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Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

April 2, 2024

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

Dear Mr. Martin:

SUBJECT: **FISCAL YEAR ("FY") 2025 BUDGET** (BFED-1) (PA-2)

May I please request you be prepared to answer the following questions at the BFED Committee meeting on **April 8, 2024**.^{*} This will enable the Committee to comprehensively review the FY 2025 Budget. May I further request that, after approval by the Office of the Mayor, you transmit your answers to bfed.committee@mauicounty.us by the end of the day on **April 8, 2024**. ^{*}*Date subject to change without notice.*

Overall

1. Has legislation been introduced or passed to fix the ramifications of the Supreme Court's September 8, 2022, decision in *State v. Obrero*? (TP)
2. The Program Budget notes, "For the remainder of FY 2024 and the entirety of FY 2025, the department will closely monitor expected increases in crime rates. Even a brief study of past events demonstrates that increases in crime rates following a natural disaster is common. Large numbers of displaced people, increases in the unemployment rate, and the trauma of the disaster itself are all factors that influence such an increase. By October of 2023, just a couple months following the wildfires, phone calls to the local Domestic Violence hotline increased by over 200%, year over year."
 - a. What else can the Department do besides closely monitoring these statistics? (Page 718, Program Budget) (TP)
 - b. How does this relate to the Domestic Violence Investigation Program? (Page 718, Program Budget) (TP)

- c. If crime rates increase after a natural disaster, why has your FY 2025 Estimate of prosecutions for violent crimes remained the same as your FY 2024 Estimate, and why are Victim/Witness Counselor I & II positions being cut? (Pages 722 and 724, Program Budget) (GJ)
3. The Department noted the implementation of a 4-10 work schedule. Please explain how this schedule will be implemented and when it will begin. Would employees be scheduled in the office from 7:45 a.m. to 6:30 p.m.? Would this rotation cause staff shortages during the work week? (PA-1, BFED-1, FY25) (NUH)
4. Relating to the General Prosecution Program, Goal #1: (Page 721, Program Budget)
 - a. Under item 1, why is our conviction rate only 80% of the national rate? Why was the FY 2024 Estimate projected to be lower than the FY 2023 Actual? Why is the FY 2025 Estimate the same as the FY 2024 Estimate? (TK)
 - b. Under item 3, please explain why the percent of charging decisions made within deadlines is 65%. What is the timeline for making charging decisions? What has the Department done to improve this? (NUH)
5. Relating to the General Prosecution Program, Goal #2, please explain why the FY 2024 and FY 2025 Estimates for the number of felony violent crimes, domestic violence cases, and sexual assault cases referred for prosecution significantly increased from the FY 2023 Actual? (Page 722, Program Budget) (NUH)
6. How much in federal and state asset forfeiture funds were awarded to the Department in FY 2023 and FY 2024, to date? What are the current balances in these funds? How are these funds used to support the Department's programs and initiatives? (Page 727, Program Budget) (NUH)

Salaries and Wages (Category "A")

1. Why is the Grants Management Specialist position missing from the Department's program budget? (Page 724, Program Budget) (TP)

2. How much in additional grant revenue has been generated since the funding of the Grants Management Specialist position? (TP)
3. Please provide an update on the Memorandum of Understanding with the Information System Analyst who transferred to the Department of Management's Information Technology Services Division. (TP)
4. Would it be appropriate to provide nine months of funding for the Deputy Prosecuting Attorney ("DPA") position that is anticipated to be filled by October 2024? Why or why not? (PA-1, BFED-1, FY25) (TP)
5. Are the Internship Law Clerk positions filled? Why is P-31523 budgeted for \$0? Is there a Department policy or procedure for moving individuals who have completed internships into vacant positions? (Page 21-7, Budget Details) (TP)
6. Is the Prosecuting Attorney able to choose which Victim Witness Counselor II is funded under the Victims of Crime Act grant? (Pages 21-6 and 21-7, Budget Details) (TP)
7. Please explain the Second DPA position noted in the Program Budget. Are there plans to fill the position or will the position be removed from the budget next year when the FY 2022 Adopted column no longer appears? (Page 724, Program Budget) (TP)
8. Does grant funding for positions also cover fringe benefits or are those paid from the General Fund? (Pages 21-25, Budget Details) (TP)
9. All DPA positions are budgeted at the maximum step. Are all positions paid at the maximum step? If not, please provide the DPA positions that are paid at lower steps and provide the salary amount for each. (Pages 21-3 through 21-7, Budget Details) (YLS)
10. The Department currently has 8 DPA vacancies. Please explain how the workload is being handled despite these vacancies. (NUH)
11. Please justify the \$38,304 salary increase for the Victim Witness Director position. What is RAM approval needed from the Department of Personnel Services? (Page 21-3, Budget Details) (NUH)

