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David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

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

April 1, 2025

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

Dear Mr. Martin:

SUBJECT: **FISCAL YEAR 2026 BUDGET** (BFED-1) (PA-02)

May I please request you be prepared to answer the following questions at the BFED Committee meeting on **April 8, 2025**.^{*} This will enable the Committee to comprehensively review the FY 2026 Budget.

May I further request that, after approval by the Office of the Mayor, you transmit your answer to bfed.committee@mauicounty.us by the end of the day on **April 8, 2025**. **Date subject to change without notice.*

However, if a written response is received by **Friday, April 4, 2025**, your Department may be excused from appearing before the Committee on April 8.

Overall

1. What statistics can the Department provide regarding crime rates monitored in the aftermath of the August 2023 wildfires, including any evident changes in crime trends or public safety needs? (TP)
2. Has there been an increase in penalties or prosecutions in response to the reported rise in thefts within the Burn Zone following the August 2023 wildfires? (TP)
3. The Department's strategies include a commitment to "enhance crime prevention efforts by collaborating on community engagement opportunities with our community partners and other stakeholders."

What specific efforts is the Department undertaking to collaborate with rural communities experiencing increased drug and substance abuse issues? (Page 697, Program Budget) (SS)

4. In light of the external factors described in the Program Budget, including the presence of mold at the Old Wailuku Courthouse, has the Department or the Administration identified a potential new location to consolidate and house the entire Department? (Page 698, Program Budget) (TC)
 - a. Have there been any increased operational expenses associated with the mold situation, and if so, what is the estimated amount?
 - b. What are the current plans for the Old Wailuku Courthouse facility and has mold remediation begun? If so, what is the anticipated completion date? (Page 698, Program Budget) (TC) (NUH)
5. The Department's external factors notes a high retirement rate among experienced attorneys. What efforts is the Department making to recruit qualified attorneys and preserve institutional knowledge of its operations? (Page 699, Program Budget) (TC)
6. Please provide a list of grant awards, if any, that are funding the Department in FY 2025. For each grant, include the granting agency and the amount by major grantor type (e.g., federal, state, private). Additionally, please indicate the percentage each grantor type represents of the Department's total grant funding. (Page 707, Program Budget) (TC)
7. Please provide the Fiscal Year 2025 Actual expenditures, to date, for programs funded through revolving funds and grant revenue sources. (Page 707, Program Budget) (TC)
8. During the FY 2025 Budget session, the Department discussed implementing a 4/10 work schedule to support work-life balance. Was this schedule implemented? If so, what benefits and challenges has the Department observed since its implementation? (NUH) (TP)
9. Please explain the Hawaii Career Criminal Prosecution Program and the changes to the two (2) Positions of Deputy Prosecuting Attorney. (Page 21-13, Budget Details) (TC)

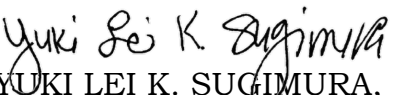
Mr. Andrew Martin
April 1, 2025
Page 3

10. Please provide an update on the Memorandum of Understanding regarding the Information Systems Analyst who transferred to the Department of Management's Information Technology Services Division. (TP)
11. Under Goal #1, item 2, what type of information is provided to victim-witnesses as part of the Victim Witness Program? (Page 701, Program Budget) (TC)
12. Under Goal #2, item 1, the estimated number of sexual assault cases referred for prosecution in FYs 2025 and 2026 is significantly higher than the FY 2024 Actual. The Quarter 2 Budget Implementation Report indicates that 16 cases have been referred since December 31, 2024. What accounts for this discrepancy? (Page 702, Program Budget) (NUH)
13. Under Goal #5, item 1, what types of outreach trainings will be offered to the public? How will these trainings be conducted, what information will be provided, and how will they be advertised? (Page 703, Program Budget) (TC)

To ensure efficient processing, please duplicate the coding in the subject line above for easy reference.

Thank you for your attention to this request. Should you have any questions, please contact me or the Committee staff (Kirsten Szabo at ext. 7662, James Krueger at ext. 7761, Jarret Pascual at ext. 7141, Clarissa MacDonald at ext. 7135, or Pauline Martins at ext. 8039).

