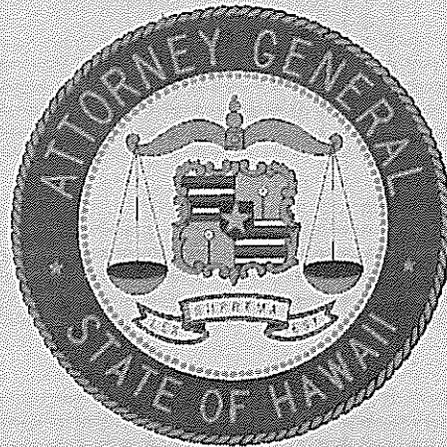


State of Hawaii
Department of the Attorney General



**REPORT OF THE
DRUG NUISANCE ABATEMENT UNIT**

**Pursuant to Section 77.1, Act 178, Session Laws of
Hawaii 2005, as Amended by Act 160,
Session Laws of Hawaii 2006**

*Submitted to
The Twenty-Fourth State Legislature
Regular Session of 2007*

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INTRODUCTION

The Drug Nuisance Abatement Unit was established in the Department of the Attorney General in July 2003 by section 28-131, Hawaii Revised Statutes, enacted by Act 63, Session Laws of Hawaii 2003. The purpose of the Unit is to provide for the effective enforcement and prosecution of the nuisance abatement laws under part V of chapter 712, Hawaii Revised Statutes, relating to offenses that involve the distribution or manufacture of drugs. Section 77.1 of the General Appropriations Act of 2005, Act 178, Session Laws of Hawaii (SLH) 2005, as amended by section 4(70) of the Supplemental Appropriations Act of 2006, Act 160, SLH 2006, requires a report by the Unit "that outlines the unit's goals and priorities, current and projected expenditures, unit actions and performance, and hindrances to effective unit operations" to be submitted no later than twenty days prior to the convening of the regular session of 2007.

BACKGROUND

The Unit primarily abates drug nuisances by (1) directly and informally working with the owners of buildings to remove drug dealers; and (2) filing civil lawsuits that seek to prohibit drug dealers from remaining in drug houses. In many cases, the investigators have contacted and worked with property owners in removing drug dealers from their property. These owners, after having been informed of the problem, have abated the drug nuisances through evictions and similar processes.

In other cases, after an investigation has been completed, the Unit has filed lawsuits that seek to prohibit drug dealers from remaining in the drug houses. The civil complaints request that the courts permanently prohibit the drug dealers from being at the drug houses. The goal is to close down the drug house and disrupt the distribution and manufacture of drugs by keeping drug dealers out of the drug houses. In addition, the Unit has utilized temporary restraining orders to immediately remove the drug dealers from the drug houses while the lawsuits are pending. This is the greatest strength of the nuisance abatement law. The nuisance abatement suit can be used to close down a drug house faster than through a conventional criminal prosecution.

The nuisance abatement law, part V (sections 712-1270 through 712-1280) of chapter 712, Hawaii Revised Statutes, authorizes the Attorney General, the Prosecuting Attorney of the respective counties, or any citizen of the State to file a civil lawsuit to abate a nuisance. The law may be utilized to abate public and private nuisances that exist in any building, premises, or place used for the purpose of violating laws pertaining to prostitution, pornography, and the distribution and manufacture of drugs. Specifically, the law authorizes courts to permanently enjoin individuals, who are causing, maintaining, aiding, abetting, or permitting a drug nuisance, from entering or residing in the building, premises, or place, where they are causing, maintaining, aiding, abetting, or permitting a drug nuisance to exist.

The Drug Nuisance Abatement Unit's use of civil lawsuits and temporary restraining orders is what generally differentiates it from the local vice divisions and

other law enforcement agencies. While the Unit coordinates and cooperates with other federal, state, and county law enforcement agencies, its primary focus is not directed towards a criminal prosecution. Its focus is on closing down the drug house and disrupting the distribution and manufacture of drugs in our communities.