12. What is the difference between a “Victim Witness Counselor” and “Victim/Witness Counselor”? (Page 724, Program Budget) (TK)

Operations and Equipment (Categories “B” and “C”)

1. For the General Prosecution Program, relating to Professional Services under Index Code 906158B:
 - a. How much of the funding for the Community Outreach Coordinator has been spent to date? (Page 21-10, Budget Details) (TP)
 - b. Was it an unsuccessful program or is there another reason it was defunded? (Page 21-10, Budget Details) (TP)
 - c. Given the defunding of the Community Outreach Coordinator, how will the Community Outreach Court be sustained in the FY 2025 budget? (Page 725, Program Budget) (TK)
2. For the General Prosecution Program, relating to Other Services, Utilities, and Rentals under Index Code 906156B: (Page 725, Program Budget; Pages 21-9 and 21-10, Budget Details)
 - a. Please explain the \$348,964 request related to relocating rental office spaces. (GJ)
 - b. What is the severity of the mold issue? (GJ)
 - c. Which County-owned office spaces have been explored in lieu of renting space? (GJ)
 - d. Has the Department considered purchasing temporary structures to be situated on County-owned land, which could later be repurposed for other departments or emergency housing? (GJ)
 - e. How long will mold remediation at the Old Wailuku Courthouse take? How long does the Department anticipate the need to rent additional space? (NUH)

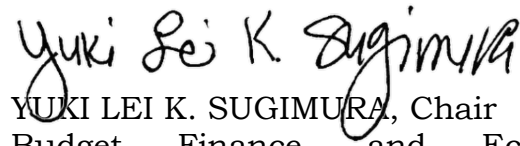
Mr. Andrew Martin
April 2, 2024
Page 5

3. For the General Prosecution Program, relating to Professional Services under Index Code 906156B, what is the FY 2024 Actual expense to date since the FY 2023 Actual was \$117,019? (Page 21-9, Budget Details) (ALL)

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, Kasie Apo Takayama at ext. 7665, or Yvette Bouthillier at ext. 7758).

Sincerely,



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

bfed:2025bgt:240401apa01:kmatt

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

BFED Committee

From: BFED Committee
Sent: Tuesday, April 2, 2024 9:30 PM
To: Andrew.Martin@co.maui.hi.us
Cc: BFED Committee; Glen Duran; shelly.demattos@co.maui; Michelle Santos; Zeke Kalua; Lesley Milner; Kristina Cabbat
Subject: PLEASE READ attached letter re: FISCAL YEAR ("FY") 2025 BUDGET (BFED 1) (PA-2); reply by 04/08/2024
Attachments: 240401apa01 (PA-2).pdf

Mr. Martin: Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated April 2, 2024. Please respond by **April 8, 2024**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Ms. Milner: FYI

Thank you,
Yvette Bouthillier, Senior Secretary
BFED Committee

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
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

April 5, 2024

Lesley Milner 
Acting 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

APPROVED FOR TRANSMITTAL


Mayor Date

For Transmittal to:

County Council
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Dear Councilmembers,

SUBJECT: RESPONSE TO FISCAL YEAR (“FY”) 2025 BUDGET (BFED-1)(PA-2)

1. Has legislation been introduced or passed to fix the ramifications of the Supreme Court’s September 8, 2022, decision in *State v. Obrero*?

