

GET Committee

From: Tasha A. Kama
Sent: Wednesday, February 13, 2019 11:02 AM
To: GET Committee
Subject: GET-1(3) Appointment and Removal of Administrative Heads of Departments
(Prosecuting Attorney)
Attachments: 19-034 Records.pdf

Correspondence relating to GET-1(3)



Tasha Kama
Councilmember (Kahului Residency District)



COUNTY OF MAUI

200 S. High St., Rm 810

Wailuku HI 96793

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Evan P. Dust

From: Deren Ash <derenash2o@gmail.com> on behalf of Deren Ash <deren@ash2o.com>
Sent: Thursday, January 31, 2019 2:40 PM
To: Tasha A. Kama
Subject: JD Kim Confirmation - Thank you for voting no!

Aloha Councilmember Kama,

Thank you so much for voting against the confirmation of JD Kim as Prosecuting Attorney last night. I sincerely hope that you will also vote against his confirmation when it comes before Council, and stand up to his lies and to the apparent willful ignorance of certain other council members.

There are a few points that I would like to reflect on, based on last night's hearing:

Overtime & Mismanagement

Councilmember Sugimura expressed that she thought the negative vote was all about overtime. Please don't let her get away with that when it comes before Council. The overtime issue was just one data point suggesting that Mr. Kim is a poor manager. For example, Mr. Kim claimed that he couldn't fill positions. Based on some of the written communication that the council members have received, we know that he has created an environment that is not a good place to work. It seems that is why he can't fill positions.

Furthermore, another council member stated that he understood it would be hard to predict the number of employees and hours needed for the coming year because nobody knows how many crimes will be committed. I could see how somebody could mistakenly have that perspective, however, it is wrong, and a further reflection of poor management. A good manager would see that he needed so many hours of overtime every single year in the past, estimate the number of work hours needed based on the last year (or average of the last few years), request the number of positions needed to fulfill those hours, and fill those positions by making sure his department is a desirable place to work. That's management 101. Mr. Kim clearly gets an F in management 101.

Case Backlog

Mr. Kim outrightly lied about this when he said that he didn't know if there was a backlog. Councilmember Rawlins-Fernandez later pressed him on it, but he still danced around the question, avoiding giving total numbers or whether or not those numbers increase every year (hint: they do). Again, this is further evidence of mismanagement, because despite all that overtime his department is still unable to complete their work, and further shows that the idea that he can't ask for more positions because it's hard to predict the workload is wrong.

Lies from previous hearings

Mr. Kim denied answering Council Chair King's question about his lies from previous hearings, and why he was removed as Circuit Court Supervisor. He claimed that it was because it related to his personnel file. There are 2 things wrong with this. First, it's already public record, so it could have been discussed in open session as long as the scope was limited to public record. Second, even if it weren't already public, since it pertains to his own personnel file, it is his choice about whether it is discussed in open session or executive session.

Catch & release of domestic abusers

One of the councilmembers asked him about regularly giving domestic abusers either no jail time, or 10 days or less of jail time. I believe this was in reference to the plea bargains that Mr. Kim's office gives away like candy. Mr. Kim avoided the actual question and stated that it's hard to prosecute cases when the victim recants during trial. But the question had nothing to do with recanting victims or witnesses, and everything to do with no-punishment plea bargains.

By not punishing domestic abusers, they go on to commit more abuse and other crimes again and again and again (thus creating more workload for his office, and eventually more burden on the jail and prison systems). I know some of those victims, and that those victims did not recant, made it clear that they absolutely would not recant, and then their abusers went on to plead out for either no jail time or 10 days in jail, and then they went on to revictimize their victims. Mr. Kim refused to answer to that, just like he refuses to protect victims of domestic abuse by not deterring their abuser's crimes.

Kimberlyn Scott's Experiences

When questioned about it, Mr. Kim stated he couldn't talk about it because Ms. Scott's daughter's murder case was pending appeal. While the case is indeed under appeal, and likely will be for decades to come, Mr. Kim's response was again more lies to avoid answering to his misdeeds, because most of Ms. Scott's experiences that she shared in writing have nothing to do with her daughter's murderer's appeal so Mr. Kim still could have answered to those.