Additionally, the Unit's investigation differentiates from other law enforcement agencies because its investigation also focuses on the knowledge and observations of people in the community. Evidence of the general reputation of the building, premises, place, or people is admissible in the civil lawsuit for the purpose of proving the existence of the drug nuisance.

At present, the Unit is composed of one deputy attorney general, one full-time investigator, based on Oahu, and one half-time investigator, based on Hawaii. The half-time investigator, based on Hawaii, is assigned to investigate all complaints on the island of Hawaii. The full-time investigator, based on Oahu, is assigned to investigate complaints on all of the other islands.

However, the investigators will work together on a case-by-case basis. For example, both investigators assisted in the service of a drug nuisance abatement lawsuit, filed by the Department of the Attorney General, on the island of Hawaii on February 11, 2005. In 2006, both investigators cooperated on a follow-up investigation in response to information that several individuals, restricted by an order of abatement from being at a residence in Pahoehoe, were back at the residence. The follow-up investigation primarily consisted of clandestine surveillance of the residence.

As there are no Unit investigators living on the other islands, the Drug Nuisance Abatement Unit also has entered into an agreement with the prosecutors' offices for Kauai and Maui counties to share information.

GOALS AND PRIORITIES

The Department has continued to conduct a review of the Drug Nuisance Abatement Unit's performance since its creation in July 2003, in order to identify areas where improvement can be made. The Department has already implemented measures to better streamline and speed up the drug nuisance abatement process. For example, a database was created to document complaints and track case progress. The database has made it easier to track cases and to share information with other law enforcement agencies.

The Unit's goals and priorities for fiscal year 2006-2007 will focus on these areas of concern: (1) securing a stable source of funding and increasing funding for the future of the Unit; (2) improving coordination with and the sharing of resources with county, state, and federal law enforcement agencies; (3) decreasing the backlog of complaints; (4) increasing the number of drug nuisance abatements; and (5) raising the community's awareness of the drug nuisance abatement process.

Securing a Stable Source and Increasing the Source of Funding

In order to accomplish its mission of closing down drug houses, the Drug Nuisance Abatement Unit needs to have a stable source of funding to attract and employ experienced law enforcement professionals. These professionals must possess strong investigative skills, an up-to-date understanding of criminal law, and a willingness to think beyond standard criminal investigation techniques. Because much of the work of the Drug Nuisance Abatement Unit is on the cutting edge of the law and its cases are establishing a first impression for Hawaii's courts, its personnel must be experienced and be innovative in developing its cases. To keep experienced law enforcement professionals in the Unit, the Unit's funding should come from a stable source, such as the general fund. Act 178, SLH 2005, as amended by Act 160, SLH 2006, provided for such funding in appropriating the sum of \$150,000 out of the general fund for the Unit for fiscal year 2006-2007.

The Drug Nuisance Abatement Unit was initially established by the Legislature, with a concrete amount of funds, to combat the distribution or manufacture of drugs. Since its establishment, the Unit has contributed to the closing down of drug houses and the cessation of illegal drug activities in our communities. In the cases in which the suspected drug dealers were removed from the drug houses, either through the filing of a lawsuit or through the investigator working with the owners of the property informally, the end result has been that a community has experienced relief from the many problems associated with a drug house.

As the Unit's actions and accomplishments indicate, the Legislature's Drug Nuisance Abatement Unit pilot project has proven its worth over the last three years by accomplishing the fundamental mission of closing down drug houses. If the Legislature wants to make this function permanent and maximize the Unit's performance by increasing the number of drug house closings, the Legislature should consider increasing the Unit's funding so that additional personnel can be hired.

Presently, the investigator based on Oahu is responsible for investigating all cases on Oahu and in Kauai and Maui Counties. If an additional full-time investigator based on Oahu is hired, one of the two full-time investigators will be specifically assigned to investigate cases in Maui County while the other is assigned to investigate cases on Kauai. This would allow the Unit to be more proactive in investigating these cases.

