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Traci N. T. Fujita, 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)

April 3, 2023

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

Dear Mr. Martin:

SUBJECT: **FISCAL YEAR ("FY") 2024 BUDGET** (BFED-1) (PA-2)

May I please request you be prepared to answer the following questions at the BFED Committee meeting on **April 10, 2023**.<sup>\*</sup> This will enable the Committee to comprehensively review the FY 2024 Budget. Please also submit your answers to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) by the end of the day on **April 10, 2023**. *\*Date subject to change without notice.*

**Overall**

1. Are Career Criminal grant funds only available every third year? There seems to be a pattern displayed in the grant award table. (Page 549, Program Budget) (TP)
2. Please explain how the Department of the Prosecuting Attorney works with the Department of Police to identify crime trends and career criminals? (Page 549, Program Budget) (TP)
3. How is the department able to double grant awards for the Asset Forfeiture and Defendant/Witness Trial Program? (Page 549, Program Budget) (TP)
4. What were the actual expenditures to date in FY23 for programs funded by revolving funds and grant revenue programs? Please provide the balances for each program and summarize what the funds were spent on or allocated for, i.e. initiatives, equipment, travel, furniture, etc. (Page 549, Program Budget) (NUH)

Mr. Andrew Martin  
April 3, 2023  
Page 2

5. How does the data collected by the Information System Analyst V position support the department and its initiatives? (Page 546, Program Details) (NUH)

**Salaries and Wages (Category “A”)**

1. Please describe the role of the Grants Management Specialist in the department. What additional grant revenue has been generated for the department and what initiatives does it support? (Page 17-8, Budget Details) (NUH)

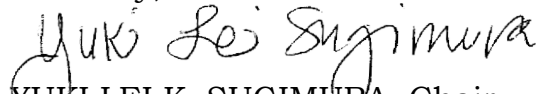
**Operations and Equipment (Categories “B” and “C”)**

1. The FY24 Budget continues to fund a Community Outreach Coordinator Position for \$90,000. Is this a contracted position? Please provide details on the Maui Community Outreach Court program, its location, and how many clients have been assisted. (Page 17-11, Budget Details) (NUH)
2. Relating to the replacement vehicles listed under Index Code 906156C, Sub-Object 7040, the vehicles have very low mileage, even though they are older. What are these vehicles used for and what happened to these vehicles that led them to be in such bad shape? (Page 17-12, Budget Details) (TP, NUH)

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 (Lesley Milner at ext. 7886, 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 Committee**

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**From:** BFED Committee  
**Sent:** Monday, April 3, 2023 11:10 AM  
**To:** Andrew.Martin@co.maui.hi.us  
**Cc:** Michelle Santos; Zeke Kalua; Maria Zielinski; Desiree Echalas; Janina Agapay; BFED Committee; Glen Duran  
**Subject:** PLEASE READ attached letter re: Fiscal Year ("FY") 2024 Budget (BFED-1) (PA-2)  
**Attachments:** (PA-2) Correspondence to Prosecuting Attorney 04-03-2023.pdf

**Mr. Martin:** Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated 04/03/2023.

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

**Ms. Zielinski:** FYI

Mahalo, Clarita Balala

**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 6, 2023

Ms. Maria Zielinski  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

A handwritten signature in black ink, appearing to be "mg", written over the address of Ms. Maria Zielinski.

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

A handwritten signature in black ink, appearing to be "Andrew H. Martin", written over the "APPROVED FOR TRANSMITTAL" text.  
\_\_\_\_\_  
Mayor Date 4-6-23

For Transmittal to:

Honorable Yuki Lei K. Sugimura, Chair  
Budget, Finance, and Economic Development Committee

**SUBJECT: FISCAL YEAR 2024 BUDGET (BFED-1)(PA-2)**

Dear Chair Sugimura and Members,

The attached pages are in response to letter received April 3, 2023 from Chair Sugimura regarding the FY24 Budget.

If you have any further questions regarding this matter, please contact me at 270-7777.

Sincerely,

A handwritten signature in blue ink, appearing to be "Andrew H. Martin", written over the "Sincerely," text.