There is one story about Ms. Scott that I don't know if she shared in her writings to you, because happened more recently. As you may know, Ms. Scott has been fighting to reclaim her daughter's remains. Mr. Kim regularly lied to her about her daughter's remains until it was made public in the media when fighting for the enforcement of 801D. Fast forward to now...Mr. Kim and his First Deputy Rivera finally agreed to let Ms. Scott be in the same room as her daughter's remains. Ms. Scott showed up at the assigned time and place, and instead of letting her be in the same room as her daughter's remains, they pointed off in the distance and told her that her daughter's remains were somewhere over there in another room, and they would not be letting her in the same room as her daughter's remains and told her to leave. Instead of leaving immediately, she asked what was going on. Instead of telling her what was going on, they brought in MPD Cpt. Holokai who told her that if she didn't leave he would arrest her.

The only possible explanation for putting Ms. Scott through that is retaliation intended to put her through as much pain as possible. What kind of person would do that to another person? That is the kind of person that Mr. Kim is. Is that professional? Is that somebody with the temperament to be the Prosecuting Attorney? Clearly the answer is no.

We also know that Ms. Scott is not the only victim who Mr. Kim has intentionally put through hell. It is Mr. Kim's standard operating procedure if a victim asks questions or wants to give input or be involved in their case in any way.

Based on all of this, the only reasonable conclusion is that Mr. Kim is not competent to do his job, not competent to protect the people in the community by deterring crime, and is cruel to victims - the very people he is mandated to protect. So, I thank you wholeheartedly for voting against his confirmation, and I thank you in advance for maintaining that stance and voting against him when it comes to the full Council.

Mahalo,
Deren Ash

Evan P. Dust

From: Ronson Ibarra [REDACTED]
Sent: Wednesday, January 23, 2019 1:04 PM
To: County Clerk
Cc: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Written Testimony for 1/23/19 - APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY) (GET-1(3))
Attachments: Letter - Confirmation of John Kim as Pros Atty 2019.pdf

Aloha,

Please see attached for my letter in support of the confirmation of John D. Kim as Prosecuting Attorney. Please ensure all council members have a copy of this attached letter.

Mahalo,

Ronson Ibarra, Esq.

Ronson S. Ibarra, Esq.

[REDACTED]
January 23, 2019

Office of County Clerk *(Please distribute a copy of this letter to all members of the council)* county.clerk@mauicounty.us

RE: APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (PROSECUTING ATTORNEY) (GET-1(3))

Dear Council Member:

I am writing in support of the confirmation of John D. Kim as Prosecuting Attorney.

I am currently a Deputy Prosecuting Attorney (DPA) for the County of Maui and a Captain in the Hawaii Army National Guard. I first met Mr. Kim in 2010 when I worked as a Law Clerk for Chief Administrative Judge Shackley F. Raffetto (ret.). When Mr. Kim appeared in Judge Raffetto's chambers, he was punctual, prepared, competent, and courteous.

After my clerkship ended in 2012, I worked as a DPA for the City and County of Honolulu for two years before I started working under Mr. Kim in August of 2014 as a DPA.

I have not had any problems working at the Maui Prosecutors Office under Mr. Kim. Since I was commissioned as a Judge Advocate General (JAG) Officer in late 2016, Mr. Kim and his administration have been very flexible in accommodating my military leave for basic training (6 weeks), JAG school (10.5 weeks), Annual Training to support the Puna Lava Flow Operations (2 weeks), and upcoming deployment (6 months). Mr. Kim continues to comply with federal law (USERRA) by holding a DPA position for my supervising officer, Major Lloyd Phelps, who has been in an active duty position for nearly four years as the Staff Judge Advocate to the Adjutant General – Major General Arthur J. Logan.

I support John D. Kim's continuing capacity as the Prosecuting Attorney. Thank you for your time and consideration.

Sincerely,



Ronson S. Ibarra, Esq.

