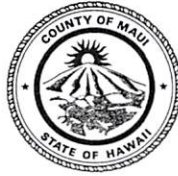


ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney

ROBERT D. RIVERA  
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

OFFICE OF THE  
COUNTY CLERK

2018 JUL -6 PM 3:21

RECEIVED

July 3, 2018

Mr. Sandy Baz  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
*Alan Arakawa* 7/6/18  
Mayor Date

For Transmittal to:

Honorable Michael White, Chair  
and Members of Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: CAREER CRIMINAL PROSECUTION**

In accordance with Ordinance No. 4861 Bill 57 (2018) Fiscal Year 2019 Budget, we are hereby transmitting to you a copy of the notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division for the program listed above, grant number 18-CCP-01 (YEAR 2) for the period of July 1, 2018 - June 30, 2019 in the amount of \$144,736 for FY19.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at ext. 7632.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Minatoya".

Richard Minatoya, Deputy Prosecuting Attorney  
for JOHN D. KIM, Prosecuting Attorney

Enclosure

C: Department of Finance; Ortaine Acidera

COUNTY COMMUNICATION NO. 18-269

DAVID Y. IGE  
GOVERNOR



DOUGLAS S. CHIN  
ATTORNEY GENERAL

RUSSELL A. SUZUKI  
FIRST DEPUTY ATTORNEY GENERAL

**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
**CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION**  
235 S. BERETANIA STREET, SUITE 401  
HONOLULU, HAWAII 96813  
(808) 586-1150  
hawaii.gov/ag/cpja

October 31, 2017

The Honorable John D. Kim  
Prosecuting Attorney  
Department of the Prosecuting Attorney  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Kim:

Enclosed is the fully executed contract for the following project:

Project Number:	18-CCP-01
Grantee:	Maui Department of the Prosecuting Attorney
Project Title:	Career Criminal Prosecution
Project Period:	July 1, 2017 – June 30, 2019
Project Costs:	\$144,736 State Funds (Year 1)

If you have any questions or concerns regarding the contract, please call Shaleigh Tice, Branch Chief, at (808) 586-1157 or email her at [Shaleigh.K.Tice@hawaii.gov](mailto:Shaleigh.K.Tice@hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Ebato".

Julie Ebato  
Administrator

JE/ST  
Enclosure  
c: CPJAD Fiscal

2017 OCT 31 11 25 AM  
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2017 OCT 31 11 25 AM  
HAWAIIAN ATTORNEY GENERAL  
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AGREEMENT

CAREER CRIMINAL PROSECUTION PROGRAM

This Agreement, dated OCT 30 2017, by and between the Department of the Attorney General, State of Hawaii, by and through the Attorney General, hereinafter referred to as the "Department," and the County of Maui, a political subdivision of the State of Hawaii, whose address is 200 South High Street, Wailuku, Maui 96793, hereinafter called "County" for the benefit of the Maui Department of the Prosecuting Attorney, which is identified as the applicant on Exhibit "B" attached hereto.

WITNESSETH THAT:

WHEREAS, Chapter 845, Hawaii Revised Statutes, establishes a career criminal prosecution program and authorizes the Department to administer the program, develop a plan of financial and technical assistance for prosecuting attorneys' offices, direct the program, and allocate and award funds to counties in which career criminal prosecution units are established in substantial compliance with the policies and criteria established by the Attorney General;

WHEREAS, the Attorney General has developed such a program entitled the "Hawaii Career Criminal Prosecution Program"

(HCCPP);

WHEREAS, the County by submitting to the Department its Application for Career Criminal Prosecution Program Grant (hereinafter "Application for Grant"), has applied to the Department for a grant of funds to be used for career criminal prosecutions; and

WHEREAS, the Department has reviewed, evaluated, and approved the County's Application for Grant;

NOW THEREFORE, the parties hereto mutually agree as follows:

A. SCOPE OF SERVICES

The County agrees to utilize the funds provided to it under this Agreement in accordance with the provisions of Chapter 845, Hawaii Revised Statutes, and the Policies and Criteria of the Hawaii Career Criminal Prosecution Program (hereinafter "Policies and Criteria"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, to provide the services described in the Policies and Criteria and the Application for Grant, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

B. PERFORMANCE REQUIREMENTS

1. The County shall comply with the performance and reporting requirements set forth in the Policies and Criteria.

2. Upon request of the Department, representatives of the County shall meet with representatives of the Department to discuss the services performed hereunder.