ANDREW H. MARTIN  
Prosecuting Attorney

Attachment

**OVERALL**

1. Are Career Criminal grant funds only available every third year?  
There seems to be a pattern displayed in the grant award table.  
(Page 549, Program Budget) (TP)

The Career Criminal grant is traditionally a grant available every fiscal year, issued as a 2-year grant. The State Legislature did not fund both the Career Criminal and Victim/Witness grants during the pandemic. During the State's supplemental budget process for FY 2023 funding became available again with a 10% restriction. Future funding is dependent on the State budget. The Career Criminal Prosecution Program is established by the Legislature pursuant to section 845-2 of the Hawaii Revised Statutes.

2. Please explain how the Department of the Prosecuting Attorney works with the Department of Police to identify crime trends and career criminals? (Page 549, Program Budget) (TP)

Career criminals are identified pursuant to statutory definition under section 845-3 of the Hawaii Revised Statutes. Chapter 845 of the HRS establishes the career criminal prosecution program that is described above in the previous question. Pursuant to section 845-3, a "career criminal" is defined as an individual who:

- 1) Has had two or more felony convictions within the last five years;
- 2) Has had one or more felony and two or more misdemeanor convictions and/or arrests within the last three years. Misdemeanors will be limited to prostitution, theft II and place to keep firearm.
- 3) Is convicted and/or arrested for the offense of "felon in possession of a firearm" within the last five years.
- 4) Is on parole.
- 5) Is on probation.
- 6) Is on bond awaiting an appeal.
- 7) Is on bond awaiting trial.
- 8) Is known or suspected to be an associate of organized crime.
- 9) Is known or suspected of recurring or ongoing criminal activity.
- 10) Has no adult record but who has an extensive juvenile record.
- 11) Is a juvenile with an extensive record who has been waived to the circuit court for trial.

While the identification of a career criminal is a matter of statutory definition, the identification of crime trends is something that the Department of the Prosecuting Attorney and MPD discuss on a regular basis. MPD collects a broad set of crime stats that comply with federal standards and requirements. The Department of the Prosecuting Attorney maintains stats on incoming cases



that are updated on a weekly basis. Most recently, the Department of the Prosecuting Attorney has been implementing the first stages of its intelligence-driven prosecution model. This initial stage has involved the identification of prevalent trends (currently, a sharp increase in property crimes, particularly vehicle thefts), and the identification of individuals who may be driving that particular trend. MPD and the Department of the Prosecuting Attorney then work together to develop a priority offender list which is updated as new information becomes available. MPD has also provided the Department of the Prosecuting Attorney with intelligence briefings that provide information regarding on-going investigations that have not yet been forwarded to the Department for review. MPD is alerting specifically assigned DPA's when new cases arise, and the DPA is involved in the case at a much earlier stage. This model will allow us to build stronger cases against key individuals who are driving crime trends.

3. How is the department able to double grant awards for the Asset Forfeiture and Defendant/Witness Trial Program? (Page 549, Program Budget) (TP)

Funding for State and Federal Asset Forfeiture programs is dependent on the amount of assets seized. The expenditure of forfeiture funds is restricted to specific purposes. Traditionally, the Department has used forfeiture funds to heavily supplement its training budget. During the pandemic, the Department was not expending forfeiture funds as off-island trainings were severely limited. As a result, the amount of forfeiture funds continued to increase without being expended. The increase in amounts more appropriately reflects current balances. As the Department is now expending forfeiture funds on a more regular basis, the balance is expected to decrease.

The Defendant/Witness Trial Program allows for reimbursement of eligible expenses. Reimbursements are received from the State through the Office of Budget and Finance pursuant to statutes sections 621-7, 621-8, 621-9, 836-2, and 836-3. There is no cap to the amount a department is allotted. The Department's past practice was to submit expenses for reimbursements up to the \$50,000.00 amount. In FY24 the department plans to submit all eligible expenses until notified that the funds have been depleted. The increase in reimbursable funds is supported by the fact that the Department has seen a marked increase in the number of jury trials over the past several months.

