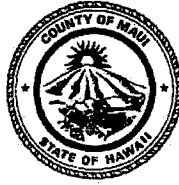


ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
RECEIVED
ROBERT D. RIVERA
First Deputy Prosecuting Attorney
2017 OCT 12 PM 2:22
OFFICE OF THE MAYOR

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
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October 12, 2017

Mr. Patrick Wong, Esq
Corporation Counsel, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa
Mayor, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Alan Arakawa 10/12/17

Mayor Date

Transmittal to:

Honorable Yuki Lei K. Sugimura, Chair
Policy, Economic Development, and Agriculture Committee
200 S. High Street
Wailuku, Hawaii 96793

Re: REQUESTS FOR COMMENTS FOR, "APPROVING FOR INCLUSION TO
THE 2018 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL
RELATING TO ENFORCEMENT OF THE BASIC BILL OF RIGHTS FOR
VICTIMS AND WITNESSES" (PEA-4(1))

Dear Chair Sugimura:

As you have requested for your meeting to be held on October
17, 2017, our Department's comments as follows:

It would be irresponsible for our Department to support a
bill that may subject an officer or employee of the department to
liability in a civil action. Our Victim/Witness Division is
charged with the responsibility to carry out HRS Chapter 8901D.
Our Victim/Witness Division leads the State of Hawaii in its duty
to enforce the provisions of HRS Chapter 801D for victims of and
witnesses to criminal acts committed in Maui County.

Mr. Patrick Wong, Esq.
Honorable Alan M. Arakawa
Transmittal to: Honorable Yuki Lei K. Sugimura
Page Two
October 12, 2017


I personally cannot see the necessity nor the propriety of subjecting our Department employees to civil liability at the whim of a witness or victim who feels that they have been treated unfairly by the criminal justice system. This amendment would only serve to have a "chilling effect" on our dedicated employees in carrying our mission to seek justice. We cannot have our employees second guessing themselves while carrying out their duties.

As attorneys, our prosecutors are held to a higher standard than any other licensed attorneys. WE have a duty to seek justice, we do not have "clients", we are considered part of the justice system and governed by an extra set of ethics. This includes decisions to not prosecute a case or settle a case for a lesser included offense; all done in the spirit of seeking a just end to a criminal case. We are obliged to seek justice.

This obligation is imputed to our support staff, our investigators, and our Victim/Witness Counselors. As a prosecutor, the acts of our support staff, investigator, and counselors, are acts done on our behalf, and the failure to act, for example, forgetting to inform a victim or a witness of a court date, would be attributable to the prosecutor. Our Department could not function if we have to second guess our own work, knowing there is a statute that vitiates our immunity from civil liability.

If you have any questions regarding the above, please call me at 270-7632 or 270-7777.

Very truly yours,



JOHN D. KIM
Prosecuting Attorney