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David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
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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 19, 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-1)

May I please request you submit your response to the following questions by **March 28, 2024**. This will enable the Committee to comprehensively review the FY 2025 Budget.

1. Please outline the major changes in your Department's budget from FY 2024 to FY 2025.
  - a. Explain any budget changes made because of the August 2023 wildfires.
  - b. 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 2025 Budget?

3. If your Department had expansion positions in the FY 2024 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2025 Budget? How many months of funding are being requested?
4. If your Department is proposing expansion positions in the FY 2025 Budget, how do you plan to fill those positions?
5. How many positions were filled in FY 2024 that were not expansion positions?
6. How did your Department recruit to fill vacancies and what were the most effective methods for attracting candidates?
7. The following questions are related to overtime payments:
  - a. How much in overtime has been paid to date in FY 2024 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 2025 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:
  - a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate the amount of Federal or State funding the County receives for each program or activity, including how much for each the County expends.
  - b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount for each the County expends.
9. If your Department had Capital Improvement Projects ("CIPs") in FY 2024:

- a. Provide the current status of each CIP project, if different from the information provided in the Fiscal Year 2024 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 2025:
  - a. Rank your proposed CIPs, by priority.
  - b. Will CIP funding included in the FY 2025 Budget be encumbered by June 30, 2025? 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 Subobject Code 6317, County grant subsidy.
13. Provide details on your Department's Carryover/Savings that were included in the FY 2025 Budget.
14. What are your top three Department priorities for FY 2025 and how does your Department's budget reflect that?
15. Did your Department apply for any grant funding in FY 2024? If yes, how much in funding was received?
16. How much has your Department spent on Professional Services in FY 2024, and what projects and consultants were funded under this line item?

Mr. Andrew Martin

March 19, 2024

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17. How much of your Department's expenditures in FY 2024 will be reimbursed by the Federal Emergency Management Agency in relation to the wildfires? What amount of FY 2025 expenditures are expected to be reimbursed?
18. Provide a list of equipment, locations, and structures used or managed by your Department that was destroyed in the wildfires. Explain for each whether your Department plans to repair or replace it. If it will be repaired or replaced, provide the estimated cost and timeline for the repair or replacement.

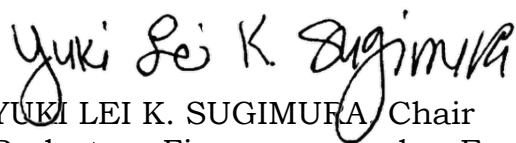
The Department is scheduled to present before the Committee on April 8, 2024. The schedule is subject to change and Committee staff will reach out if there are any changes to the schedule.

Please be prepared to provide a ten-minute presentation on the changes in your Department's budget from FY 2024 to FY 2025, addressing the following:

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

Thank you for your attention to this request. 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:240315altr01:jgk

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

## BFED Committee

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**From:** BFED Committee  
**Sent:** Tuesday, March 19, 2024 6:10 PM  
**To:** Andrew.Martin@co.maui.hi.us  
**Cc:** BFED Committee; Karen Montalvo; Brandie Shimabukuro; Glen Duran; Michelle Santos; Zeke Kalua; Maria Zielinski; Lesley Milner; Kristina Cabbat  
**Subject:** PLEASE READ attached letter re: FISCAL YEAR ("FY") 2025 BUDGET (BFED 1) (PA-1); reply by 03/28/2024  
**Attachments:** 240319apa01.pdf

**Mr. Martin:** Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated March 19, 2024. Please respond by **March 28, 2024**.

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

**Ms. Zielinski:** FYI

Thank you,  
Yvette Bouthillier, 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

March 28, 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 3-28-24  
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-1)**

1. Please outline the major changes to your Department's budget from FY 2024 to FY 2025.
  - a. The Department's proposed FY 2025 budget has increased by \$267,458.00, a 2.85% increase from FY 2024 adopted budget. The budget increase is due to the relocation of office personnel during mold remediation. The additional funds will cover the leases for the three (3) office spaces, electricity, fiber optics, and potential moving costs to relocate employees back to the Old Wailuku Courthouse upon completion of the remediation work.
  - b. Explain any budget changes made because of the August 2023 wildfires.

There are no changes to the budget due to the August 2023 wildfires.

- c. If your budget will decrease, how will this impact your Department's operations and ability to serve the public?

Not Applicable

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
Victim/Witness Counselor II*	267
V/W Program Services Director	193
Investigator III	58
Legal Clerk III	187
Legal Clerk III	5
Deputy Prosecuting Attorney	267
Deputy Prosecuting Attorney	357
Deputy Prosecuting Attorney	585
Deputy Prosecuting Attorney	175
Deputy Prosecuting Attorney	129
Deputy Prosecuting Attorney	113
Deputy Prosecuting Attorney	82
Deputy Prosecuting Attorney	52

\*Grant funded position

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

Position Title	Anticipated Fill Date
Victim/Witness Counselor II*	5/2024
V/W Program Services Director	06/2024
Investigator III	Interviews scheduled 03/27 & 03/28
Legal Clerk III	5/2024
Legal Clerk III	Pending job requisition
Deputy Prosecuting Attorney	6/2024
Deputy Prosecuting Attorney	10/2024
Deputy Prosecuting Attorney	5/2024
Deputy Prosecuting Attorney	Interviews on-going
Deputy Prosecuting Attorney	Interviews on-going
Deputy Prosecuting Attorney	Interviews on-going
Deputy Prosecuting Attorney	Interviews on-going
Deputy Prosecuting Attorney	Interviews on-going

c. What are the consequences, if any, for removing funding for these vacant positions from the FY 2025 Budget?

