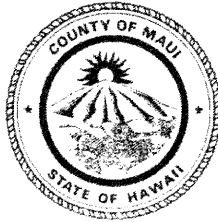


MICHAEL P. VICTORINO
Mayor

DON S. GUZMAN
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney



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OFFICE OF THE
COUNTY COUNCIL

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

April 16, 2019

Ms. Michelle M. Yoshimura *MMY*
Budget Director, County of Maui
200 South High Street
Wailuku, HI 96793

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/17/19
Mayor Date

For Transmittal to:

Honorable Keani Rawlins-Fernandez
Chair, Economic Development & Budget Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

RE: REQUEST/QUESTIONS FROM THE APRIL 8, 2019 MEETING (PA-4) (EDB-1)

Dear Chair Rawlins-Fernandez:

This letter is in response to the Economic Development and Budget Committee letter dated, April 10, 2019. As requested, we are providing the following responses to your request:

1. **Have FY20 grants been secured?**
 - a. **(Narrative, pg. 544)**

Currently we have secured the following grant funds for FY20.

- Asset Forfeiture Program
- Career Criminal Program
- Domestic Violence Investigator Program
- Highway Safety Grant Program
- Special Needs Advocacy Program
- Victim/Witness Assistance Program

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 Honorable Michael P. Victorino
 For Transmittal to:
 Honorable Keani Rawlins-Fernandez
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2. Please explain the proposed 41.4% and 12,371.3% increase in Premium pay.

a. (Narrative, pg. 534 & 543)

Program	Fund	2019 Adopted	2020 Proposed	Change Amount	Budget Details Pg No.
Administration	General	\$16,000	\$20,700	\$4,700	16-3
General					
Prosecution	General	\$29,550	\$25,200	(\$4,350)	16-12
General					
Prosecution	Grant Revenue	\$150	\$18,707	\$18,557	16-20
Department Total		\$47,700	\$64,607	\$18,907	

On page 534 of the Mayor's Proposed Budget Narrative, 41.4% represents the Department's Other Premium Pay increase for \$18,907. Above is the breakdown per program.

The increase in the Administration Program is for the anticipated overtime for the implementation of the upgrade for Justware and HJIS Software systems. The administrative staff works closely with ITS on planning and implementing the upgrade for both systems. They verify that the information is interfacing and transferred correctly. HJIS is a statewide court system upgrade, and the administrative staff works closely with the Hawaii Criminal Justice Data Center to make sure that the information is interfacing correctly.

The decrease for \$4,350 in our General Prosecution Program is due to the deletion of the lump sum payments for BU 03/04 for FY19.

A 12,371.3% increase in General Prosecution, Grant Revenue Program is due to the anticipated salary increase pursuant to the Collective Bargaining Unit 13 Agreement for FY20.

3. How are income or items collected through asset forfeiture tracked and reported?

The Asset Forfeiture Program was created in 1988 by a law enforcement coalition consisting of the Hawaii State Attorney General and the four county (Maui, Honolulu, Kauai, Hawaii) Prosecutors and Police Chiefs. The purpose was to create a law which

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would be both procedurally and substantively comprehensive and, to the extent possible, uniform across the State. The program operates pursuant to Chapter 712A of the Hawaii Revised Statutes and provides a mechanism to enable law enforcement to take away the means by which criminals engage in their unlawful activity and the benefits derived from that unlawful activity.

The Attorney General Asset Forfeiture Unit operates pursuant to Chapter 712A of the Hawaii Revised Statutes (HRS). The primary objective of the unit is to administer the disposition of forfeiture petitions pursuant to Section 712A-10, HRS, and manage the storage, maintenance, liquidation and distribution of assets seized and forfeited pursuant to Sections 712A-6, HRS. The Asset Forfeiture Unit has established procedures to be followed when forfeited property is returned to the owner, or used for law enforcement purposes, and when proceeds from the sale of forfeited property are returned to law enforcement agencies to help pay for training and equipment to combat crime.

Under HRS Chapter 712A, property may be forfeited to the government under certain circumstances involving criminal cases. The property is then seized via **civil** forfeiture proceedings wherein the Attorney General works with the respective County Prosecutor's Office and Police Department to investigate and/or initiate forfeiture proceedings pursuant to HRS Chapter 712A. Accordingly, 100 percent of civil forfeiture proceeds is divided as follows: 50 percent to the Attorney General; 25 percent goes to police department, and 25 percent to department of prosecuting attorney. Pursuant to HRS § 712A-16 (2):

(2) All forfeited property and the sale proceeds thereof, up to a maximum of three million dollars per year, not previously transferred pursuant to [subsection] (1)(a) of this section, shall, after payment of expenses of administration and sale, be distributed as follows:

(a) One quarter shall be distributed to the unit or units of state or local government [whose] officers or employees conducted the investigation and caused the arrest of the person whose property was forfeited or seizure of the property for forfeiture;

(b) One quarter shall be distributed to the prosecuting attorney who instituted the action producing the forfeiture; and

(c) One half shall be deposited into the criminal forfeiture

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fund established by this chapter.

(3) Property and money distributed to units of state and local government shall be used for law enforcement purposes, and shall complement but not supplant the funds regularly appropriated for such purposes.

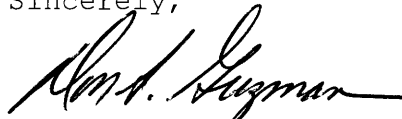
The Department of the Attorney General, Civil Recoveries Division will distribute a check for our portion of the asset forfeiture funds for that time period. Once the department receives the check, it is deposited through the Department of Finance to credit our Asset Forfeiture Index Code, 196836. The department monitors our income and expense using monthly IFAS reports.

4. Please explain goals in relation to the tracking and measurement of backlog cases.

We met with the different sections in our department to look at our existing procedures on inputting information into our Justware System. We have identified areas of improvements, and we have implemented policies and procedures for our clerical and attorneys to verify that the information entered into the system is accurate. We will have our staff do monthly audits on the information that they have inputted into Justware to ensure that the tracking of our backlog of cases is accurate.

If you have any further questions or require further information, please do not hesitate to call me at 270-7777.

Sincerely,



Don S. Guzman
Prosecuting Attorney