3. The County shall maintain accounting procedures and practices in accordance with generally accepted governmental accounting principles and shall maintain books, records, documents and other evidence which sufficiently and properly reflect all County's performance under this Agreement. The books, records, and documents shall be subject at all reasonable times to inspection, review, or audit by the Department, or by any duly authorized agent or representative of the Department.

4. The County shall retain for a minimum period of three years and permit the Department, or any duly authorized agent or representative of the Department, to inspect and have access to any documents, papers, books, records, and other evidence which are pertinent to this Agreement and which are necessary to enable the Department, or any duly authorized agent or representative of the Department, to conduct surveys, audits, and examinations of the County's performance under this Agreement.

5. No funds provided under this Agreement shall be used to pay for any construction costs without the prior written approval of the Department.

6. All nonexpendable personal property purchased

with grant funds shall be used solely for HCCPP purposes, unless otherwise approved by the Department.

7. In the event that the County obtains any of the goods or services described in the budget, which is part of the Application for Grant, at no cost, or at a reduced cost, or achieves other cost savings during the term of this Agreement, the County shall report such savings to the Department and expend such savings solely for HCCPP purposes, in a manner approved in writing by the Department.

8. County shall submit quarterly financial reports fifteen (15) calendar days after the end of each calendar quarter.

9. County shall submit semi-annual statistical performance reports on a form approved by Department. The report for the period July 1 through December 31 is due 31 days after the end of the reporting period. The report for the period January 1 through June 30, and a cumulative fiscal year report (July 1 through June 30) are due 31 days after the end of the reporting period.

C. PERIOD OF AGREEMENT

This agreement shall commence on July 1, 2017 and terminate on June 30, 2019, unless sooner terminated as hereinafter provided in Section J or if funds are not available for expenditure; provided that the County shall remain obligated

to provide the last cumulative fiscal year report as provided above, even though the term has expired.

D. SUBCONTRACTS AND ASSIGNMENTS

None of the work or services covered by this Agreement shall be subcontracted or assigned without the prior written approval of the Department.

E. SERVICES AS INDEPENDENT CONTRACTOR

In the performance of services required under this Agreement, the County shall be an independent contractor with the authority to control and direct the performance and details of the work and services required under this Agreement; however, the Department shall have a general right to inspect work in progress to determine whether the work is being performed by the County in accordance with the provisions of this Agreement.

F. COMPENSATION

Subject to the continuing availability of funds, the Department agrees to pay the County for services satisfactorily performed under this Agreement, a sum not to exceed one hundred forty-four thousand, seven hundred thirty-six and 00/100 (\$144,736.00) for services performed during fiscal year July 1, 2017 to June 30, 2018 and a sum not to exceed one hundred forty-four thousand, seven hundred thirty-six and 00/100 (\$144,736.00) for services performed during fiscal year July 1, 2018 to June 30, 2019. Such amounts shall represent the total

maximum compensation to be made available to the County in exchange for the services it provides and the materials, supplies, equipment, overhead, taxes, and other incidentals and operating expenses it incurs under this Agreement.

G. METHOD OF PAYMENT

1. It is understood by the County that the funds appropriated to the Department for purposes of this Agreement are subject to the allotment system contained in Chapter 37, Hawaii Revised Statutes, and consequently may be reduced or restricted by the State Director of Finance in the event of a shortfall in state revenues.