4. What were the actual expenditures to date in FY23 for programs funded by revolving funds and grant revenue programs? Please provide the balances for each program and summarize what the funds were spent on or allocated for, i.e. initiatives, equipment, travel, furniture, etc. (Page 549, Program Budget) (NUH)

See attached

5. How does the data collected by the Information System Analyst V position support the department and its initiatives? (Page 546, Program Details) (NUH)

The intent for the Information System Analyst (ISA) is to assist in the maintenance and development of the department's equipment and technology. The ISA would maintain equipment used at in court to ensure all connections are working properly and equipment meets the department's needs. The ISA would act as the subject matter expert and liaison for communication and collaboration with ITSD and other offices and agencies. The department has various databases and systems used for daily operations that require on-going maintenance. The department plans to interface with Maui Police Department's data management system to allow a more efficient way of transferring cases and information. The analyst would also provide support for a daily analysis of crime data shared by MPD in support of the Department's intelligence-driven prosecution model.

Currently, these functions are primarily assigned to the Law Office Clerk, as well as other staff in the Department, which can account for majority of the work day.

However, **this expansion position has been transferred to ITSD** to allow proper management and oversight of the position and access to the County's network. The position will be primarily assigned to the Prosecuting Department to ensure the department's needs are met, as well as be able to assist in other County projects/needs. ITSD is currently drafting an MOU that will outline the Department's use of this position.



**Salaries and Wages (Category "A")**

1. Please describe the role of the Grants Management Specialist in the department. What additional grant revenue has been generated for the department and what initiatives does it support? (Page 17-8, Budget Details) (NUH)

The Grants Management Specialist would be responsible for researching and applying for grants. The position will also be responsible for monitoring the grant programs and working with the Account Clerk to ensure proper management of funds. Various staff in the department are currently assigned to these duties, and in addition to their day-to-day work are at their capacity. The Grants Management Specialist would allow the department to apply for more funding to further the department's goals. The Department sees opportunities to pursue grant funding, but simply doesn't have the capacity to apply and monitor those additional projects. The Grants Management Specialist would provide the Department with the ability to pursue and monitor those additional funding opportunities. To date, the Department has interviewed one applicant, but did not make an offer to that individual.

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

1. The FY24 Budget continues to fund a Community Outreach Coordinator Position for \$90,000. Is this a contracted position? Please provide details on the Maui Community Outreach Court program, its location, and how many clients have been assisted. (Page 17-11, Budget Details) (NUH)

The Community Outreach Court is a new initiative between the Prosecutors office, Hawaii Judiciary, and Office of the Public Defenders that aims to resolve pending cases for individuals and providing services for those in the homeless population. Low level crimes/offenses that would otherwise be sentenced jail time or fees would instead be settled with court ordered community services. These individuals would also be provided access to various services, such as housing and health providers. The program would help reduce the backlog of cases, as well as provide individuals the needed help to be re-integrated with society and out of homelessness.



The Community Outreach Coordinator would be the responsible for finding potential participants in the program and would be the point of contact for candidates of the program to ensure they meet the criteria for the program, follow-up with community service, and act as the liaison for the participants and service providers. The Community Outreach Coordinator would also be responsible for appearing at the participants' court hearings to provide any updates and/or reports to the Prosecuting Attorney, Hawaii Judiciary, and/or Office of the Public Defenders.

There are five (5) participants currently in the Community Outreach Court program.

2. Relating to the replacement vehicles listed under Index Code 906156C, Sub-Object 7040, the vehicles have very low mileage, even though they are older. What are these vehicles used for and what happened to these vehicles that led them to be in such bad shape? (Page 17-12, Budget Details) (TP, NUH)

Vehicles are parked in open parking areas, exposed to the elements and not in secure areas. Due to easy access of the vehicles, they have been the target of break-ins and in tampering of the gas tanks and fuel lines. Over the years the vehicles have been involved in minor collisions that, although repaired to usable condition, compromise the integrity of the vehicle. Just due to the age of the vehicle, parts are nearing their end of life. Due to the unavailability of needed parts, one of our vehicles is irreparable and unusable. The remaining vehicles are sent for repair frequently, often times for recurring issues. One vehicle has been inoperable since 2021, since the repair parts needed are no longer manufactured.