Sincerely,


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

bfed:2026bgt:250331apa01:kes

cc: Mayor Richard T. Bissen, Jr.
Budget Director
First Deputy Prosecuting Attorney

BFED Committee

From: BFED Committee
Sent: Tuesday, April 1, 2025 12:09 PM
To: Andrew Martin
Cc: BFED Committee; 'Michelle Santos'; 'Zeke Kalua'; Lesley Milner;
kristina.cabbat@co.maui.hi.us; tiare.p.horner@co.maui.hi.us; Janina Agapay; Shelly
DeMattos; Glen Duran; Karen Montalvo
Subject: FISCAL YEAR 2026 BUDGET (BFED 1) (PA-2); reply by 4/8/25
Attachments: (PA-02) Correspondence to Prosecuting Attorney 04-01-2025.pdf

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

April 4, 2025

Lesley Milner 
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:

Yuki Lei K. Sugimura
Chair, Budget Finance, and Economic Development Committee
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Sugimura,

SUBJECT: RESPONSE TO FISCAL YEAR ("FY") 2026 BUDGET (BFED-1) (PA-02)

- 1. What statistics can the Department provide regrading crime rates monitored in the aftermath of the August 2023 wildfires, including any evident changes in crime trends or public safety needs? (TP)**

Nationwide, crime rates and the data on which they are based are collected and maintained by local law enforcement agencies and then reported to the FBI. As in all jurisdictions nationwide, crime data is recorded and maintained by the Maui Police Department (MPD) and reported under the National Incident-Based Reporting Standard (NIBRS). The Federal and State governments then utilize that information to report

generally on crime trends. The Office of the Attorney General for the State of Hawaii has reported data for the Maui Police Department through calendar year 2023. For data and reporting on crime rates beyond that, the Committee would have to reach out to MPD. As publicly released data is only available through the end of calendar year 2023, it is difficult to offer even a general answer to the question.

Internally, the Department of the Prosecuting Attorney is not able to track overall crime data as not all reported crime is referred to the department for prosecution. We also do not employ crime analysts in the department. While connecting crimes to the aftermath of the 2023 wildfires was readily apparent in many instances in the immediate aftermath (ex, crimes committed in hotels where fire victims were being housed), drawing such obvious connections between crime victims, defendants, and the wildfires is far more difficult now. I would suggest that the Committee reach out to MPD as they would be able to provide a more helpful answer to this important question.

2. Has there been an increase in penalties or prosecutions in response to the reported rise in thefts within the Burn Zone following the August 2023 wildfires? (TP)

Enhancements under the HRS for crimes committed during an emergency proclamation were rarely used in the aftermath of the wildfires. This is mainly due to the fact that those statutes are designed to address property-related crimes such as looting of stores or the burglary of vacant properties, which we saw very little of. These same statutes are inadequate to address the current rash of thefts that we are seeing in the burn zone in recent months. In this past legislative session, the department circulated draft legislation among our partners to address this issue but ultimately decided not to propose it. This was due to the fact that the passage and implementation of such a statute on a statewide level was uncertain. We have therefore redrafted our proposed legislation as a proposed County Ordinance which we are submitting to the Administration for transmittal to the Council.

3. The Department's strategies include a commitment to "enhance crime prevention efforts by collaborating on community engagement opportunities with our community partners and other stakeholders."

What specific efforts is the Department undertaking to collaborate with rural communities experiencing increased drug and substance abuse issues? (Page 697, Program Budget) (SS)

This past year, the Department formed a small task force to directly address the needs of the community with respect to drug overdoses, focusing on the increasing incidence of opioid overdose in the community. In October of 2024, the task force requested 1000 doses of Naloxone from the Department of Health (DOH) and was able to distribute all 1000 doses across Maui County before the end of the year. This was primarily done by

holding “pop-up” distributions at locations or events throughout the county. Such pop-up distributions were held in both Hana and Lanai. The task force is currently planning additional outreach for the coming months and is assisting the DOH in planning for placement of distribution boxes for Naloxone and Opioid test strips that would give our community members free access to such life saving measures across Maui Nui. The planning for the placement of these distribution boxes by DOH, in partnership with the task force, includes multiple locations in rural areas such as Hana, Lanai, and Molokai.