2. Payments to the County shall be made in accordance with and subject to the following provisions:

a. Upon request by the County in a form acceptable to Department, payment shall be made in four installments per year. County may request twenty-five (25%) of available funds, at the beginning of each calendar quarter.

b. The budget for fiscal year July 1, 2017 to June 30, 2018 is attached hereto as part of Exhibit "B" and incorporated herein by reference. On or before May 15, 2018, or when otherwise designated by Department, the County shall submit to Department its program budget for fiscal year July 1, 2018 to June 30, 2019 for review and approval by the Department.

c. If at any time during the term of this



Agreement, the Department discovers that the County has expended funds received under this Agreement for purposes or services that are not allowed under this Agreement, the Department shall request that the County use other funds for said purposes or services. In the event that the County refuses to comply with said request, the Department may deduct an amount equivalent to the unallowable expenses from the next payable installment or may withhold payment of the amount of moneys equivalent to the questioned expenditure until later resolution of the discrepancy by audit or other means, or, if payment of the last installment has already been made, require that an equivalent amount of moneys be refunded to the Department.

d. All payments shall be made in accordance with and subject to Chapter 40, Hawaii Revised Statutes, which specifies the accounting procedures and controls applicable to payments out of the treasury of the State of Hawaii.

H. CONFIDENTIAL MATERIAL

All parties agree to comply with all applicable federal, state, or county laws or rules governing confidentiality of material prepared or assembled under this Agreement.

I. MODIFICATION OF AGREEMENT

Any modification, alteration, or change to this Agreement other than to the "Application For Grant" (attached

hereto as part of Exhibit "B") or to the period during which this Agreement is in effect in Section C, including increases (subject to the availability of funds) or decreases in the amount of compensation, shall be reduced to a written supplemental agreement and executed by County and the Attorney General or the Attorney General's designee. Modifications, alterations or changes to provisions of the "Application For Grant" may be requested by County, approved by the Administrator of the Crime Prevention and Justice Assistance Division or the Administrator's designee on Department's behalf, and made by substituting or inserting the revisions in Exhibit "B." Modifications, alterations or changes to the period during which this Agreement is in effect may be requested in writing by County or Department, up to forty five (45) days before the Agreement would otherwise terminate, and shall be effective as of the date approved by the Administrator of the Crime Prevention and Justice Assistance Division or the Administrator's designee (if requested by County) or County (if requested by Department) and made by attaching a party's written request with the other party's written approval thereon to this Agreement.

J. TERMINATION OF AGREEMENT

If, for any reason, the County fails to satisfactorily fulfill in a timely or proper manner its obligations under this

Agreement, or if the County breaches any of the promises, terms, or conditions of this Agreement and, having been given reasonable notice of and opportunity to cure any such default, fails to take satisfactory corrective action within a reasonable time specified by the Department, the Department shall have the right to terminate this Agreement by giving written notice to the County of such termination thirty (30) calendar days before the effective date of such termination.

In the event of termination, the County shall be entitled to receive only such compensation as shall have been satisfactorily earned prior to the effective date of termination. The Department shall determine the amount of work satisfactorily completed and the amount of compensation satisfactorily earned.