An additional half-time investigator assigned to the island of Hawaii would immediately increase the efficiency of investigations. Presently, the Hawaii based investigator must investigate complaints throughout the island. The addition of an Investigator VI position would also increase the efficiency of the Unit, as the Investigator VI would be assigned to oversee and supervise the Unit's investigators as well as investigate drug nuisance complaints.

Further, the Drug Nuisance Abatement Unit could use one Clerk-Typist III assigned to the Unit. Conservatively, at least thirty percent of our full-time investigator's

time is devoted to clerical type duties such as reviewing complaints that have been received, entering case data into the drug nuisance database and corresponding to landlords, government officials, and other government agencies. If a clerk-typist position were approved for the Unit, this individual would be assigned the above-described duties, which would free up the investigators to conduct investigations.

Improving Coordination with Other Law Enforcement Agencies

In order to effectively close down drug houses, coordination and the sharing of resources with other law enforcement agencies are a paramount priority. Coordination is essential so that law enforcement agencies do not duplicate work or compromise another agency's ongoing investigations.

Presently, the Drug Nuisance Abatement Unit has an informal agreement with the Honolulu Police Department, the Hawaii County Police Department, and the Hawaii County Office of the Prosecuting Attorney. The Unit also has a memorandum of understanding with the Offices of the Prosecuting Attorney for Kauai and for Maui Counties, which sets out the policy relating to the sharing of information and coordination of criminal and civil nuisance abatement lawsuits. These agreements have contributed to the sharing of information. The Drug Nuisance Abatement Unit will continue to work to improve coordination with other law enforcement agencies and streamline the process for the sharing of information and investigative reports.

In 2006, an ongoing informal agreement with the Maui Police Department in Lahaina District culminated in the filing of two lawsuits targeting six individuals believed to be selling or assisting in the sale of marijuana in Lahaina. Periodically, the Maui Police Department will conduct undercover operations in Lahaina and Kaanapali in order to catch suspected drug dealers engaging in drug sales. The informal agreement calls for the Drug Nuisance Abatement Unit to initiate a civil action to seek the permanent removal of the suspected drug dealers from the area where they are dealing drugs.

In 2006, the Drug Nuisance Abatement Unit also worked with the Office of the Prosecuting Attorney in Maui County to abate suspected drug dealing at a residence in Makawao. This collaboration led to an abatement of the suspected drug dealing from the residence.

Additionally in 2006, the Drug Nuisance Abatement Unit worked with the Community Prosecution Unit of the Honolulu Office of the Prosecuting Attorney and the Honolulu Police Department in order to abate suspected drug activity in a Kaimuki residence.

Decreasing the Backlog of Complaints

Due to the Unit's success in closing down drug houses and educating the public, the Unit has received a large number of complaints. Specifically, since July 2003, over 1,192 complaints about drug houses and illegal drug activity have been made to the Unit.

In that time, 645 of the cases have been closed, leaving the Unit with an existing backlog of 547 complaints.

In the legislative report submitted to the 2006 Legislature, the Drug Nuisance Abatement Unit reported that over 832 complaints about drug houses and illegal drug activity have been made to the Unit since July 2003. Up through 2005, 274 of the cases had been closed, leaving the Unit with an existing backlog of 558 complaints. In addition, new complaints are made to the Unit's hotline each week.

The Drug Nuisance Abatement Unit will continue to look into one possible short-term solution. The backlog can be decreased if the full-time investigator is able to focus more time on investigations. This will require that the investigator be relieved of the clerical type duties such as reviewing complaints that have been received, entering case data into the drug nuisance database, and corresponding with landlords, government officials, and other government agencies. In 2006, utilizing a volunteer assigned to the Investigations Division, the Drug Nuisance Abatement Unit has currently updated its database. However, the volunteer will not be available for further assistance because that volunteer is scheduled to enter the FBI academy in the near future. In order to keep the database up to date, the Unit will continue to look into obtaining more volunteers who may assist the investigator by performing some of the clerical type duties. However, this continues to only be a temporary solution.