Finally, through my representation of the County’s interests on the Hawaii Opioid Settlement Advisory Committee, we secured Maui as the site for a “second-responder” pilot program. This pilot program will involve the UH Byrne School of Medicine and American Medical Response in order to provide on-scene telehealth connections to acute overdose victims. The program is designed to bridge the gap with the segment of the population who may want medical assistance for substance use disorders following an overdose but do not want transport to the ER after being revived. By immediately connecting victims with medical professionals on-scene utilizing tele-health services, the program will provide victims with needed medical intervention, treatment, and case management services. The program will be funded by statewide opioid settlement funds and other related grants. While still in the planning stages with DOH, it will be available county-wide including in rural areas.

4. In light of the external factors described in the Program Budget, including the presence of mold at the Old Wailuku Courthouse, has the Department or the Administration identified a potential new location to consolidate and house the entire Department? (Page 698, Program Budget) (TC)

The Administration and the Department are actively working on securing a new location to consolidate and house the entire department. This is and will remain our top priority. The Administration has made meaningful progress in this endeavor, and while much remains to be done, we are hopeful that a new location will be secured soon.

a. Have there been any increased operational expenses associated with the mold situation, and if so, what is the estimated amount?

The department has incurred approximately \$347,621.00 in rental expenses as the result of having to move out of the Old Wailuku Courthouse. Additional expenses directly related to the remediation of mold are being borne by the Department of Public Works.

Expenses in the operational budget have also increased by \$84,300.00 due to the various services required to maintain the leased offices.

Janitorial Expenses	\$47,000.00
Electricity	\$30,000.00
R&M A/C	\$7,300.00

- b. **What are the current plans for the Old Wailuku Courthouse facility and has mold remediation begun? If so, what is the anticipated completion date?**
(Page 698, Program Budget) (TC) (NUH)

The department does not intend to return to the Old Wailuku Courthouse as it is wholly inadequate for our current and future needs. As our focus is on finding a new location for the department, we are not involved in the discussions of plans for the facility. Remediation has not yet begun, and any questions regarding the timeline of remediation and renovations would more appropriately be posed to the Department of Public Works.

5. **The Department's external factors notes a high retirement rate among experienced attorneys. What efforts is the Department making to recruit qualified attorneys and reserve institutional knowledge of its operations?** (Page 699, Program Budget) (TC)

Recruitment and retention was a top priority for us last fiscal year. As a result, we implemented a number of successful strategies. Last year, we held our first Trial Advocacy Seminar for all deputies. This four-day seminar was held at the Cameron Center and was organized and led by some of the best trial prosecutors from across the country through the Vera Causa Group. The seminar was held during the same week as the public defender's seminar and with the cooperation of the judiciary so that all deputies could attend. The importance of the seminar is to provide our deputies with the required training and knowledge necessary to pursue our mission with excellence. As the average years of experience of our deputies has decreased, a seminar of this scope and magnitude is necessary and is a key to our retention strategy. It was extremely well received by the deputies and will be held again this May. Last year's seminar was held utilizing grant funds. This year's seminar will be held utilizing state asset forfeiture funds.

In addition to top-level training for every deputy in the department, we have ensured that our most experienced trial deputies are paired with other deputies on our more complex trials. Depending on the case, this has been achieved by the less experienced deputies second chairing our more experienced DPA's, or by having seasoned deputies sit second chair with less experienced DPA's during their trials.

Finally, we continue to recruit experienced attorneys from within our community. However, in order to fill all of our openings, we needed to employ a strategy where we could recruit on a national level. While applications from experienced prosecutors across the country have outpaced those of local attorneys by a wide margin, the requirement of admission to the Hawaii bar has been a significant barrier.

To that end, the department drafted a letter to the Chief Justice of the Supreme Court of Hawaii earlier this year proposing an amendment to the rules of admission. The letter was co-signed by the State Public Defender, the State Attorney General, and all three neighbor island Prosecuting Attorneys. Our joint request is to allow for limited

reciprocity for attorneys already licensed in other jurisdictions, as long as they are working for a prosecutor or public defender in the State of Hawaii.