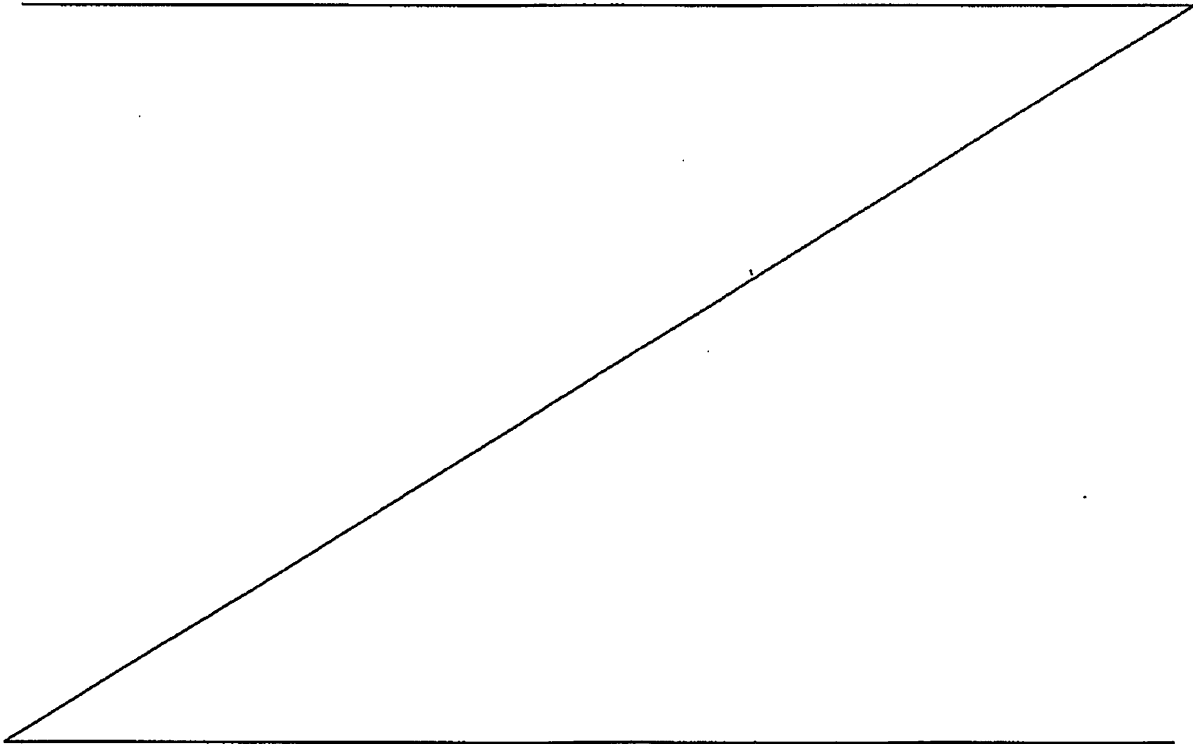
K. WAIVER

It is expressly understood and agreed that no waiver granted by the Department on account of any violation of any covenant, term or condition of this agreement shall constitute or be construed in any manner as a waiver of the covenant, term, or condition or the right to enforce the same as to any other further violation.

L. NONDISCRIMINATION

County will comply with the non-discrimination requirements: Title VI of the Civil Rights Act of 1964 (with


respect to race, sex, religion, creed, national origin), Title VII of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 (handicap), as amended, Title IX of the Education Amendments of 1972 (race, sex, religion, creed, national origin), the Age Discrimination Act of 1975 (age), Executive Order 12138, 44 C.F.R. 29637 (affirmative action for women's business), the United States Department of Justice Non-Discrimination Regulations, 28 C.F.R., Part 42, Subparts C, D, E and G, the Americans with Disabilities Act of 1990 42 U.S.C. §§ 12101 et seq., and the Hawaii State Fair Employment Practices Act, Chapter 378, Hawaii Revised Statutes.

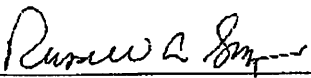


IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first above written.


DEPARTMENT OF THE ATTORNEY GENERAL  
STATE OF HAWAII ("DEPARTMENT")


APPROVED AS TO FORM


  
Deputy Attorney General  
State of Hawaii

By   
Name Russell A. Suzuki  
Its First Deputy Attorney  
General  
Date 10-30-12

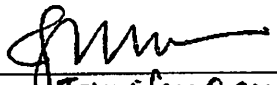
COUNTY OF MAUI ("COUNTY")

By   
Name Alan M. Arakawa  
Its Mayor  
Date 10/12/17

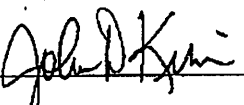
By   
Name Lynn Ash Regn  
Its Budget Director

By   
Name ~~Danilo F. Agsalog~~ Mark R. Walker  
Its Director of Finance  
Acting

Approved as to Form and Legality:

By   
Name Jennifer Oana  
Its Deputy Corporation Counsel/County Attorney

Approval Recommended:

By   
Name John D. Kim  
Its Prosecuting Attorney for the County



Adopted by the Attorney General and the County Prosecuting Attorneys of the State of Hawaii, pursuant to chapter 845, Hawaii Revised Statutes, and revised October 1980 and October 1985.