The Unit will also continue using warning letters on a more frequent basis. In appropriate situations, where the investigator believes that there is sufficient evidence that a drug nuisance is occurring on private property, the Unit has sent a letter to the landlords informing them of the condition, advising them to take corrective measures, and warning of the possibility of forfeiture. A similar procedure is utilized by other local law enforcement agencies. The investigator will then have to monitor the case to see if the landlord abates the drug nuisance. This procedure has been used sparingly due to concerns about its effectiveness. However, in order to decrease the backlog, the Unit will continue to utilize warning letters on a more frequent basis. The Unit will monitor the plan to analyze the effectiveness of the warning letters.

Increasing the Number of Drug Nuisance Abatements

Decreasing the backlog in the Unit directly relates to increasing the number of drug nuisances abated. Therefore, the Drug Nuisance Abatement Unit's implementation of the solutions described above will hopefully also result in increased closings of drug houses and nuisances.

In addition, the Unit may be able to improve its effectiveness and increase the closure of drug houses and nuisances by raising the awareness of our communities about the drug nuisance abatement process.

The Drug Nuisance Abatement Unit is currently developing a protocol to utilize a law enforcement tool in order to disrupt the illegal distribution of drugs in our

communities. In a substantial percentage of the complaints received by the Drug Nuisance Abatement Unit, other law enforcement agencies have been unable to obtain sufficient evidence in order to obtain a search warrant to search a suspected drug house. In a related operation, law enforcement agents will informally contact suspects in a suspected drug house. The purpose of this operation is to put suspected drug dealers on notice that their activities are being monitored in order to force them to slow down the level of their drug dealing. The hope is that use of this operation as an enforcement tool will allow the unit to become more proactive in dealing with complaints of illegal drug activity.

Raising Communities' Awareness of the Drug Nuisance Abatement Process

Since the formation of the Drug Nuisance Abatement Unit in July 2003, the Department of the Attorney General has utilized several methods to inform the community about the nuisance abatement process: (1) information on the Department of the Attorney General's Website; (2) presentations at neighborhood board meetings; and (3) presentations through other community and professional groups.

To continue to raise public awareness of the drug nuisance abatement process, members of the Unit will continue to make presentations to community and professional groups. For example, in March 2006, the Unit made a presentation on the drug nuisance abatement process at a community oriented seminar held at the Kamehameha School campus. In August 2006, the Unit also participated in the National Night Out program, which is designed to heighten crime and drug prevention awareness, for the second year in a row. In September 2006, the Drug Nuisance Abatement Unit participated in a town meeting in Kailua-Kona, which focused on community problems, including illegal drug activity. In October 2006, the Unit also appeared at a Kilauea, Kauai, neighborhood board meeting to discuss ideas on abating drug activity in their community.

The Unit is continuing to work with other government agencies to make presentations to community groups on other islands.

The Unit will also work to improve its ties to the neighborhood boards on Oahu. The Unit may be able to raise awareness of the drug nuisance abatement program by presenting updates to the appropriate neighborhood boards about drug nuisance abatement lawsuits filed against residences in their neighborhood.

CURRENT AND PROJECTED EXPENDITURES

In fiscal year 2006-2007, the Drug Nuisance Abatement Unit's projected expenditures include the salaries for one deputy attorney general position and one and one-half Investigator V positions. The current projected salaries for the Unit include:

One (1) Full-time Deputy Attorney General position -	\$73,000.00
One (1) Full-time Investigator V position -	\$47,448.00
One (1) Part-Time Investigator V position -	\$23,724.00

The total projected expenditure for salaries for fiscal year 2006-2007 is \$143,172.00. This amount does not include any estimated expenditure for overtime payments. It is anticipated that future investigations in fiscal year 2006-2007 may require overtime pay. In fiscal year 2004-2005, overtime pay was \$502.56. It is anticipated that the actual expenses related to salaries will be more than the initial projected expenditure of \$143,172.00, due to projected overtime pay of \$1,500.