Evan P. Dust

From: kimberlyn Scott <Desdmoana@msn.com>
Sent: Wednesday, January 30, 2019 9:55 PM
To: Tasha A. Kama
Subject: JD Kim appointment denial

Mahalo for hearing your community and for demanding of our county employees accountability. I know your decision was based on much information from many sources. Good Job!!!

Mahalo again-

Kimberlyn Scott

Sent from Mail for Windows 10

Evan P. Dust

From: Ashley Correa <ashley.correa@gmail.com>
Sent: Friday, February 01, 2019 9:08 AM
To: Tasha A. Kama
Subject: Re: Thank you

Follow Up Flag: Follow up
Flag Status: Flagged

Aloha Tasha,

Yes you may. I did share with the other council members that voted the same with you (King, Sinenci, Paltin, and Rawlins). I also shared with Mike Molina. I've known Mike for a long time and in fact, Taylor is classmates with his daughter. But please feel free to share.

I wrote Taylor's name freely because she is open about her story in hopes that she may help other DV survivors. She may be sending out emails of her own shortly as well.

Mahalo!

On Fri, Feb 1, 2019, 8:10 AM Tasha A. Kama <Tasha.Kama@mauicounty.us> wrote:

Aloha Ashley

Mahalo for your testimony. May I share this with the other members of the council? It is compelling enough to be read by as many people as possible and may not be common knowledge.

I applaud your courage to write this letter and strength to continue with your life journey.

E Malama pono

Tasha

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From: Ashley Correa <ashley.correa@gmail.com>

Sent: Thursday, January 31, 2019 11:56 PM

To: Tasha A. Kama

Subject: Thank you

Aloha Council member Tasha Kama,

My name is Ashley Correa. I am born and raised on Maui. And am a regular voter.

I wanted to express my utmost gratitude to you for not granting JD Kim's nomination in committee and representing the community you serve.

I am particularly paying attention to this matter. I have testimony I would like to share with you and also have one more request.

It is common knowledge that Maui's prosecutor's office needs improvement for many reasons. This is apparent to both the community and the prosecutor's office personnel itself. And like any other organization, it starts from the top.

So many people, as you may know, have been let down by the prosecutor's office; not getting justice for the crimes that have been committed against them. When we have a prosecutor's office that is so quick to pressure victims in making deals with the person(s) who wronged them, it shows that our prosecutor's office is weak, does not care about the human being sitting in front of them and takes crime lightly. It is clear that the prosecutor's office only cares about a score on the board, no matter how that score was obtained.

Domestic Violence, in particular, is a major crime that Maui's prosecutor's office has been unsympathetic about. You probably know about major cases that made headlines because those victims are dead. Yup, we know that people are murdered as a part of domestic violence right here on our very own island. And some victims are lucky enough to survive. One of those survivors is my very own sister, Taylor. Her offenders name is Duwayne Tavares. At the young age of 19, she was beaten not only with her offenders hands and feet, but also assaulted with weapons including rods, knives, steel toe boot, held at gun point. Not to mention the sexual abuse, verbal abuse, financial abuse, and manipulation and isolation. She was so scared she wouldn't even tell us, her own family. She also thought she could help him change. She once tried to tell his mom, but she told Taylor that she needed to stay with him because he needed her. Mind you, his mom was also in abusive relationships. I wonder where her son learned his behavior from and why he thought it was okay. Finally, one evening (August 7, 2016) we got a phone call from his Aunty who had got wind of the abuse. She told us what she had heard about him abusing Taylor and we immediately called the police and called her to straight to our house after she finished work.