EXHIBIT A

**POLICIES AND CRITERIA  
HAWAII CAREER CRIMINAL PROSECUTION PROGRAM**

**I  
ESTABLISHMENT OF  
HAWAII CAREER CRIMINAL PROSECUTION PROGRAM (HCCPP)**

Chapter 845, Hawaii Revised Statutes, established a statewide career criminal prosecution program, “whose purpose shall be the investigation and prosecution of those persons identified as habitual or career criminals.” The Department of the Attorney General is responsible, by the statutory provision, for administering the program and developing a plan of financial and technical assistance for prosecuting attorneys’ offices. Further, the Attorney General is responsible for directing the program and may allocate and award funds to counties in which career criminal prosecution units are established, in substantial compliance with the Policies and Criteria established by the Attorney General.

**II  
CONCEPT**

The purpose of these Policies and Criteria for the HCCPP is to establish guidelines from which each county prosecuting attorney can implement a career criminal prosecution unit. The HCCPP is conceptually based upon the establishment of a highly skilled prosecutorial unit within each county prosecuting attorney’s office. The HCCPP unit shall focus its efforts on investigating and prosecuting those persons who are identified as career criminals. Criteria established by Chapter 845, Hawaii Revised Statutes, shall serve to identify the career criminal. Once a determination is made that the unit will undertake a case, the HCCPP unit will handle all matters relating to the case, e.g., bail hearings, preliminary hearings, grand jury,

arraignments, all pretrial motions, trial, appeals, and, finally, sentencing hearings. The foregoing method assures a continuity and quality of effort now perhaps lacking in most prosecutorial offices because of existing caseload. Another desirable feature of the program is the envisioned close coordination between and among agencies within the criminal justice system.

These special units will consist of experienced prosecutors who are willing to expend the long hours and hard work necessary to successfully prosecute the career criminal. It will be necessary to compensate members of these units adequately, not only to attract talented people, but also to engender reasonable periods of tenure for the development of expertise and continuity of effort.

The Department of the Attorney General shall administer the program and has developed a plan of financial and technical assistance for prosecuting attorneys' offices. Further, the Attorney General shall monitor the expenditure of funds to counties in which career criminal prosecution units are established to assure compliance with Section 845, Hawaii Revised Statutes, and with the policies and program plan established by the Attorney General.

### III OPERATIONS

The HCCPP shall be operated with a view towards quickly identifying, prosecuting, and convicting those persons who make a career of crime, and, moreover, to seek sentences of these career criminals which will meaningfully guarantee members of the community their right of security and protection. The right of the people to be secure is no less important than any other rights guaranteed by our Constitution, and we in law enforcement must strive to provide the people of our communities with the safety they deserve.



The prosecutors' focus, therefore, is on the offender and not simply the crime.

Career criminals do not distinguish between the types of crimes they commit.

As indicated, once the offender has been identified as a career criminal, his case is prosecuted by the same attorney from arrest to disposition. This is often referred to as vertical, as opposed to horizontal, prosecution. The same prosecutor represents the State at pretrial proceedings, trial, sentencing, appeal and even at all post-conviction hearings. Vertical representation will provide swift and effective prosecution of the career criminal. Personal contact between the same deputy prosecuting attorney and victims and witnesses throughout the various stages of prosecution will create a good working relationship and will greatly enhance prosecution effectiveness. The deputy is aware, at all times, of all facets of the case, including witness, victim, or evidence problems, and everything that has happened in the case from arrest to disposition. Vertical prosecution will also allow great success in the handling of appeals. Again, the prosecuting attorney knows of problems that occurred during the trial, knows the reasoning of the trial court for its ruling, and is better able to provide to the appellate court insight into the problems of the case and the reasons for the rulings at the trial level.