Additional projected expenditures for fiscal year 2006-2007 will include travel expenses incurred as a result of investigations and the litigation of cases in the jurisdictions outside Oahu. Travel expenses are difficult to estimate because the expenses are directly tied to a number of factors, including the number of active lawsuits in Hawaii, Maui, and Kauai Counties and the number of hearings in these cases.

At present, the Drug Nuisance Abatement Unit is actively litigating two civil lawsuits in Maui County and anticipates that new actions will be filed in Maui and Kauai County during fiscal year 2006-2007.

The Department of the Attorney General, like other state agencies, utilizes a special deal with Thrifty Rent-A-Car that costs \$34.39 for a one-day rental. The total cost of the rental includes the amount of gas used so that the state agency is not responsible for paying for an additional cost of gas.

Another projected expense for fiscal year 2006-2007 will be mileage reimbursement. In order to investigate their assigned cases, the two Drug Nuisance Abatement Unit investigators often have to drive their personal vehicles. The current reimbursement cost is 36.5 cents per mile. The Oahu based investigator's monthly reimbursement for driving expenses is projected to be at least \$100 - \$120 per month for fiscal year 2006-2007. Due to the large geographic nature of the island of Hawaii, mileage reimbursement is difficult to estimate for the half-time investigator.

An additional projected expense for fiscal year 2006-2007 will be the cost of a monthly cell phone plan. Currently, both investigators utilize a monthly cell phone plan that costs approximately \$60 per month for each investigator. For fiscal year 2006-2007, the projected expense related to cell phone plans will be approximately \$1,440.

In lawsuits filed in Maui and Kauai Counties, the Oahu based investigator may be required to assist in investigations, testify at court hearings, and serve court documents on civil defendants. This will require the Drug Nuisance Abatement Unit to incur flight, car rental, and parking expenses for each trip for the investigator.

When possible, the Drug Nuisance Abatement Unit has worked with county law enforcement agencies in order to serve court documents. This has kept the costs down because the Oahu based investigator did not have to travel off island to serve those court documents. However, this is not always possible.

UNIT ACTIONS

Since 2003, the Department of the Attorney General has received over 1,192 complaints from the community about illegal drug activities and drug houses. Of the 1,192 complaints, 645 cases have been closed for a number of reason including (1) there was insufficient evidence to initiate a case; (2) the illegal drug activity was self-abated; (3) direct intervention by the investigator led to the suspected drug dealers being removed or evicted from the residence; and (4) a civil lawsuit was filed, which led to the removal of the suspected drug dealers from the residence.

BREAKDOWN OF COMPLAINTS BY COUNTY

(Statistics updated through November 15, 2006)

<u>COUNTY</u>	<u>COMPLAINTS RECEIVED</u>	<u>COMPLAINTS CLOSED</u>
Hawaii	133	95
Maui	86	47
Oahu	879	437
Kauai	94	66

BREAKDOWN OF COMPLAINTS ON OAHU BY POLICE DISTRICTS

(Statistics updated through November 15, 2006)

<u>AREA</u>	<u>COMPLAINTS RECEIVED</u>	<u>COMPLAINTS CLOSED</u>
D-1 Central Honolulu	76	50
D-2 Wahiawa & N. Shore	109	61
D-3 Pearl City	163	68
D-4 Kaneohe, Kailua & Kahuku	154	78
<u>AREA</u>	<u>COMPLAINTS RECEIVED</u>	<u>COMPLAINTS CLOSED</u>
D-5 Kalihi	84	38
D-6 Waikiki	30	17
D-7 East Honolulu	109	55
D-8 Waianae Ewa & Kapolei	154	70

As mentioned above, the Unit primarily abates drug nuisances by (1) directly and informally working with the owners of buildings to remove drug dealers; and (2) filing civil lawsuits that seek to prohibit drug dealers from remaining in drug houses.

Since the formation of the Drug Nuisance Abatement Unit in July 2003, the Department of the Attorney General has filed twelve drug nuisance abatement lawsuits. Five lawsuits have been filed on Oahu, six on Maui, and one on the island of Hawaii.