Yes. During the last legislative session, Act 1 was signed by the Governor to amend the applicable statute, HRS section 801-1, that was at issue in *State v. Obrero*. The amendments went into effect upon the Governor’s signature.

2. The Program Budget notes, “For the remainder of FY 2024 and the entirety of FY 2025, the department will closely monitor expected increases in crime rates. Even a brief study of past events demonstrates that increases in crime rates following a natural disaster is common. Large numbers of displaced people, increases in the unemployment rate, and the trauma of the disaster itself are all factors that influence such an increase. By October 2023, just a couple of months following the wildfires, phone calls to the local Domestic Violence hotline increased by over 200%, year over year.”

- a. What else can the Department do besides closely monitoring these statistics? (Page 718, Program Budget) (TP)

Most of our Victim/Witness Counselors worked at the Family Assistance Center in the immediate aftermath of the fires. They have now incorporated their experiences at the FAC into their current work with victims of crime by connecting them with resources they may need as both crime victims and fire victims.

The department will be collaborating with the Maui Police Department to integrate a Victim Witness Counselor during the initial contact with sex assault victims to establish rapport, keep the victim informed through the investigative process, and assist the victim in receiving any needed services. This may provide additional opportunities to assist those crime victims also impacted by the fires.

We will also continue to find, or create, opportunities for outreach. For example, we will be holding an event during National Crime Victim Rights Week with the theme of “options; services; hope.” Funded by a federal grant (which we received by way of a competitive award), the event will combine the annual crime victims’ vigil and ceremony with a discussion of the challenging circumstances facing our community, and offer words of hope from service providers and victims of other tragedies. Crime victim service providers will also be on hand with booths set up around the event.

We will also continue to work closely with our community partners in order to overcome barriers and assess the needs of victims. For example, meetings between the Prosecuting Attorney and the Executive Director of Women Helping Women (WHW) were held late last year in order to discuss fire victims’ access to DV-related services. In addition to addressing these specific needs, WHW and the Prosecuting Attorney decided to convene a group of community stakeholders to assess the community’s overall response to domestic violence, to gather information on innovative models and approaches being employed in other jurisdictions, and to implement new models and strategies in our community. The need for the group was seen as two-fold: first to address the rising incidence of DV-related incidents in our community in general, and second to consider the impact of the fires on DV victims and better provide for their needs.

- b. How does this relate to the Domestic Violence Investigation Program? (Page 718, Program Budget) (TP)

The Domestic Violence Investigation Program funds the salary for one (1) Investigator III position, who dedicates their full-time efforts to providing maximum services for all domestic violence cases referred for prosecution. Should there be an increase in domestic violence crime, the anticipated effect would be an increase in workload for the investigator.

- c. If crime rates increase after a natural disaster, why has your FY 2025 Estimate of prosecutions for violent crimes remained the same as your FY 2024 Estimate, and why are Victim/Witness Counselor I & II positions being cut? (Pages 722 and 724, Program Budget) (GJ)

Although crime rates have been anticipated to increase due to the wildfires, to estimate the actual impact it would have on the department's statistics would be challenging due to the limited amount of data available and the complexities in differentiating the impact from the wildfires from other contributing factors. Economic, psychological, and geographic considerations will all affect crime rates. Many residents lost their homes and/or jobs. Economic hardships may increase the risk of certain types of crime. The wildfires lead to population displacement, which has changed the demographic composition of many areas on the island. Many families are now in smaller living spaces, which can contribute to psychological distress. Natural disasters can have a profound psychological effect on individuals due to increased stress, anxiety, and trauma. This can influence behavior and potentially contribute to changes in crime rates.

The Victim/Witness Counselor positions are more accurately being moved from General Prosecution Program to the Department's Grant Revenue side of our budget, as opposed to being cut. Last year, the positions were requested under the General Prosecution Program due to a significant decrease in federal funding that affected victim services nationwide. With an increase in grant funding in FY 25, we can reduce the need for funding from the General Prosecution Program for two Victim/Witness Counselor positions. As a result, no positions are being cut. We are instead asking to move them from our General Prosecution Program to Grant Revenue.