Vehicles are used for clerical errands, and other administrative uses, transportation for attorneys to attend court hearings in our rural districts, transportation for Victim-Witness counselors to visit victims and transport them to/from court, for investigators to locate and interview witnesses/victims, transport and return evidence to MPD, to collect evidence from witnesses/victims, and to visit crime scenes with attorneys in preparation for some trials.

1. Budget: (report run date 4/4/23)

**906156A** – 62.6% spent budget

Working Budget: \$7,675,366.00

Expenses to date: \$4,805,280.00

Balance: \$2,870,086.00

**906156B** – 72.8% spent budget

Working Budget: \$421,865.00

Expenses to date: \$293,900.00

Balance: \$114,873.00

**906156C** – 95.3% spent budget

Working Budget: \$28,354.00

Expenses to date: \$22,050.00

Balance: \$1,331.00

**GRANT REVENUE FY 2023**

2. Grants: (report run date 4/4/23)

**136835** – Grant #2020-V2-GX-0055 / Special Needs Advocacy Project

Working Budget: \$673,650.00

Expenses to date: \$303,817.00

Revenue to date: \$0.00

Balance: \$369,832.00

Funding: Eight Victim-Witness counselor and one (1) Office Operations Assistant II salary & fringe benefit, program funding for supplies, travel, training, and other expenses necessary to run the program.

**136879** – Grant #21-WF-02 / Domestic Violence Investigation

Working Budget: \$53,717

Expenses to date: \$31,926.00

Revenue to date: \$31,926.00

Balance: \$23,960.00

Funding: Salary and fringe benefit for an Investigator III.

**136873** – Defendant/Witness Trial Program (Governor's Office/Ord#5099)

Working Budget: \$50,000.00

Expenses to date: \$46,799.00

Revenue to date: \$42,307.99

Balance: \$3,201.00

Funding: Travel and related expenses for defendants, witnesses, and escorts.

**136623 B Project#TR23-M-07 / 2023 Traffic Records (DOT Grant)**

Working Budget: \$8,739.00

Expenses to date: \$3,511.00

Revenue to date: \$0.00

Balance: \$5,228.00

Funding: Thin Blue Line, eCitation, licenses; Travel for conference

**136880 B Project#AL23-M-09 / 2023 Impaired Driving (DOT Grant)**

Working Budget: \$30,743.00

Expenses to date: \$477.00

Revenue to date: \$0.00

Balance: \$30,266.00

Funding: Travel for monthly and quarterly statewide traffic meetings; Travel for training and conferences

**106918/106920B Grant#2020-VD-BX-0312/MauiCountyCovid-19 Coordinated Response (CESF/Coronavirus Emergency Supplemental Funding Grant)**

Working Budget: \$260,083.00

Expenses to date: \$215,329.00

Revenue to date: \$209,303.69

Balance: \$44,754.00

Funding: Overtime, paid Law Clerk (student), updating Prosecutor and MPD technology through equipment and software; new furniture for Prosecutor's renovated basement; supplies for MPD Mobile Medical Educational Unit including PPE for officers

**116853 B Grant #2020-NS-BX-K004 / NARIP 2020 Grant**

Working Budget: \$264,750.00

Expenses to date: \$0.00

Revenue to date: \$0.00

Balance: \$264,750.00

Funding: Prosecutor's new data management system, eProsecutor.

**116145 B Grant #2017-DJ-BX-0986 / FY 2017 JAG Program**

Working Budget: \$122,345.00

Expenses to date: \$122,345.00

Revenue to date: \$122,345.00

Balance: \$0.00

Funding: Upgrade computer equipment and software; MPD new fume hood, drug testing samples, and Cellbrite software.