In February, 2025, the Supreme Court put out a draft rule for comment, proposing a three-year pilot project to this effect. The comment period ends in May, and we are hopeful that the rule will go into effect shortly thereafter. This rule will significantly improve our ability to attract experienced prosecutors from other jurisdictions who fit well with our department. If implemented, we believe that it will provide us with the ability to fill all of our current vacancies.

6. **Please provide a list of grant awards, if any, that are funding the Department in FY 2025. For each grant, include the granting agency and the amount by major grantor type (e.g., federal, state, private). Additionally, please indicate the percentage each grantor type represents of the Department's total grant funding. (Page 707, Program Budget) (TC)**

Special Needs Advocacy Program (SNAP)	State	\$537,300	34.3%
Victim Witness Assistance Program	State	\$353,094	22.5%
Domestic Violence - Victims Against Women (VAWA)	State	\$57,067	3.6%
Career Criminal Prosecution (CCP)	State	\$257,548	16.4%
Highway Safety - Department of Transportation	State	\$42,285	2.7%
Edward Byrne Memorial Justice Assistance Grant (15PBJA-22-GG-00653-JAGX)	State Pass-through	\$59,991	3.8%
Edward Byrne Memorial Justice Assistance Grant (15PBJA-23-GG-03348-JAGX) October 1, 2022-September 30, 2026	Federal	\$84,310.00	5.4%
Edward Byrne Memorial Justice Assistance Grant (15PBJA-21-GG-01424-JAGX) October 1, 2020 – September 30, 2024	Federal	\$77,149.00	4.9%
Defendant/Witness Trial Program*	State	\$100,000	6.4%
	Total	\$1,568,744	100%

**Program is not a grant funding, but a reimbursement of expenses based on availability of funds. Percentage is based on actual reimbursements to date.*

7. **Please provide the Fiscal Year 2025 Actual Expenditures, to date, for programs funded through revolving funds and grant revenue sources. (Page 707, Program Budget) (TC)**

Special Needs Advocacy Program (SNAP)	\$274,525.16
Victim Witness Assistance Program	\$86,271.84
Domestic Violence - Victims Against Women (VAWA)	\$38,044.64
Career Criminal Prosecution (CCP)	\$143,54.98
Highway Safety - Department of Transportation	\$10,460.85
Edward Byrne Memorial Justice Assistance Grant (15PBJA-22-GG-00653-JAGX)	\$613.81
Edward Byrne Memorial Justice Assistance Grant (15PBJA-23-GG-03348-JAGX) October 1, 2022-September 30,2026	\$58,986.12
Edward Byrne Memorial Justice Assistance Grant (15PBJA-21-GG-01424-JAGX) October 1, 2020 – September 30, 2024	\$77,148.60
Defendant/Witness Trial Program*	\$97,131.24

- 8. During the FY 2025 Budget session, the Department discussed implementing a 4/10 work schedule to support work-life balance. Was this schedule implemented? If so, what benefits and challenges has the Department observed since its implementation? (NUH)(TP)**

The Department has implemented an optional 4/10 work schedule for all employees. The program has generally been well received but is not without its challenges. Employees have noted that having an extra day during the week has improved their well being, given them more time to spend with family, and enabled them to accomplish certain obligations that can be challenging during the week (such as medical appointments). However, in certain divisions, the 4/10 schedule has led to some operational challenges. This has required a different approach by attorneys and staff alike, including a level of planning and coordination that has been frustrating for some. We continue to make adjustments, offer guidance, and make necessary operational decisions in order to sustain the viability and success of the program, and will continue to evaluate the program over the coming year.

- 9. Please explain the Hawaii Career Criminal Prosecution Program and the changes to the two (2) Positions of Deputy Prosecuting Attorney. (Page 21-13, Budget Details) (TC)**

A substantial amount of serious crimes committed are by a relatively small number of multiple and repeat felony offenders, designated as career criminals. The Career Criminal Prosecution Program, which is funded through the Office of the Attorney General, aimed at identifying and prosecuting these individuals. The deputy prosecuting attorney funded by this grant is assigned to the majority of cases related to career criminals.

Changes to the position occurred due to the retirement of the former, long-time deputy assigned to the position. A new deputy has been assigned to the position, which is reflected in the budget.