3. The Department noted the implementation of a 4-10 work schedule. Please explain how this schedule will be implemented and when it will begin. Would employees be scheduled in the office from 7:45 a.m. to 6:30 p.m.? Would this rotation cause staff shortages during the work week? (PA-1, BFED-1, FY25) (NUH)

The 4-10 work schedule will be implemented on a voluntary basis and employees may elect to take an additional day off on either Monday, Wednesday, or Friday. After careful consideration, the department determined it would not be conducive to implement a new work schedule amid the office moves and has set May as the tentative start date, pending the final movement of employees to the new office spaces.

Determination of schedules will be based on operational needs and seniority. Employees who elect to work the 4-10 schedule will work from 7:00 a.m. to 5:45 p.m. The rotation will not cause staff shortages during the work week. All employees will obviously still be working 40-hour weeks, and the coordination of schedules takes operational needs into account by ensuring that each division and team is sufficiently staffed on any given day. The department reserves the right to adjust scheduling as necessary to ensure there is adequate coverage for all divisions in the office.

We are excited by the prospect of offering our hard-working employees an opportunity at a better work-life balance.

4. Relating to the General Prosecuting Program, Goal #1: (Page 721, Program Budget)

- a. Under item 1, why is our conviction rate only 80% of the national rate? Why was the FY 2024 Estimate projected to be lower than the FY 2023 Actual? Why is the FY 2025 Estimate the same as FY 2024 Estimate? (TK)

The 80% percent conviction rate referenced in the question is an *estimate* of the conviction rate for vertically prosecuted homicide (including vehicular homicide) and sexual assault cases. We estimated lower rates from previous years because we anticipated going to trial on a significantly higher number of such cases compared to previous years. Conviction rates in sexual assault cases that go to trial are typically much lower than what is expected in other types of cases. This is due to a number of different dynamics present in sexual assault cases, including, among other factors, juror bias and expectations of how sexual assault victims should behave, recall details, and ultimately testify at trial. For that reason, we estimated a lower overall rate of conviction.

In actuality, our conviction rate for these types of cases during the most recent reporting period was 89%.

Note that in reviewing our measure in response to this question, we discovered that we are reporting our actual conviction rates for these cases, as opposed to a comparison to the national conviction rate. We will be amending this measure to more accurately describe what is being reported.

- b. Under item 3, please explain why the percent of charging decisions made within deadlines is 65%. What is the timeline for making charging decisions? What has the Department done to improve this? (NUH)

The deadlines described in this performance measure are internal policy deadlines as opposed to deadlines of legal consequence (ex, statute of limitations). We have established these deadlines in order to encourage the efficient administration of justice.

Since becoming the Prosecuting Attorney, I have implemented a comprehensive charging policy that requires cases be charged only if there is a rational basis to believe that a juror would find guilt by proof beyond a reasonable doubt. This is significant because the ethical standard to charge is probable cause, a much lower legal standard. This means that some felony cases require additional investigation and follow up that exceeds our internal deadlines. Staffing shortages in our department and at MPD can lengthen the time it takes to complete these follow up investigations.

Recently we have worked to screen hundreds of backlogged narcotics cases which should help to improve our charging efficiency measures. The hiring of additional deputy prosecuting attorneys over the next several months will have the most impact on our ability to better meet our internal guidelines.

Charging Decision Deadlines

Family, Adult	21 days
Felony	61 days
Misdemeanor	30 days
Traffic	61 days

5. Relating to the General Prosecution Program, Goal #2, please explain why the FY 2024 and FY 2025 Estimates for the number of felony violent crimes, domestic violence cases, and sexual assault cases referred for prosecution significantly increased from the FY 2023 Actual? (Page 722, Program Budget) (NUH)

During the COVID-19 pandemic, it was observed nationwide that the prevalence of reporting for domestic violence and sexual assault cases was significantly reduced. This led to fewer investigations, fewer arrests, and fewer prosecutions. As a result, and being firmly past the effects of the pandemic, we estimated increased numbers of cases being referred to our office upon the completion of police investigation.