The criteria to determine career criminals shall be submitted to the police to permit early identification. This permits the prosecutor to complete his evaluation while the details are still fresh in the minds of the witnesses and police. It enables the prosecutor to immediately prepare those cases which can be prosecuted as career criminal and to quickly refer to normal procedures those cases which cannot. Once identified as a career criminal, or where several individuals are involved and one of them is identified as a career criminal, the intake prosecutor transmits the case to the career criminal prosecution unit where a career criminal

prosecutor is assigned the case as soon as possible. That prosecutor will immediately begin handling the case through every phase of the proceeding.<sup>1</sup>

#### IV GOAL

Conviction and incarceration of those designated career criminals.

#### V OBJECTIVES

##### A. Operational

1. Incarceration of the career criminal at all stages of the criminal justice progress.
2. Conviction on the most serious charge, whether by plea or trial.
3. Expedited processing of cases in the criminal justice system.
4. Maximum incarceration of convicted career criminals.

##### B. Administrative

1. Establishment of training programs for members of the units.
2. Establishment of procedural manuals that are to be maintained and reviewed yearly.
3. Establishment of periodic meetings and procedures to exchange ideas, techniques, and names of targeted individuals among the units.

---

<sup>1</sup> Where an individual is identified as a career criminal at a later stage of the process, the case would then be transmitted to the career criminal prosecution unit for assignment to a career criminal prosecutor.

4. Development of a computer-based system of tracking and identifying career criminals.

5. Establishment of periodic and uniform compilation of unit statistics.

## VI POLICIES

- A. Vertical prosecution will be utilized to process career criminal cases.
- B. Cooperation with police and other law enforcement agencies.
- C. Use of experienced prosecutors and investigators whenever possible.
- D. Statewide cooperation between criminal units.
- E. Independence of career criminal units to allow flexibility to meet individual county needs.
- F. Limited plea bargaining when the end of justice will be served.
- G. Expedited case processing.
  - 1. Early identification of the career criminal.
  - 2. Reduced caseloads per prosecutor.
- H. Opposition to parole, probation, and pretrial release where there is a realistic chance of success.
- I. Increased sentencing efforts to incarcerate the career criminal.
- J. Strong legislative lobbying efforts.
- K. Public education of the efforts of the career criminal units.

VII  
UNIFORM CRITERIAL FOR  
IDENTIFYING THE CAREER CRIMINAL

Time saved at the front end of a case usually means a speedier disposition. It follows, therefore, that early identification by the police and prosecutor of the career criminal is important. The measure of a defendant's proclivity to crime can best be attested to by the history of his arrests and convictions.

Chapter 845, Hawaii Revised Statutes, adopts the criteria for the determination of career criminals. Section 845-3, Hawaii Revised Statutes, as amended by Act 166, 1980 Hawaii Sess. Laws 275, provides as follows:

§ 845-3 Persons subject to career criminal prosecution efforts. (a) An individual shall be the subject of career criminal prosecution efforts if he falls into categories 1, 2, or 3 in subsection (b) and may be the subject of career criminal prosecution efforts if he falls into any other category of subsection (b).

(b) Subject to the restrictions in subsection (a), career criminal prosecution applies to 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 as extensive juvenile record.
- (11) Is a juvenile with an extensive record who has been waived to the Circuit Court for trial.

### VIII ORGANIZATION AND PERSONNEL

The State of Hawaii is divided into four judicial circuits with each county comprising one circuit and each county having a prosecuting attorney with authority to prosecute crimes committed within his jurisdiction. The Attorney General has statewide authority to prosecute offenders against the laws of the State.

To establish career criminal prosecution units outside the office of each county prosecutor would prove wasteful as each county has an existing organization and office procedures which can, with the assistance of state funding, absorb the special unit into the existing system. Therefore, the Attorney General will monitor and evaluate the expenditure of state funds granted under this program. It will be the primary responsibility of each county prosecutor to implement, in accordance with program guidelines, a career criminal prosecution unit within the prosecutor's office and successfully prosecute the career criminal.