I hold my sister's abuser 100% accountable for everything he did, but the Maui County's prosecutor's office did not. From day one, she was shuffled around from attorney to attorney and extension after extension was filed by the defense for no apparent reason. The attorney's office was not in contact with Taylor for quite some time at first and when they finally did contact her, the prosecutor who was finally handling her case hadn't even read her statement. She told them she better read her file first. The second time they contacted her to have a meeting. Supervisor Carson Tani sat in this meeting. He and the attorney told Taylor that she had to make a deal because they had to show the defense attorneys that they were willing to work with them. She told them that she was ready to go to trial, that she wasn't afraid to testify. A live victim brave enough to testify should get the support and backing that they deserve. But no, Carson Tani insisted that they needed to offer a deal and if the defense refused, then she would get to go to trial. He also stated that she and her family could present testimony to the judge and ask the judge to increase the prison time upon sentencing. The deal for 18 months of abuse was 18 months at MCCC and 5 years probation. Her abuser was being charged for the stolen assault rifle he held to my sister's head, the beating/choking he gave her with his hands, and striking her with the steel toe boot on the head. Of course, all the other times were not reported so I understand charges could only be made for the most recent occurrences. Feeling like she had no other option, Taylor agreed to the deal. Even if Taylor insisted further to go to trial, would the people who were so insistent on a deal REALLY go to bat for her? Would they really have her back? Carson Tani himself doesn't even have children, so how could even start to imagine what it would be like if it were his own child in the same circumstance.

Duwayne did take the deal. When the day came for his sentencing (December 14, 2017), our family and friends filled the court room to where people had to stand all to support Taylor. We stood in front of Judge Loo speaking our testimonies to her and begging her to increase the prison time. At the end of our testimony, Carson Tani had the audacity to tell Judge Loo that Taylor understands the deal terms and she is not asking for more time. We were all floored. He's the very one who told us to do so. I understand he was trying to cover his own rear end, but it was not necessary for him to even make such a statement. It was quite frankly a slap in the face. Judge Loo granted the original deal.

After court, Carson Tani came out of the courtroom with a big smile on his face and a demeanor of victory. Our family questioned him and his intentions and his actions. His demeanor quickly changed and he was very defensive. After hearing us out, he knew he was guilty. His demeanor changed to that of the defeated.

At the end of the day, the justice system failed Taylor. Duwayne gets out in the middle of this year. May or June I believe.

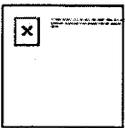
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I want to urge you to continue to stand for our community as you vote again to dismiss JD Kim's nomination in full council.

To put a face to the email, I've attached a picture of that day in court. I'm on the left, Taylor, in the middle, and our younger sister Jolee on the right.

Again, I sincerely appreciate you serving our community.
#imwithtaylor

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Thank You and Have a Wonderful Day,
Ashley Correa



Ashley Correa
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(808) 298-8354 | ashley.correa@elitepacific.com
www.ashleycorrea.elitepacific.com
|RS-80689

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Evan P. Dust

From: Ashley Correa <ashley.correa@gmail.com>
Sent: Friday, February 01, 2019 8:10 PM
To: Tasha A. Kama
Subject: Re: Thank you

Aloha Council member Tasha Kama,

I forgot to mention that our parents, Deanna Davis and Ericlee Correa actually contacted JD Kim when Taylor was getting shuffled around and not getting any contact from the prosecutor's office. My mom called crying and he basically made an excuse for the prosecutor and dismissed her. My dad then tried to get in contact JD Kim as a father. At the time, my dad was a sergeant with the Maui Police Department. JD Kim then turned around and filed a formal complaint against my dad with his boss. My dad recently retired from the Maui Police Department with over 25 year of service. It's a shame that the justice system my father served for that long failed him as well.

I'm going to update the council members I had already emailed. But if you would like to share that as well, that is fine.

Again, Mahalo for your service and for taking the time to read & respond to my testimony.

On Fri, Feb 1, 2019, 9:07 AM Ashley Correa <ashley.correa@gmail.com> wrote:

Aloha Tasha,

Yes you may. I did share with the other council members that voted the same with you (King, Sinenci, Paltin, and Rawlins). I also shared with Mike Molina. I've known Mike for a long time and in fact, Taylor is classmates with his daughter. But please feel free to share.

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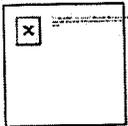
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#imwithtaylor

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Thank You and Have a Wonderful Day,
Ashley Correa



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