- i. Removing positions from the Department's budget can lead to disruptions in the continuity and quality of services provided to the community. These positions are essential for maintaining the efficiency and effectiveness of the case load received by the Department. Even though the positions have been vacant, having them budgeted ensures a seamless transition when new hires are made.

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 an unfortunate nationwide trend away from attorneys choosing prosecution as a career choice (google "national prosecutor shortage" to get more information on how this trend has affected offices across the nation). We have developed a strategy to combat this trend, described more fully below. We are seeing meaningful success with this new strategy, and the elimination of positions and/or funding would seriously hamper our ability to build on that success. It would also greatly affect DPA morale, knowing that, despite our best efforts, new attorney hires would not be possible due to funding cuts.

3. If your Department had expansion positions in the FY 2024 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2025 Budget? How many months of funding are being requested.

- a. The Department did not request any expansion positions in the FY 2024 Budget.

4. If your Department is proposing expansion positions in the FY 2025 Budget, how do you plan to fill those positions?

- a. The Department is not requested any expansion positions in the FY 2025 Budget.

5. How many positions were filled in FY 2024 that were not expansion positions?

In FY 2024, four (4) positions were filled.

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

With DPA vacancies as our number one priority, we employed a multi-tiered strategy, as mentioned above. First, we attended a nationwide prosecutor job fair in Washington, DC. This job fair, organized and hosted by the National District Attorneys Association in



January, 2024, was in its second year. The development of the job fair was in response to the unfortunate nationwide decrease in prosecutors. As one of fifty-two (52) offices attending this job fair, our office was one of only a few to completely fill our interview schedule during the one-day event. We interviewed more candidates than several large offices such as the Los Angeles District Attorney, Manhattan District Attorney, Bronx District Attorney, Denver District Attorney, and others. We made offers to four full-time candidates, none of whom accepted. Of the three that provided reasons, every one was due to cost of living/housing.

Second, we developed a routine and strategic social media presence on LinkedIn. This strategy is two-fold. First, we produce a weekly post that highlights an employee in the department. These posts include photos of the employee, and a personal story that includes topics such as a "day in the life," the reasons they became prosecutors, or recent successes that reflect our mission, values and goals. Each post concludes with a call to the reader that states: "Don't just be a lawyer, become a prosecutor," and provide a link to apply. We have also utilized the County's contracted marketing firm to develop a video highlighting our DPA's that is posted on our feeds. The posts have generated as much as 30,000 views a month. For the second prong of our LinkedIn strategy, we are paying to promote an advertisement on LinkedIn for our vacant DPA positions in order to move it to the top of certain search results of LinkedIn users. As of the date of this response, we have received twenty-seven (27) applications since January 29, 2024.

Third in our overall recruitment strategy, we have worked to establish an active, physical presence at law schools with large numbers of local students who have ties to Hawaii. This includes the University of Hawaii, the University of Nevada at 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. Additionally, the Dean of the O'Connor College of Law at Arizona State University (where the Prosecuting Attorney is an alumnus) is flying to Maui in April to meet with the Prosecuting Attorney and First Deputy regarding recruitment and opportunities for their students. As of the date of this letter, we have received three (3) applicants from our direct contact with law schools.

The department has received a total of thirty-six (36) applications for DPA vacancies since January 29. We have made a total of eleven (11) offers, with three (3) accepting, six (6) declining, and two (2) currently pending. Of the six who have declined, the cost of living/housing is far and away the number one consideration in their decision.

7. The following questions are related to overtime payments:
  - a. How much overtime has been paid to date in FY 2024 and what was the reason for the overtime?

As of March 24, 2024 the Department has paid \$23,953.93 in overtime.

\$7,635.14 in overtime costs were associated with the 2023 wildfires for the Victim Witness Director.

\$16,318.79 in overtime costs was mostly attributed to the training and testing of the new Case Management Database, eProsecutor. Other overtime costs were due to unforeseen and rush tasks that needed to be completed with a quick turnaround.

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

The majority of our overtime costs were for the reasons stated above. Any overtime costs related to vacancies is minimal as our non-attorney staffing shortages has been low.

- c. Do you anticipate that overtime costs in FY 2025 will increase or decrease and what are the reasons for your response.

It is anticipated that overtime costs will decrease in FY 2025. The Department will be implementing a 4-10 work schedule, aimed to increase work productivity and lessen the number of call-offs. A 4-10 work schedule will provide employees with an improved work-life balance.

