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