The use of temporary restraining orders to remove drug dealers from the drug houses have contributed to the success of the Drug Nuisance Abatement Unit. In a typical case, when the civil complaint is initially filed, the Unit will also file a petition seeking a temporary writ of injunction. If granted by the civil court, the temporary writ of injunction is valid for ten days and will prohibit the targeted individuals from being at the drug house. Within ten days of the granting of the temporary writ of injunction, the civil court schedules a hearing. At this hearing, the State will seek to extend the temporary writ of injunction either through reaching an agreement with the opposing parties or by presenting sufficient evidence at the hearing. If the civil court finds that the State has presented sufficient hearing at the hearing, then the court will issue a preliminary injunction, which will continue to prohibit the individuals from returning to the drug house. The preliminary injunction will normally remain in effect until further court order or until the final disposition of the civil lawsuit. If an agreement is reached between the parties or if the State prevails in its civil lawsuit, then the civil court will issue an order of abatement that will permanently prohibit the individuals from returning to the drug house. If the defendants fail to respond to the lawsuit, the civil court will grant a default judgment and issue an order of abatement.

A synopsis of each lawsuit, as well as the current status of any criminal prosecution, is given below:

Stanley Street, Kalihi, Oahu

The drug nuisance abatement action commenced on September 17, 2003, with the filing of a civil complaint. On January 23, 2004, the civil court granted a default judgment and issued an order of abatement permanently prohibiting four individuals from being at the suspected drug house on Stanley Street.

Criminal prosecution for drug offenses commenced on September 3, 2003, against two individuals. The criminal court placed both on probation for a period of five years, and sentenced one individual to serve one year in jail while the other was sentenced to serve thirty days in jail.

Kaliponi Street, Wahiawa, Oahu

The drug nuisance abatement action commenced on January 7, 2004, with the filing of a civil complaint. During the period from January 20, 2004, through January 22, 2004, three individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on Kaliponi Street. On June 18, 2004, the civil

court granted a default judgment and issued an order of abatement permanently prohibiting the three individuals from being at the suspected drug house.

Criminal prosecution for drug offenses commenced on August 24, 2004, against two individuals. The criminal court granted both individuals a deferral of their pleas for a period of five years.

Mill Street, Lahaina, Maui

The drug nuisance abatement action commenced on March 3, 2004, with the filing of a civil complaint. On March 8, 2004, two individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on Mill Street. On May 5, 2004, the civil court issued an order of abatement permanently prohibiting the two individuals from being at the suspected drug house. Subsequently, the civil court granted a default judgment and issued an order of abatement permanently prohibiting a third individual from being at the suspected drug house.

Criminal prosecution for drug offenses commenced on March 8, 2004, against all three individuals. One individual was sentenced to serve a ten-year term of imprisonment with a mandatory minimum term of one year and eight months. The second individual was sentenced to serve a five-year term of imprisonment with a mandatory minimum term of one year and eight months. The third individual was placed on probation for a period of five years and given credit for four days served in jail.

Pahu Street, Waipahu, Oahu

The drug nuisance abatement action commenced on April 1, 2004, with the filing of a civil complaint. During the period from April 7, 2004, through April 11, 2004, seven individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on Pahu Street. On November 12, 2004, the civil court granted a default judgment and issued an order of abatement permanently prohibiting eight individuals from being at the suspected drug house.

Criminal prosecution for drug offenses commenced on April 28, 2004, against five of the eight individuals. At the time of preparation of this report, the criminal prosecution against the two individuals is pending trial on December 4, 2006. One individual was placed on five years probation while two others are pending sentencing.

Noelani Street, Pearl City, Oahu

The drug nuisance abatement action commenced on July 9, 2004, with the filing of a civil complaint. On July 15, 2004, four individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on Noelani Street. The State reached a settlement with three of the four individuals. On September 17, 2004, the civil court issued an order of abatement permanently prohibiting two individuals from being at the suspected drug house. On May 10, 2005, the civil court issued an order of abatement permanently prohibiting a third individual from being at the suspected drug house. In August 2005, civil trial was still pending against one remaining defendant. However the Drug Nuisance Abatement Unit discovered that the owner of the

residence on Noelani Street had arranged to sell the property to a third party unrelated to the defendants' family. The Unit confirmed that the family had moved out of the residence. Based on the fact that the drug nuisance had abated, the State filed a motion to dismiss the complaint, which was granted on August 30, 2005.

