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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 20, 2025

Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

Mr. Andrew Martin, Prosecuting Attorney  
Department of the Prosecuting Attorney  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Martin:

SUBJECT: **FISCAL YEAR 2026 BUDGET** (BFED-1) (PA-01)

May I please request you submit your response to the following questions by **March 31, 2025**. This will enable the Committee to comprehensively review the FY 2026 Budget.

1. Please outline the major changes in your Department's budget from FY 2025 to FY 2026. If your budget will decrease, how will this impact your Department's operations and ability to serve the public?
2. How many vacant positions currently exist within your Department?
  - a. Please include the job titles for the vacancies and indicate how long the positions have been vacant.
  - b. What is the anticipated timeline for filling these vacancies?
  - c. What are the consequences, if any, for removing funding for these vacant positions from the FY 2026 Budget?
3. If your Department had expansion positions in the FY 2025 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2026 Budget? How many months of funding are being requested?

4. If your Department is proposing expansion positions in the FY 2026 Budget, how do you plan to fill those positions?
5. How many positions were filled in FY 2025 that were not expansion positions?
6. Describe your recruitment process.
  - a. How did your Department recruit to fill vacancies and what were the most effective methods for attracting candidates?
  - b. Does your Department take an active role in recruitment or is recruitment handled primarily by the Department of Personnel Services? Please explain.
7. The following questions are related to overtime payments:
  - a. How much in overtime has been paid to date in FY 2025 and what was the reason for the overtime?
  - b. Were any of these overtime costs attributed to the number of vacant positions in your Department?
  - c. Do you anticipate that overtime costs in FY 2026 will increase or decrease and what are the reasons for your assumption?
8. The following questions are related to your Department's program and activities for FY 2026:
  - a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate for each program and activity the amount of Federal or State funding your Department anticipates receiving and the amount of County funding your Department is requesting.
  - b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount your Department is requesting.
9. If your Department had Capital Improvement Projects in FY 2025:

- a. Provide the current status of each CIP, if different from the information provided in the Fiscal Year 2025 2<sup>nd</sup> Quarter CIP Report.
  - b. Provide information on how much funding has been encumbered or expended to date for each project.
10. If your Department has proposed CIPs for FY 2026:
  - a. Rank your proposed CIPs, by priority.
  - b. Will CIP funding included in the FY 2026 Budget be encumbered by June 30, 2026? If not, how much do you anticipate will be encumbered by that date?
11. If your Department manages a revolving fund:
  - a. Explain whether the revolving fund is still needed and why.
  - b. Provide the current balance.
12. If your Department manages grants:
  - a. For each grant line-item not designated for a specific recipient (e.g., Small Business Promotion; Youth Programs), provide a breakdown of the grants that will be funded by the line item.
  - b. Provide a breakdown of all grants that will be funded by your Department under Sub-object Code 6317, County grant subsidy.
  - c. Did your Department apply for any grant funding in FY 2025? If yes, how much grant funding was received?
13. Provide details on your Department's Carryover/Savings that were included in the FY 2026 Budget.
14. What are your top three Department priorities for FY 2026 and how does your Department's budget reflect that?

15. How much has your Department spent on Professional Services in FY 2025, and what projects and consultants were funded under this line item?
16. How much of your Department's expenditures in FY 2025 will be reimbursed by the Federal Emergency Management Agency in relation to the wildfires? What amount of FY 2026 expenditures are expected to be reimbursed?
17. If your Department is receiving Federal grants, including pass-through grants:
  - a. What amount is your Department receiving for routine operations?
  - b. What amount is your Department receiving for August 2023 Maui Wildfires disaster recovery?
  - c. Explain any factors that could jeopardize your receipt of Federal grants, including Federal policy changes, compliance requirements, or expiration dates.
  - d. Explain how your Department will adjust if it does not receive the anticipated Federal grant funding.
18. If your Department received funding to repair or replace equipment, locations, and structures destroyed in the wildfires, provide the current status for each. If there are items still pending repair or replacement, provide the estimated cost and timeline for the repair or replacement.