We will also be piloting a project to imbed a Victim/Witness Counselor at MPD once a week in order to improve the continuum of care and response to sexual assault victims. It is anticipated that this could increase the overall rate of participation of victims in investigations and, ultimately, prosecutions. As a result, we estimate a higher rate of referred cases.

6. How much in federal and state asset forfeiture funds were awarded to the Department in FY 2023 and FY 2024, to date? What are the current balances in these funds? How are these funds used to support the Department’s programs and initiatives? (Page 727, Program Budget) (NUH)

	2023 Awarded	2024 Awarded	Balance
Federal	\$0	\$0	\$11,714.12
State	\$5,767.50	\$49,478.00	\$151,737.45

Funds are primarily used for staff training and development. Two goals for the Department’s Budget Implementation is to (1) promote integrity in the prosecution profession by building competent and professional behavior of attorneys by improving employee’s skills, knowledge, and training opportunities available to all employees; and (2) promote safer communities by providing crime prevention efforts such as trainings and education classes that will help play a key role in crime reduction efforts that impact community safety.

Should we reach better attorney staffing levels, we would anticipate an increase in the expenditure of forfeiture funds for these purposes. Currently, our deputies are frequently declining training opportunities due to trial schedules and workloads.

Salaries and Wages (Category “A”)

1. Why is the Grants Management Specialist position missing from the Department’s program budget? (Page 724, Program Budget) (TP)

The Grants Management Specialist is included in the budget, Page 723 and 21-7.

2. How much additional grant revenue has been generated since the funding of the Grants Management Specialist position? (TP)

The Grants Management Specialist (GMS) began employment on September 1, 2023, after a number of candidates were interviewed, but not ultimately hired. Starting shortly after the August fires, the GMS initially spent a considerable amount of time with the department’s FEMA reimbursement request. The department has been approved for a reimbursement of \$36,965.00.

We are currently in the midst of “grant season” for the federal government, this first since his hiring. Since then the department has applied for two (2) new grant opportunities totaling \$288,877.00. Notification of award or non-award is expecting in May 2024.

FY 2024 Office of Victim Crimes Justice for Families Program - \$228,886
Development of the Department’s Interpreter Services Program

FY 2022 Edward Bryne Memorial Justice Assistance Grant \$59,991.00
Research and development of a Prosecutor Led Diversion Program

We have also taken the initial steps of notifying the Department of Justice of our intent to apply for an additional SMART Prosecution grant, with that application due in May. All of the grants listed above are competitive awards.

3. Please provide an update on the Memorandum of Understanding with the Information System Analyst who transferred to the Department of Management’s Information Technology Services Division. (TP)

The department has not yet entered into a Memorandum of Understanding with ITSD. However, the department outlined the positions duties and requirements in the Reorganization Proposal for the Transfer of Information System Analyst V.

4. Would it be appropriate to provide nine months of funding for the Deputy Prosecuting Attorney (“DPA”) position that is anticipated to be filled by October 2024? Why or why not? (PA-1, BFED-1, FY25) (TP)

It would not be appropriate to provide a reduction in the DPA position. The hiring of DPAs requires flexibility and ability to hire without any delays. Having the position fully funded will allow the department to on-board without the need of a budget amendment, should the candidate be able to start sooner. Any savings in the DPAs salary can be allocated for any recruitment incentives offered to the candidate.

Additionally, if the position was only partially funded, and the candidate rescinded their acceptance before October, the department would be unable to fill that position until it funded.

5. Are the Internship Law Clerk positions filled? Why is P-31523 budgeted for \$0? Is there a Department policy or procedure for moving individuals who have completed internships into vacant positions? (Page 21-7, Budget Details) (TP)

The two (2) paid Internship Law Clerk positions are filled with anticipated start dates for May 2024. These positions are offered to Law School students during their summer session. Position P-31523 is an unpaid Law Clerk position for non-law school students who are seeking to gain work experience in a Prosecutor's office. Internships are offered in the hopes that the student will consider the department for future employment after graduation.