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

- a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate the amount of Federal or State funding the County receives for each program or activity, including how much for each the County expends.

The Department did not conduct any programs or activities due to Federal or State mandate.

- b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount for each the County expends.

The Department did not conduct any programs or activities due to a Maui County Code.

9. If your Department had Capital Improvement Projects ("CIPs") in FY 2024:

- a. Provide the current status of each CIP project, if different from the information provided in the Fiscal Year 2024 2<sup>nd</sup> Quarter CIP Report.

The Department did not have any CIP projects for FY 2024.

- b. Provide information on how much funding has been encumbered or expended to date for each project.

Not applicable.

10. If your Department has proposed CIP for FY 2025:

- a. Rank your proposed CIPs, by priority.

The Department does not have CIP projects planned for FY 2025

- b. Will CIP funding included in the FY 2025 Budget be encumbered by June 30, 2025? If not, how much do you anticipate will be encumbered by that date?

Not applicable

11. If you Department manages a revolving fund:

- a. Explain whether the revolving fund is still needed and why.
- b. The Department does not have a revolving fund.
- c. Provide the current balance.
- d. Not applicable

12. If you 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. The Department's grant is designated for a specific recipient.
- c. Provide a breakdown of all grants that will be funded by your Department under Subobject 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

13. Provide details on your Department's Carryover/Savings that were included in the FY 2025 Budget.

The carryover savings included in the FY 2025 Budget are from the unrestricted fund balance for FY 2023 reflected in the County's Annual Comprehensive Financial Report (ACFR). Any carryover savings from FY 2024 will be recognized in the FY 2026 Budget.

14. What are your top three Department priorities for FY 2025 and how does your Department's budget reflect that?

Our top three department priorities are:

1. Recruitment and retention of DPA's;
2. The development of a community-wide group to map our current community-wide response to domestic violence, explore and learn about new strategies that will help to decrease the prevalence of domestic violence in our community, and to propose and implement improved models and strategies; and
3. The development of a prosecutor-led diversion program.

All three strategies have been initiated as of January, 2024. Our recruitment and retention strategy has been described above. Our request for an increase in funding in salaries is key to our ability to continue to attract, hire, and retain talented deputies who can afford the cost of living on Maui.

Our domestic violence group met for the first time on January 19, and meets every two weeks. We are currently in the first phase of the project: mapping our community-wide response. This project does not currently require funding.

The development of our prosecutor-led diversion program has already resulted in the submission of a competitive grant proposal in February 2024. The grant request funding to partner with the Judiciary's Criminal Justice Research Institute and a Hawaii-based university in order to develop a prosecutor-led diversion program that best supports the needs of Maui County while ensuring the design of the program is data informed. Part of the grant proposal is to assess the funding needs of such a program.

15. Did your Department apply for any grant funding in FY 2024? If yes, how much in funding was received?

Yes

BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation	\$84,310.00
State of Hawaii Highway Safety Office	\$41,462.00
Department of the Attorney General – Domestic Violence Investigation (VAWA)	\$52,915.00
Department of the Attorney General – County of Maui Career Criminal Prosecution (CCP) Program	\$402,284.00
Department of the Attorney General – Victim Witness Assistance Program	\$417,958.00
Department of the Attorney General – Special Needs Advocacy Project (SNAP)	\$1,102,576.00
Office for Victims of Crime – National Crime Victims’ Rights Week (NCVRW) Community Awareness Project (CAP)	\$5,000.00

16. How much has your Department spent on Professional Services in FY 2024, and what projects and consultants were funded under this line item?

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

17. How much of your Department’s expenditures in FY 2024 will be reimbursed by the Federal Emergency Management Agency in relation to the wildfires? What amount of FY 2025 expenditures are expected to be reimbursed?

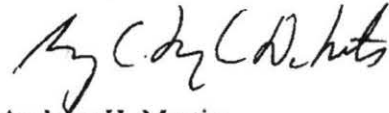
\$33,269.18 is expected to be reimbursed by the Federal Emergency Management Agency. No expenditures are expected to be reimbursed for FY 2025 as the Department does not expect any expenses related to the wildfire in FY 2025.

18. Provide a list of equipment, locations, and structures used or managed by your Department that was destroyed in the wildfires. Explain for each whether your

Department plans to repair or replace it. If it will be repaired or replaced, 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew H. Martin". The signature is written in a cursive, slightly slanted style.

for Andrew H. Martin  
PROSECUTING ATTORNEY

## BFED Committee

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**From:** Janina Agapay <Janina.E.Agapay@co.maui.hi.us>  
**Sent:** Thursday, March 28, 2024 4:53 PM  
**To:** BFED Committee  
**Cc:** Lesley Milner  
**Subject:** (BFED-1)(PA-1)  
**Attachments:** (BFED-1)(PA-1).pdf

Hello,

Please see attached correspondence from Prosecuting Attorney.

Thank you,

**Janina Agapay**

County of Maui

Budget Office

(808) 270-7836

[Janina.E.Agapay@co.maui.hi.us](mailto:Janina.E.Agapay@co.maui.hi.us)