The Department is scheduled to present on **April 8, 2025**. The schedule is subject to change and Committee staff will reach out if there are any changes to the schedule.

Please be prepared to provide a ten-minute presentation on the changes in your Department's budget from FY 2025 to FY 2026, addressing the following:

- Operations
- CIPs, if any
- Grants awarded by the Department, if any

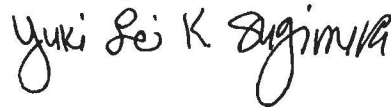
Mr. Andrew Martin  
March 20, 2025  
Page 5

- Grants received by the Department, if any
- Revolving funds, if any
- Rates and fees, including any estimated increase or decrease in revenue as a result of the changes

Please transmit your response to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) by **March 31, 2025**. To ensure efficient processing, please include the Committee item number in the subject line. Please use a font size of at least 12 points for the response. This formatting allows Committee members and the community to clearly read the document once posted.

Should you have any questions, please contact me or the Committee staff (Kirsten Szabo at ext. 7662, James Krueger at ext. 7761, or Pauline Martins at ext. 8039).

Sincerely,



YUKI LEI K. SUGIMURA, Chair  
Budget, Finance, and Economic  
Development Committee

bfed:2026bgt:253019apa01:kes

cc: Mayor Richard T. Bissen, Jr.  
Budget Director

**RICHARD T. BISSEN, JR.**  
Mayor


**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

March 27, 2025

Lesley Milner   
Budget Director  
200 South High Street  
Wailuku, Hawaii 96793

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For transmittal to:

Yuki Lei K. Sugimura  
Chair, Budget Finance, and Economic Development Committee  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Sugimura,

**APPROVED FOR TRANSMITTAL**

 3-31-25  
**Mayor** **Date**

**SUBJECT: RESPONSE TO FISCAL YEAR ("FY") 2026 BUDGET (BFED-1) (PA-01)**

- 1. Please outline the major changes in your Department's budget from FY 2025 to FY 2026. If your budget will decrease, how will this impact your Department's operations and ability to serve the public?**

Salaries	\$41,815.00 decrease in salaries due to increased grant funding, which funds 0.9 E/P Deputy Prosecuting Attorney. <i>Note: Salaries from Deputy Prosecuting Attorneys may increase pending determination by the Salary Commission.</i>
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APPROVED FOR TRANSMITTAL

Mayor

Date

Operating \$45,170.00 increase to support office lease and CAM increases.

Equipment \$60 increase to support actual lease expense for copy machines.

**2. How many vacant positions currently exist within your Department?**

**a. Please include the job titles for the vacancies and indicate how long the positions have been vacant.**

Position Title	Days Vacant (calendar days)
Deputy Prosecuting Attorney	293
Deputy Prosecuting Attorney	62
Deputy Prosecuting Attorney	40
Deputy Prosecuting Attorney	175
Investigator III	235
Deputy Prosecuting Attorney	418
Victim/Witness Counselor I	101
Deputy Prosecuting Attorney	251
Deputy Prosecuting Attorney	346
Paralegal	17
Deputy Prosecuting Attorney	83
Office Operations Assistant II	24
Office Operations Assistant II	221
Office Operations Assistant II	1240
Victim Witness Counselor II*	643

\*Grant funded position

**b. What is the anticipated timeline for filling these vacancies?**

Position Title	Anticipated Fill Date
Deputy Prosecuting Attorney	9/1/2025
Deputy Prosecuting Attorney	9/1/2025
Deputy Prosecuting Attorney	Offer Pending Acceptance
Deputy Prosecuting Attorney	Offer accepted, pending start date
Investigator III	Pending Eligibility List
Deputy Prosecuting Attorney	6/1/2025
Victim/Witness Counselor I	Pending Eligibility List
Deputy Prosecuting Attorney	5/1/2025
Deputy Prosecuting Attorney	Offer Pending Acceptance
Paralegal	Pending Job Redescription
Deputy Prosecuting Attorney	Offer Pending Acceptance
Office Operations Assistant II	Pending Eligibility List
Office Operations Assistant II	Pending Job Reallocation
Office Operations Assistant II*	Pending Job Reallocation