**126146 B Grant #15PBJA-21-GG-01424-JAGX / FY 2021 JAG Program**

Working Budget: \$77,149.00

Expenses to date: \$2,000.00

Revenue to date: \$0.00

Balance: \$62,106.00

Funding: Upgrade Prosecutor courtroom software, upgrade investigator computer equipment, Contract to interface Prosecutor's case management system with MPD's records, and Overtime costs for MPD personnel to complete NIBRS certification.

**906158B – Maui County Outreach Court/Prosecutor's**

0.00% spent budget

Working Budget: \$90,000.00

Expenses to date: \$0.00

Balance: \$90,000.00

Funding: Salary, fringe benefits, and administrative costs for one (1) part-time Community Outreach Coordinator

**136872 – Career Criminal Prosecution Program**

Working Budget: \$144,736.00

Expenses to date: \$130,262.40

Revenue to date: \$65,130.00

Balance: \$14,473.60

Funding: Salary and fringe benefits for one (1) Deputy Prosecuting Attorney for 7.7 months

**136871 – Victim Witness Assistance Program**

Working Budget: \$64,864.00

Expenses to date: \$0.00

Revenue to date: \$29,188.00

Balance: \$64,864.00

Funding: Salary for one (1) Victim-Witness Counselor II

## BFED Committee

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**From:** Desiree Echalas <Desiree.B.Echallas@co.maui.hi.us>  
**Sent:** Monday, April 10, 2023 8:51 AM  
**To:** Lesley J. Milner  
**Cc:** BFED Committee  
**Subject:** RE: FY 2024 (BFED-1)(PA-2) Question #4 Attachment  
**Attachments:** (BFED-1) (PA-2) Q#4\_Attachment.pdf

Please see attached from Department of Prosecuting Attorney.

Mahalo,

Desiree Echalas

Budget Specialist

County of Maui

Office of the Mayor

[Desiree.B.Echallas@co.maui.hi.us](mailto:Desiree.B.Echallas@co.maui.hi.us)

Phone: (808) 270-8239

>>> Desiree Echalas 4/10/2023 8:32 AM >>>

Good morning!

Attached is (PA-2) response.

Mahalo,

Desiree Echalas

Budget Specialist

County of Maui

Office of the Mayor

[Desiree.B.Echallas@co.maui.hi.us](mailto:Desiree.B.Echallas@co.maui.hi.us)

Phone: (808) 270-8239

>>> "Lesley J. Milner" <Lesley.Milner@mauicounty.us> 4/10/2023 8:24 AM >>>

Hi Desiree,

This letter refers to an attachment, but no attachment is included. Could you please transmit so we can add to the file?

Thank you!

-Lesley

Lesley Milner

Senior Committee Analyst

Office of Council Services

she/her/hers

808.270.7886

[MauiCounty.us](http://MauiCounty.us)

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**From:** BFED Committee <BFED.Committee@mauicounty.us>

**Sent:** Thursday, April 6, 2023 2:24 PM

**To:** Lesley J. Milner <Lesley.Milner@mauicounty.us>; Kasie M. Takayama <Kasie.Apotakayama@mauicounty.us>; Yvette Bouthillier <Yvette.Bouthillier@mauicounty.us>; Clarita Balala <Clarita.Balala@mauicounty.us>; Maria L. Leon <maria.leon@mauicounty.us>

**Subject:** FW: FY 2024 (BFED-1)(PA-2)

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**From:** Desiree Echalas <[Desiree.B.Echallas@co.maui.hi.us](mailto:Desiree.B.Echallas@co.maui.hi.us)>

**Sent:** Thursday, April 6, 2023 2:23:24 PM (UTC-10:00) Hawaii

**To:** BFED Committee <[BFED.Committee@mauicounty.us](mailto:BFED.Committee@mauicounty.us)>

**Subject:** FY 2024 (BFED-1)(PA-2)

Please see attached response (PA-2) from Department of the Prosecuting Attorney.

Mahalo,

Desiree Echalas

Budget Specialist

County of Maui

Office of the Mayor

[Desiree.B.Echallas@co.maui.hi.us](mailto:Desiree.B.Echallas@co.maui.hi.us)

Phone: (808) 270-8239