At the time of preparation of this report, no criminal prosecution has commenced against the four individuals.

North Street, Wailuku, Maui

The drug nuisance abatement action commenced on July 14, 2004, with the filing of a civil complaint. On July 16, 2004, two individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on North Street. On January 13, 2005, the civil court granted a default judgment and issued an order of abatement permanently prohibiting the two individuals from being at the suspected drug house.

At the time of preparation of this report, no criminal prosecution has commenced against the two individuals.

Oahu Road, Pahoehoe, Hawaii

The drug nuisance abatement action commenced on February 7, 2005 with the filing of a civil complaint. On February 12, 2005, three individuals were served with a temporary writ of injunction, which prohibited them from being at the suspected drug house on Oahu Road. The State reached a settlement with the three individuals. On April 28, 2005, and May 5, 2005, the Court issued three separate orders of abatement prohibiting all three individuals from being at the suspected drug house.

Criminal prosecution has commenced on June 25, 2006 against the two of the three individuals and trial is still pending.

Kaanapali Beach, Kaanapali, Maui

The drug nuisance abatement action commenced on February 7, 2005, with the filing of a civil complaint. On February 15, 2005, one individual was served with a temporary writ of injunction, which prohibited him from visiting or being at a portion of Kaanapali. On May 13, 2005, the civil court issued a preliminary injunction prohibiting the individual from visiting or being at a portion of Kaanapali. On March 6, 2006, the civil court issued a default judgment and permanently prohibited one individual from being in a large portion of Kaanapali.

Criminal prosecution commenced on February 15, 2005, with the individual being served with a criminal complaint and summons charging him with two misdemeanors including one drug offense. The criminal court placed him on probation for a period of one year and ordered him to serve four days in jail.

Hala Place, Wailuku, Maui

The drug nuisance abatement action commenced on June 16, 2005, with the filing of a civil complaint. On June 21, 2005, one individual was served with a temporary writ of injunction, which prohibited her from being at the suspected drug house on Hala Place. On September 21, 2005, the Court denied the State's request to extend the temporary writ of injunction. The civil court granted Plaintiff's motion to dismiss without prejudice.

Criminal prosecution was commenced on June 20, 2005 against the one individual. On July 11, 2006, the individual was placed on probation for a period of five years.

Haaheo Place, Aiea, Oahu

The drug nuisance abatement action commenced on July 19, 2005, with the filing of a civil complaint. On July 27, 2005, one individual was served with a temporary writ of injunction, which prohibited him from being at the suspected drug house on Haaheo Place. On July 29, 2005, the civil court issued a preliminary injunction prohibiting the individual from being at the suspected drug house. On February 3, 2006, the civil court issued a default judgment and permanently prohibited one individual from being at the suspected drug house.

Criminal prosecution was commenced on September 7, 2005, against four individuals, who were present at the Haaheo Place residence on April 26, 2005, when the Honolulu Police Department Vice Division executed a search warrant. The group of individuals being criminally prosecuted does not include the one individual, who is the subject of the drug nuisance abatement suit.

Lahaina, Maui

The drug nuisance abatement action commenced on January 26, 2006, with the filing of a civil complaint. Four individuals were served with a copy of the complaint and summons. Trial is scheduled for the week of September 17, 2007.

In 2006, two of the individuals were placed on probation for a period of five years and ordered to serve one year of imprisonment. Two other individuals were placed on one year of probation and served a shorter term of imprisonment.

Lahaina, Maui

The drug nuisance abatement action commenced on July 13, 2006, with the filing of a civil complaint. One individual was served with a copy of the complaint and summons. The second individual will be served with a copy of the complaint and summons in December 2006. Further civil disposition is pending.