**c. What are the consequences, if any, for removing funding for these vacant positions from the FY 2026 Budget?**

Removing positions from the Department's budget can lead to disruptions in the continuity and quality of services provided in the community. Each position is essential for maintaining the efficiency and effectiveness of the case load received by the Department. A reduction in funding will limit the Department's ability to attract and hire qualified candidates, making it difficult to fill key roles when needed and existing staff will have an increased workload, potentially leading to burnout, lower morale, and higher turnover rates.

Our non-attorney staffing has significantly improved over the past several years with our current staffing levels reflecting normal turnover rates, with very few vacant positions. Our attorney staffing levels reflect a concerning nationwide trend of fewer attorneys pursuing careers in prosecution. Combined with Maui's high cost of living and limited affordable housing, this has made recruiting new attorneys increasingly challenging.

However, we are seeing significant dividends from our long-term attorney recruitment strategy. Continued presence on social media, outreach to law schools with students who are from Hawai'i, our attendance at the NDAA National Prosecutor Job Fair, and our request to the Hawai'i Supreme Court to allow for limited reciprocity for prosecutors and public defenders are all beginning to pay off. As of the date of this letter, five of our vacant positions have offers that have been accepted, with three other candidates considering offers. While we continue to experience turnover with attorneys leaving for jurisdictions where the cost of living is lower, or for higher paying jobs in Maui County, an increase in salaries for DPA's would put us in a position to overcome our final barrier to being fully staffed with outstanding candidates.

**3. If your Department had expansion positions in the FY 2025 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2026 Budget? How many months of funding are being requested?**

The Department did not request any expansion positions in the FY 2025 Budget.

**4. If your Department is proposing expansion positions in the FY 2026 Budget, how do you plan to fill those positions?**

The Department did not request any expansion positions in the FY 2026 Budget.

**5. How many positions were filled in FY 2025 that were not expansion positions?**

Six (6) positions were filled in FY 2025.

**6. Describe your recruitment process.**

**a. How did your Department recruit to fill vacancies and what were the most effective methods for attracting candidates?**

The Department primarily focuses recruitment efforts on the deputy prosecuting attorney positions through two main strategies.

First, the Department has participated in two (2) National District Attorney Association (NDAA) Job Fairs in Washington D.C in 2024 and 2025. These events have provided a valuable platform to engage directly with a diverse pool of talented candidates, increasing the applicant rates for both our law clerk/internship positions and deputy attorney roles. During the most recent job fair in January 2025, the Department scheduled 23 interviews. We made offers for three (3) full-time positions and three (3) internship positions to candidates from this event.

Secondly, we have also worked to establish an active, physical presence in law schools with large numbers of local students who have ties to Hawaii. In addition to the University of Hawai'i, these universities include the University of Nevada Las Vegas, and Pepperdine University. We are also working to establish a similar presence at Brigham Young University, the University of Utah, and Seattle University.

Through face-to-face interactions and targeted recruitment efforts, we have seen a measurable rise in applications from qualified individuals. This increased interest has not only expanded our talent pipeline, but also enhanced our ability to select candidates who are well-aligned with our organizations mission, values, and goals.

Although we continue to struggle with having these candidates accept offers due to the cost of living and affordable housing on Maui, we are encouraged by our efforts.

The department has also seen a significant rise in internship applicants. Through the internship program, we aim to train and invest in these individuals with the intent that an offer for a full-time deputy prosecuting attorney position will be made. This method provides a seamless transition since the individual is already familiar with the Department and court's processes, have built relationships with their team, and have built the skills necessary for their continued success.