Under the County of Maui Code of Ordinances 2.44.015(B), the department may appoint law school graduates into vacant deputy positions as law clerks. Upon the passing of the Hawaii State Bar, the law clerk will then be appointed as a Deputy Prosecuting Attorney. We have filled one of our previously-vacant positions under these provisions with the candidate expected to begin work as a law clerk in June.

6. Is the Prosecuting Attorney able to choose which Victim Witness Counselor II is funded under the Victims of Crime Act grant? (Pages 21-6 and 21-7, Budget Details) (TP)

Historically, five (5) Victim Witness Counselor positions have been funded under the Victims of Crime Act grant. In FY 2024, the grant award had decreased which would have resulted in a loss of positions had the County not been able to absorb these positions in the General Program. Upon notification of the award amount in FY 2025, the department reallocated those four (4) positions back under the grant.

7. Please explain the Second DPA position noted in the Program Budget. Are there plans to fill the position or will the position be removed from the budget next year when the FY 2022 Adopted column no longer appears? (Page 724, Program Budget) (TP)

Yes, the Second DPA position will be removed from the budget when the FY 2022 Adopted column no longer appears. The Second DPA position existed under prior administrations, but was removed from the department's budget in FY 2023. The Second DPA position is not included in the Budget Detail sheets. It appears in the table on Page

724 only in reference to FY 2022, the last year the position was a part of our adopted budget.

8. Does grant funding for positions also cover fringe benefits or are those paid from the General Fund? (Pages 21-25, Budget Details) (TP)

All of the department's current grants that fund positions are non-competitive, meaning the amount is predetermined by the awarding agency. Funds are first prioritized to the employee's salary; any remaining amount is then allocated to cover a portion of the fringe benefits. Any fringe benefits not covered under the grant are then paid for from the General Fund.

9. All DPA positions are budgeted at the maximum step. Are all positions paid at the maximum step? If not, please provide the DPA positions that are paid at lower steps and provide the salary amount for each. (Pages 21-3 through 21-7, Budget Details) (YLS)

Position ID	Current Salary
P-26314	\$125,215
P-29802	\$127,354
P-30941	\$88,359
P-26529	\$107,640
P-26506	\$100,066
P-28716	\$127,140
P-26433	\$138,527
P-28718	\$140,252

Savings from these positions are used to fund position salaries that are higher than the maximum step allocations and fund hiring incentives. We do not recommend funding these positions at amounts less than the allocated amounts for other reasons as well. First, it will negatively impact performance-related raises for the deputies in those positions. Second, if the deputies in those positions decide to leave the department, we will only be able to offer salaries commensurate with the budgeted-for amounts, limiting the pool of potential applicants. With the very recent success of our recruitment efforts, this would have a significant negative impact on the department's ability to hire exceptionally qualified candidates.

10. The Department currently has 8 DPA vacancies. Please explain how the workload is being handled despite these vacancies. (NUH)

Cases have been redistributed to cover vacancies. Line deputies have taken on increased caseloads; supervisors are filling gaps and taking on caseloads substantially higher than would normally be expected; and both the First Deputy and Prosecuting Attorney are carrying a case load.

11. Please justify the \$38,304 salary increase for the Victim Witness Director position. What is RAM approval needed from the Department of Personnel Services? (Page 21-3, Budget Details) (NUH)

Effective July 1, 2023, the salary range for an EM-03 is \$83,592 minimum to \$119,232 maximum. A RAM (Recruit Above the Minimum) approval was needed from DPS to recruit with the entire range, based upon experience and qualifications. Prior to the approval, the Victim Witness Director vacancies were recruited and hired at the minimum of \$83,592.00. Two (2) of the last three (3) Directors have left the position specifically for higher paying positions elsewhere. In part of the department's efforts to recruit and maintain experienced and quality employees, especially for such an important position, it was prudent that we sought the adjustment and recruit candidates within the entire salary range in the EM-03 classification. Importantly, this also aligned us with the other counties in their approach to the recruitment of the same position.

12. What is the difference between a "Victim Witness Counselor" and a "Victim/Witness Counselor"? (Page 724, Program Budget) (TK)

There is no difference.