Criminal prosecution has commenced against the two individuals. Trial is still pending.

Of the twelve lawsuits filed, five of the actions were filed to coincide with the commencement of criminal prosecution. In these five cases, the Drug Nuisance Abatement Unit cooperated with the Office of the Prosecuting Attorney for Maui County and the Maui Police Department to initiate the criminal prosecution at the same time as

the filing of the civil lawsuit. The intent of the plan to commence criminal prosecution and civil litigation at the same time was to overwhelm the suspected drug dealers and resulted in the cessation of the drug nuisance.

In three cases, the drug nuisance abatement lawsuit was filed before criminal prosecution was commenced. In one of the two cases, the criminal case commenced seven months after the civil case had been initiated, which led to the closure of the suspected drug house. In three cases, the civil lawsuit has resulted in either the closing down of a suspected drug house and cessation of illegal drug activity while criminal prosecution is still pending.

In addition, in a significant number of cases, the diligent work of the investigators has contributed to the abatement of drug nuisances through informally working with the owners of the property. In a typical case, once the owner of the property was informed that illegal drug activity was occurring on the owner's property, the owner abated the drug nuisance through eviction or similar methods.

In a joint operation with the Maui Prosecutor's office, the Drug Nuisance Abatement Unit worked to disrupt the distribution of drugs from a residence in Makawao. The main suspect, in this case, was indicted on drug charges and subsequently placed on probation for a period of five years. In addition, the Unit's investigator worked with the owner of the property, who was the mother of the suspect, in abating the problem. As a result of the contact, the owner of the residence helped to abate the problem. The neighborhood has reported that the suspected drug distribution has ceased as a result of the criminal prosecution and the intervention of the Unit's investigator.

UNIT PERFORMANCE

Overall, the work of the Drug Nuisance Abatement Unit has contributed to the closing down of drug houses and the cessation of illegal drug activities in our communities. In the cases in which suspected drug dealers were removed from the drug houses, either through the filing of a lawsuit or through the investigator working with the owners of the property informally, the end result has been that a community has experienced relief from the many problems associated with a drug house.

Most significantly, the Drug Nuisance Abatement Unit has assisted in the closing down of drug houses and the cessation of illegal drug activities in cases where criminal prosecution was or is still pending. The nuisance abatement statute has permitted the Unit to close down suspected drug houses faster than traditional criminal investigations and prosecutions. This has occurred because the drug nuisance abatement investigation is focused on finding a solution that will result in the closing down of the drug house and the cessation of illegal drug activity. On the other hand, the criminal investigation is geared toward a successful criminal prosecution, which may or may not result in the closure of the drug house. Typically criminal drug investigations are lengthy and months may pass before a law enforcement agency is ready to take action. When search warrants are finally executed and drug dealers are arrested, law enforcement will temporarily

incarcerate them for short periods (to conduct further investigations, etc.) but the arrestees are eventually released. Those offenders will likely return to the drug house and continue their illegal drug activity. In these cases, the Drug Nuisance Abatement Unit has been able to assist in the closing down of the drug house, while criminal prosecution is still pending. The actions of the Drug Nuisance Abatement Unit complements rather than replaces the work of other local law enforcement agencies.

The Drug Nuisance Abatement Unit has made a difference in many communities throughout the State. Its use of the nuisance abatement law has allowed it to close down drug houses faster than a traditional criminal prosecution could accomplish. In many cases, the Unit has accomplished its goal of closing down drug houses and disrupting the distribution and manufacture of drugs in situations where criminal prosecutions are still pending. The Drug Nuisance Abatement Unit and the nuisance abatement laws have shown to be effective in making our communities safer and will continue to work towards that goal. The Legislature's objective of combating drug dealers and manufacturers through the creation of the Drug Nuisance Abatement Unit and the use of nuisance abatement laws has proven to be effective. Thus, the Legislature should consider increasing the Unit's funding to hire additional personnel so that the Unit can continue to close down drug houses and safeguard our communities.