Finally, over the past year, the department led a statewide effort to amend Rule 1 of the Rules of the Supreme Court of Hawai'i. To this endeavor, the department authored a letter (co-signed by the other County Prosecutors, Attorney General, and Public Defender) requesting the Court to consider an amendment that would

allow for license reciprocity for attorneys licensed in other states who obtain employment with a prosecutor or the public defender. On February 10, 2025, the Supreme Court solicited public comment on the proposed rule change. The public comment period expires on May 19, and it is our hope that the rule will go into effect shortly thereafter. As we receive significant interest from experienced prosecutors from around the country (a product of our social media presence), we believe this rule change will put us in a position to significantly expand our pool of top candidates.

**b. Does your Department take an active role in recruitment or is recruitment handled primarily by the Department of Personnel Services? Please explain.**

As stated above, the Department not only takes an active role in recruiting deputy attorney positions, we are the sole source of recruitment efforts for these positions.

Civil service position recruitment is primarily handled by the Department of Personnel Services.

**7. The following questions are related to overtime payments:**

**a. How much overtime has been paid to date in FY 2025 and what is the reason for overtime?**

As of March 15, 2025, \$8,929.00 has been paid in overtime. The overtime was related to back log of work due to staff shortages or unforeseen circumstances that required the work be done after normal work hours.

**b. Were any of these overtime costs attributed to the number of vacant positions in your Department?**

Yes

**c. Do you anticipate that overtime costs in FY 2026 will increase or decrease and what are the reasons for your assumption?**

The Department anticipates overtime will remain relatively level in FY 2026.

**8. The following questions are related to your Department's program and activities for FY 2026:**

**a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate for each program and activity the amount of Federal or State funding your Department anticipates receiving and the amount of County funding your Department is requesting.**

The Department does not have any programs or activities due to Federal or State mandates.

- b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount your Department is requesting.**

The Department does not have any programs or activities due to Maui County Code mandate.

**9. If your Department had Capital Improvement Projects in FY 2025:**

- a. Provide the current status of each CIP, if different from the information provided in the Fiscal Year 2025 2<sup>nd</sup> Quarter CIP Report.**  
**b. Provide information on how much funding has been encumbered or expended to date for each project.**

The Department did not have any CIP projects for FY 2025.

**10. If your Department has proposed CIPs for FY 2026:**

- a. Rank your proposed CIPs, by priority.**  
**b. Will CIP funding included in the FY 2026 Budget be encumbered by June 30, 2026? If not, how much do you anticipate will be encumbered by that date?**

The Department does not have proposed CIP projects for FY 2026.

**11. If your Department manages revolving funds.**

The Department does not manage revolving funds.

**12. If your Department manages grants:**

- a. For each grant line-item not designated for a specific recipient (e.g., Small Business Promotions; Youth Programs), provide a breakdown of the grants that will be funded by the line item.**

Not applicable

- b. Provide a breakdown of all grants that will be funded by your Department under Sub-Object Code 6317, County grant subsidy.**

Special Needs Advocacy Program (SNAP) Victims of Crime Program (VOCA)

Two sub-recipients:

Children Family Services	up to \$30,000.00
Women Helping Women	up to \$30,000.00

- c. **Did your Department apply for any grant funding in FY 2025? If yes, how much grant funding was received?**

Special Needs Advocacy Program (SNAP)	\$537,300
Victim Witness Assistance Program	\$353,094
Violence Against Women Act (VAWA)	\$57,067
Career Criminal Prosecution (CCP)	\$257,548
Department of Transportation	\$42,285
Edward Byrne Memorial Justice Assistance Grant	\$59,991

**13. Provide details on your Department's Carryover/Savings that were included in the FY 2026 Budget.**

The carryover savings included in the FY 2026 Budget are from the unrestricted fund balance for FY 2024 reflected in the County's Annual Comprehensive Financial Report (ACFR) along with anticipated additional revenues based on the funds collected in the first half of FY 2025. Any carryover savings from FY 2025 will be recognized in the FY 2027 Budget.

**14. What are your top three Department priorities for FY 2026 and how does your Department's budget reflect that?**

1. New building for the Department

The FY 2026 Budget does not reflect any funding for acquisition, renovations, or moving costs as discussions over the possible new building for the Department are on-going. However, the FY 2026 budget reflects \$347,621 in rental costs due to the lack of a permanent space.