Operations and Equipment (Categories "B" and "C")

1. For the General Prosecution Program, relating to Professional Services under Index Code 906156B:

- a. How much of the funding for the Community Outreach Coordinator has been spent to date? (Page 21-10, Budget Details) (TP)

No funds have been expended on the Community Outreach Coordinator position. The program was able to find an individual who has volunteered for the position.

- b. Was it an unsuccessful program or is there another reason it was defunded? (Page 21-10, Budget Details) (TP)

The Community Outreach Coordinator position was filled by a volunteer. However, for a number of reasons, the department is of the opinion that county funding for this position is not appropriate. Due to the coordinator's work with defendants, previous funding would have had to go through a third party in the form of a grant. Unfortunately, this presented its own set of challenges, as the coordinator is best suited to work directly from the Office of the Public Defender (OPD), a state agency. OPD appropriately expresses concerns about proceeding with that process as they would have no control over the selection nor supervision of the coordinator.

- c. Given the defunding of the Community Outreach Coordinator, how will the Community Outreach Court be sustained in the FY 2025 budget? (Page 725, Program Budget) (TK)

Community Outreach Court has operated, and will continue to operate, without funding. While funding has been available, it has been utilized for the reasons stated above, but the program has endured. Currently, the department is exploring the possibility of applying for a grant where OPD and the Judiciary would qualify as sub-grantees, allowing for the direct funding of key positions with the complications described above. However, the best solution that would allow for significant growth in the program is for the State to fund it on Maui as they have on Oahu.

2. For the General Prosecution Program, relating to Other Services, Utilities, and Rentals under Index Code 906156B: (Page 725, Program Budget; Pages 21-9 and 21-10, Budget Details)

3.

- a. Please explain the \$348,964 request related to relocating rental office spaces. (GJ)

\$53,457.00 allocated to moving services of office furniture and documents upon completion of remediation work

\$19,128.00 allocated to electricity for the three (3) office spaces and fiber-optics for one (1) office space.

\$276,379.00 in rental lease payments for the three (3) office spaces.

- b. What is the severity of the mold issue? (GJ)

Air sampling found eight (8) different types of mold, the most concerning is Stachybotrys, which is more commonly known as Black Mold. There is prominent olfactory indication of fungal proliferation throughout the building. The air quality report found elevated moisture in the ceilings where the HVAC system run through and standing water within the sump and throughout the surrounding floor. Airborne fungal types found within the facility were different than fungal spores identified outside, indicating of indoor fungal proliferation as a result of elevated moisture conditions.





- c. Which County-owned office spaces have been explored in lieu of renting spaces?
(GJ)

The only County owned office space that could accommodate a portion of the department's employees, is the old Maui County Credit Union. However, office space would not be able to accommodate all employees and a second office would still be needed. This office space was also already planned for the Department of Water prior to our department's need for a new office location who would be paying for the building's debt-service through their enterprise fund.

3. For the General Prosecution Program, relating to Professional Services under Index Code 906156B, what is the FY 2024 Actual expense to date since the FY 2023 Actual was \$117,019? (Page 21-9. Budget Details) (ALL)

As of March 24, 2024, the Department has expended \$111,173.85 on Professional Services.

Services include:

24/7 On-Call Services for Forensic Sexual Assault Examinations	\$63,420.00
Court Reporters, Transcript of Proceedings	\$29,721.31
Case Management Database Implementation	\$ 9,059.16
Professional Development – Management Training	\$ 3,403.14
Expert Witness Fees*	\$ 5,570.24

*Pending reimbursement from State of Hawaii Defendant/Witness Program

Sincerely,



Andrew H. Martin
PROSECUTING ATTORNEY

BFED Committee

From: Janina Agapay <Janina.E.Agapay@co.maui.hi.us>
Sent: Monday, April 8, 2024 9:54 AM
To: BFED Committee
Cc: Lesley Milner
Subject: (BFED-1)(PA-2)
Attachments: (BFED-1)(PA-2).pdf

Hello,

Please see attached correspondence from Department of the Prosecuting Attorney.

Thank you,

Janina Agapay

County of Maui

Budget Office

(808) 270-7836

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