

Legislative Auditor

OVERVIEW

MANAGEMENT AUDIT OF THE NARCOTICS ENFORCEMENT DIVISION AND THE INVESTIGATION DIVISION OF THE DEPARTMENT OF THE ATTORNEY GENERAL

Honolulu, Hawaii

January 1990

Summary

This audit responds to the Legislature's request for an assessment of the appropriateness of the duties of the Narcotics Enforcement Division and the Investigation Division in the Department of the Attorney General. The narcotics division carries out Hawaii's Controlled Substances Act to stop diversion of legal pharmaceuticals to

illegal channels. It also enforces the drug provisions of the Hawaii Penal Code. Soon the division will move to the new Department of Public Safety. The investigation division performs administrative, civil, and criminal investigations and security services for the State.

FINDINGS

The state administration has not provided leadership and direction in drug abuse planning. It has not analyzed systematically the relative dangers of abused drugs or the costs and benefits of different approaches to drug control.

The administration does not have a statewide strategy for drug enforcement. The narcotics division lacks direction as to its role and function. Its limited resources are scattered. Departmental authority over controlled substances is unclear.

The attorney general's department lacks an adequate program for forfeiture of assets connected with drug trafficking. The department is without formal procedures for processing forfeited cash and other assets. The imminent expiration of the state's new forfeiture statute would deprive Hawaii of the opportunity to develop forfeiture.

The investigation division does not have sufficient policies and procedures, training, and communication. Its Medicaid investigators have not been formally assigned to the department's Medicaid Investigations Division, though they work there.

RECOMMENDATIONS

1. The Office of State Planning should write a master plan for drug

abuse that covers alcohol, tobacco, illegally produced drugs, and legally produced pharmaceuticals. It should compare various approaches to prevention, education, treatment, law enforcement, and regulation. The attorney general's department should produce a formal, systematic strategy for drug enforcement and prosecution that orchestrates state and local efforts and establishes tactical priorities.

2. The public safety department should develop precise and achievable objectives, priorities, and management measures for the narcotics division. The attorney general's department should draft legislation defining the public safety department's authority over controlled substances.

3. The attorney general's department should write a forfeiture plan defining goals, objectives, priorities, roles, and relationships, and should develop forfeiture rules, policies, and procedures. A deputy attorney general should work full time on forfeiture. The new forfeiture statute should be extended to July 1, 1992.

4. The investigation division should complete its policies and procedures manual; establish a formal training program for incoming personnel; and conduct regular staff meetings to discuss active cases. The division's Medicaid

investigators should be formally assigned to the Medicaid Investigations Division.

RESPONSE

In response to our recommendations, the attorney general says he does not agree that he should produce a statewide strategy document for drug enforcement. He acknowledges the need to further develop procedures for the processing of forfeited property. He agrees that the forfeiture statute should be extended, but he favors extension without a time limitation. He says that a formal training program for incoming investigators is unnecessary, and that the heavy caseload precludes regular meetings to review pending cases.

The director of health supports the development of a "strategic directions" document for substance abuse. He says that although the State lacks a comprehensive plan at this time, the health department in cooperation with the Governor's Office is developing a plan for prevention, treatment, and training.

The director of state planning agrees that a more systematic approach is needed to guide activities against substance abuse but does not agree that the Office of State Planning should be responsible for a master plan. The health department is the proper agency for this.