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

The Information Technology Services Division (ITSD) recently filled the transferred position. The Department has been engaged in on-going, regularly scheduled meetings with ITSD in order to ensure our current and future needs are met, and to ensure proper coordination of work with the Information System Analyst and ITSD.

11. Under Goal #1, item 2, what type of information is provided to victim-witnesses as part of the Victim Witness Program? (Page 701, Program Budget) (TC)

Victim/Witness Counselors provide the following services:

- Referral for crisis and short-term counseling
- Referral for financial assistance and social services
- Case information and notification
- Preparation for court testimony
- Court accompaniment
- Explanation of the judicial system
- Return Witness Program for visitors
- Explanation of victim impact statements
- General advocacy for victim rights

12. Under Goal #2, item 1, the estimated number of sexual assault cases referred for prosecution in FYs 2025 and FYs 2026 is significantly higher than the FY 2024 Actual. The Quarter 2 Budget Implementation Report indicated that 16 cases have been referred since December 31, 2024. What accounts for this discrepancy? (Page 702, Program Budget) (NUH).

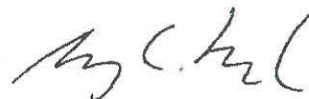
All cases, including sexual assault cases, are referred to the Department for prosecution after they have been reported and investigated by law enforcement (in almost all instances, the Maui Police Department). The amount of sex assault cases referred is determined by the overall incidence of sexual assault in our community and the resources available at MPD to investigate, finalize reports, and submit cases to our department. Within the past six months or so, the Department has been working collaboratively with

MPD to provide regular case reviews and conferrals in order to assist in the investigative process and improve the referral rate of cases. As the Committee is aware, staffing at both MPD and the Department are at historically low levels and reflect national trends. The sixteen (16) cases referred to the department since December 31, 2024, are consistent with the actual referrals in previous reporting periods, which also were far short of previous estimated referrals. As this is a critically important area in terms of the public safety needs of our community, I have become more personally involved with our county-wide multi-disciplinary sexual assault teams in order to provide the required leadership and experience in order to maintain an excellent community response to sexual assault cases.

13. Under Goal #5, item 1, what types of outreach trainings will be offered to the public? How will these trainings be conducted, what information will be provided, and how will they be advertised? (Page 703, Program Budget) (TC)

The Department offers a number of different outreach programs throughout the year. We will continue our successful participation in outreach to local public and private schools to educate teachers, counselors, administrations, and staff on mandated reporting of child abuse and neglect. Our deputies will also continue to coach middle school mock trial teams. This past year, deputies coached teams at St. Anthony School and Maui Waena. We also hope to continue our efforts with UH Maui where we have provided a once-a-year training to students and faculty on the dynamics of sexual assault and domestic violence in cooperation with the school's Title IX program. We will also continue our outreach and education during National Crime Victims Rights Week, Sexual Assault Awareness Month, Domestic Violence Awareness Month, and other, similar opportunities. In addition, the Department will begin the development of a Junior Prosecutor Program this year. This program will be aimed at providing a group of high school students with a hands-on learning experience that will educate them about the role of prosecutors in our community and within the criminal justice system. The program will be modeled after a successful program implemented by the Fairbanks (AK) District Attorney's Office. These programs, trainings, and outreach opportunities are typically advertised on social media, radio, or print media or are directly scheduled and offered with and through our local schools and college.

Sincerely,



for ANDREW H. MARTIN
Prosecuting Attorney

BFED Committee

From: Tiare P. Horner <Tiare.P.Horner@co.maui.hi.us>
Sent: Monday, April 7, 2025 1:57 PM
To: BFED Committee
Cc: Andrew H. Martin; Shelly C. De Mattos; Glen B. Duran; Karen Y. Montalvo; Lesley J. Milner
Subject: (BFED-1)(PA-02)
Attachments: (BFED-1)(PA-02).pdf

Aloha BFED Committee –

Please see attached correspondence (BFED-1)(PA-02).

Mahalo,

Tiare P. Horner
Budget Specialist

County of Maui
200 S. High Street
Wailuku, HI 96793
Direct Line – 808.270.7517
Email – Tiare.P.Horner@co.maui.hi.us