2. Development of a prosecutor-led diversion program.

Funding received through a competitive award from the Edward Byrne Memorial Justice Assistance Grant is being utilized to fund the research and development of a prosecutor-led diversion program. Through this program, the department is partnering with the Criminal Justice Research Institute and has hired a research Graduate Assistant from Chaminade University. With their assistance we are analyzing criminal justice data from Maui County in

order to identify the segment of our population that would best be served by a diversion program, what the needs of that population are with respect to services, and what services are available or need to be sourced in order to fill those needs.

3. Solutions to domestic violence

Last year, the department partnered with Women Helping Women to convene a community domestic violence group to assess the current state of our community-wide response to DV. After mapping our community response last year, our task this year turns to exploring ways in which we can improve that response in order to decrease the incidence of DV in Maui Nui. The group is already in the initial phases of planning a county-wide summit to engage with stakeholders, those with lived experiences, lawmakers and government officials, and other interested community members to forge a new and more impactful way forward. As the group includes prosecutors, police, victim advocates, treatment providers, and those providing both victim and offender services, our efforts will focus broadly on solutions to this pressing concern.

**15. How much has your Department spent on Professional Services in FY 2025, and what projects and consultants were funded under this line item?**

As of March 25, 2025, the Department has spent \$78,649.14 on Professional Services in FY 2025.

Services include:

24/7 On-Call Services for Forensic Sexual Assault Examinations	\$56,340.00
Court Reporters, Transcript of Proceedings	\$21,762.22
Case Review, Consulting	\$ 546.92

**16. How much of your Department's expenditures in FY 2025 will be reimbursed by the Federal Emergency Management Agency in relation to the wildfires? What amount of FY 2026 expenditures are expected to be reimbursed?**

The Department's expenditures related to the wildfires were reimbursed by the Federal Emergency Management Agency in FY 2024.

**17. If your Department is receiving Federal grants, including pass-through grants:**  
**a. What amount is your Department receiving for routine operations?**

Special Needs Advocacy Program (SNAP)	\$238,800
Operating Budget, Fringe benefits	



- b. What amount is your Department receiving for August 2023 Maui Wildfires disaster recover?**

The Department received \$33,269.18 in reimbursement costs in FY 2024. No further expenses were incurred.

- c. Explain why factors that could jeopardize your receipt of Federal grants, including Federal policy changes, compliance requirements, or expiration dates.**

An evolving landscape at the federal level could potentially jeopardize federal grant funding through policy changes, budget cuts, reallocation of funds, or other measures. Our department did see a temporary hold put on all our federal grants in January 2025 due to these factors, but have not seen any other impacts to date.

- d. Explain how your Department will adjust if it does not receive the anticipated Federal grant funding.**

The Department will have to stop any on-going recruitment so that the savings can be used to supplement the lost funding to ensure grant funded employees will not need to be terminated.

- 18. If your Department received funding to repair or replace equipment, locations, and structures destroyed in the wildfires, provide the current status for each. If there are items still pending repair or replacement, provide the estimated cost and timeline for the repair or replacement.**

The Department did not sustain any loss or damages in relation to the 2023 wildfires.

Should you have any additional questions or require more information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Andrew H. Martin', with a stylized flourish at the end.

Andrew H. Martin  
Prosecuting Attorney

## BFED Committee

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**From:** Janina E. Agapay <Janina.E.Agapay@co.maui.hi.us>  
**Sent:** Monday, March 31, 2025 3:09 PM  
**To:** BFED Committee  
**Cc:** Lesley J. Milner; Brandie R. Shimabukuro  
**Subject:** (BFED-1)(PA-01)  
**Attachments:** (BFED-1)(PA-01).pdf

Hello,

Please see attached (BFED-1)(PA-01)

Thank you,

***Janina Agapay***

County of Maui | Budget Office

Phone: (808) 270-7836

Email: Janina.E.Agapay@co.maui.hi.us