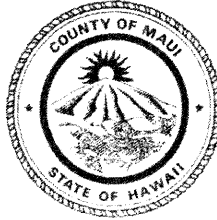


MICHAEL P. VICTORINO
Mayor

DON S. GUZMAN
Acting Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney



RECEIVED

2019 APR 16 11:53

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 15, 2019

Ms. Michelle M. Yoshimura ^{my}
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

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: FISCAL YEAR ("FY") 2020 BUDGET (PA-2) (EBD-1)

Dear Chair Rawlins-Fernandez:

This letter is in response to the Economic Development and Budget Committee letter dated, April 1, 2019. As requested, we are providing the following responses to your request:

1. Relating to page 16-2 of the Budget Details on expansion positions for two Internship Law Clerks:

a. How will these position be utilized? Are they for the summer only?

The two law clerk internship positions will be utilized during the summer when law students are on their break and/or during the time period between August through October while awaiting their bar results.

Ms. Michelle M. Yoshimura
Honorable Michael P. Victorino
For Transmittal to:
Honorable Keani Rawlins-Fernandez
April 15, 2019
Page 2

As we have done in the past, we will utilize the law clerk interns to assist with legal research and writing assignments, including pending appeals, motions to suppress, and evidentiary issues for trial. We will also utilize them to assist in the preparation of evidence and exhibits for trial.

The above legal responsibilities will also assist the law clerk(s) in making a more informed decision about their career choice and provide the Department with the opportunity to hire candidates who have shown an interest and have been willing to do the work of the Department. Furthermore, law clerks who eventually fill DPA positions are more likely to become career prosecutors, thus, saving the Department costs associated with filling vacancies.

b. What are plans to recruit for these positions, if approved?

Our department has been meeting internally to come up with a recruitment plan for these positions. We currently contacted various Law Schools to post job opportunities for prospective applicants. We are also fortunate to have law students reach out to our department requesting for internship opportunities.

2. Relating to page 16-11 of the Budget Details on expansion positions for Office Operations Assistants:

a. Explain the need for full-year funding for PA-0082 that was approved for partial funding in the FY 2019 Budget and 8 -month funding for PA-XXXX that is being requested in the FY2020 Budget.

In FY 2019 PA-0082 was approved for partial funding for the expansion position that was budgeted for 8-months due to the fiscal year starts on July 1st, and the recruitment and hiring process can take a few months to fill. For position no. PA-0082 we are requesting for full-year funding for FY 2020 because this position will be filled for full year.

For PA-XXXX, we are requesting 8-month funding due to July 1st will be the start of the new fiscal year, and due to recruiting and the hiring process, it can take a few months to fill.

Ms. Michelle M. Yoshimura
Honorable Michael P. Victorino
For Transmittal to:
Honorable Keani Rawlins-Fernandez
April 15, 2019
Page 3

b. What are the cost impacts to overtime and fringe benefits if these positions are approved at their funding requests?

We do not anticipate any cost impacts to overtime for PA-XXXX. Overtime is usually not anticipated for an Office Operations Assistant II, unless there is a project time deadline that needs to be completed. Fringe benefits are required for all full-time civil service positions.

3. Relating to 16-11 of the Budget Details on the expansion position for the Deputy Prosecuting Attorney:

a. Explain the need for the additional position.

The Department requests for an expansion EP for a Second Deputy Prosecuting Attorney. The chain of command for the Department of the Prosecuting Attorney rests with the Prosecutor and the First Deputy. The Department would like to expand its chain of command to include a Second Deputy Prosecuting Attorney which will provide a three-deep line of authority. This will allow the Department to maintain its legal authority to prosecute should the Prosecutor and the First Deputy become unavailable or incapacitated. Moreover, a three-deep chain of command will be consistent with that of the Mayor's Office and the chain of command within the Maui County Council.

b. In what division will this position assist the Department (Victim Witness, Investigation, etc)?

In FY2020 proposed budget this position was listed in the General Prosecution Program.

4. Relating to page 16-13 of the Budget Details (index code 906156B, sub-object code 6132 Professional Services) and page 532 of the Program Budget, explain the additional \$25,000 needed for additional court report transcript requests, on-call physician request, lab testing, and anticipated increases in expert witness fees due to high-profile cases.

An additional \$25,000 is needed to help cover the cost for two high profile cases that we anticipate for the next fiscal year. We will

Ms. Michelle M. Yoshimura
Honorable Michael P. Victorino
For Transmittal to:
Honorable Keani Rawlins-Fernandez
April 15, 2019
Page 4

be bringing in expert witnesses to testify, and we will be requesting court reporter transcripts for these cases.

- 5. Relating to page 531 and 532 of the Program Budget, what are the Department's plans to apply for additional State of Federal grants to supplement the need for additional staff, to purchase needed equipment, and provide employee training? Who in the Department is responsible for seeking new grants?**

The department recently put a team together to look at different grant funding opportunities to help supplement the need for additional staff, equipment and employee trainings. The Grant team consist of four (4) Deputy Prosecuting Attorney's.

- 6. By correspondence dated March 6, 2019, to the Council's Governance, Ethics, and Transparency Committee, the top three strategic goals for the Department were identified to be: the establishment of a Maui County Children's Peace Center, the proactive recruitment of qualified Deputy Prosecuting Attorney's and the development of a Statewide Victim/Witness Advocate Academy.**

a. Relating to the Maui County Children's Peace Center:

- 1. What are the Department's plan to apply for funding through Victims of Crime Act ("VOCA") and other Federal grants to assist with moving, renovation, and construction cost? Will these grants require a County match?**

The department has already communicated with the Department of Attorney General's office to utilize funds from the VOCA grant to assist with furnishing, equipment, supplies, and staffing. The VOCA grant requires a County Match, which our department uses existing staff salaries and fringe benefits cost to fulfill this obligation.

- 2. Which Department personnel are planned to relocate to the Center and in turn help to free up office space at your current location?**

We plan on having our domestic violence unit, consisting of four (4) attorneys and one (1) investigator, move into our Children's Peace Center.

Ms. Michelle M. Yoshimura
Honorable Michael P. Victorino
For Transmittal to:
Honorable Keani Rawlins-Fernandez
April 15, 2019
Page 5

This will enable us to create at least five (5) new seating/office areas at the main office.

3. What is the anticipated timeframe from completion of the Center?

We are hoping to have the Children's Peace Center ready for move in by the end of summer 2019.

b. Relating to the recruitment of deputies and the development of a Statewide Victim/Witness Advocate Academy, what is the Department's plan to simultaneously work on filling current vacancies for two Law Clerks, one Operations Office Assistant I, and two Victim Witness Counselors?

We are actively recruiting for the positions listed above. Currently there is an ongoing list of applicants for the Office Operations Assistant II, and DPS has a current continuous recruitment for the Victim Witness Counselor Position. To date, we currently have one vacant Victim Witness Counselor Position, and we are in the process of filling the vacant Office Operations Assistant II position by May 15, 2019. We also have a list of Law Clerks who are interested for summer employment.

c. Identify the funding requests included in the FY2020 Budget that relate specifically to the implementation of these strategic goals.

We are looking at utilizing grant funds and working with non-profit agencies to establish Hawaii's first Maui County Children's Peace Center.

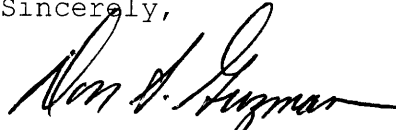
The Attorney General's Office will fund the statewide Victim/Witness Advocate Academy.

We are utilizing current funds in our operational budget to proactively recruit for qualified Deputy Prosecuting Attorney positions. We are also working with placing free ads at various law schools, and circulating flyers in the courtroom jackets.

Ms. Michelle M. Yoshimura
Honorable Michael P. Victorino
For Transmittal to:
Honorable Keani Rawlins-Fernandez
April 15, 2019
Page 6

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

Sincerely,

A handwritten signature in black ink, appearing to read "Don S. Guzman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Don S. Guzman
Acting Prosecuting Attorney