The Hawaii Prosecuting Attorneys Association, which meets regularly, will exchange ideas and discuss the efforts of all county, state, and federal officials in combating crime, and, in particular, the career criminal.

This program envisions the cooperation between county, state, and federal governments in accomplishing the HCCPP goals of the successful prosecution of the career criminal.

## IX FUNDING OF UNITS

Funding for financial and technical assistance for the implementation of HCCPP units established by the prosecuting attorneys' offices shall be contingent upon annual legislative appropriations to the Department of the Attorney General for said purposes.

Requests for state funding under this program shall be submitted by each county on an HCCPP Application for Grant form. Upon approval of the application, a contract will be entered into between the Attorney General and the county. Funding will be released in a semi-annual basis.

## X REPORTING REQUIREMENTS

Each county program shall submit to the Attorney General, on a semi-annual basis, information and statistical data relative to HCCPP activities engaged in during the six-month reporting period. Such information and data shall include but not be limited to: number of pending cases at the start of each reporting period; number of career criminal cases opened;

number of indictments returned, preliminary hearings held, and complaints filed; total caseload; total cases disposed of and nature of disposition; total cases dismissed by prosecution, by court before trial, and by acquittal; total cases in which a defendant was convicted as charged by plea and after trial; total cases in which a defendant was convicted by plea or trial to a lesser offense; percentage of trials won; dispositions of convictions (number of incarcerations, percentage of incarcerations to total, number of incarcerations to community correctional facilities; number of cases sentenced to prison terms; number of cases sentenced to regular terms, extended terms, and probations; number of cases allowed to enter a deferred-acceptance-of-guilty plea; total number of pending cases at the end of the reporting period; and total number of warrants outstanding.

# HAWAII CAREER CRIMINAL PROSECUTION PROGRAM STATISTICS

Period: \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_

	<u>Defendants</u>	<u>Counts</u>
Pending (from the last reporting period)	_____	_____
Cases referred and screened	_____	_____
Total cases rejected	_____	_____
Total cases opened during period by:		
Complaint	_____	_____
Preliminary hearing	_____	_____
Indictment	_____	_____
Total Dispositions	_____	_____
Total dismissed		
by prosecution	_____	_____
partial dismissals	_____	_____
by court, prior to trial	_____	_____
partial dismissals	_____	_____
Total acquitted	_____	_____
partial acquittals	_____	_____
Total convicted	_____	_____
by plea	_____	_____
as charged*	_____	_____
to lesser charge*	_____	_____
by trial	_____	_____
as charged*	_____	_____
of lesser charge*	_____	_____
Dispositions of Convictions		
Probation with jail term	_____	_____
Probation with no incarceration	_____	_____
Prison – regular term	_____	_____
Prison – enhanced term	_____	_____
DAG/DANC	_____	_____
Total Probation Revocations Filed	_____	_____
Revoked	_____	_____
Denied/withdrawn	_____	_____
Total Pending at end of period	_____	_____
Outstanding warrants	_____	_____
Pending indictment	_____	_____
Pending Trial	_____	_____
Pending sentencing	_____	_____
Total cases on appeal	_____	_____

\*For Dept. of AG use only

AG/CPJA 9/2013



## **CAREER CRIMINAL PROSECUTION PROGRAM STATISTICS**

### **Definitions**

**Period (of reporting)**

Report periods are January 1 through June 30 and July 1 through December 31.  
Statistical reports due to CPJAD by 2<sup>nd</sup> week at the close of the period.

**Defendants**

the individuals accused/charged with felonies and related misdemeanor offenses.

**Counts**

the number of offenses an individual is charged with.

**Pending from the last reporting period**

the number of cases with no dispositions reported from the last statistical report (pending at end of the period).

**Cases referred and screened**

the number of police reports reviewed by the Career Criminal unit during the period.

**Cases rejected**

police reports reviewed and rejected during the period; also those cases rejected after a case is opened but prior to the commencement of prosecution.

**Total cases opened during the period**

Complaint: complaints filed; includes waiver of indictment after indictment and preliminary hearing  
Preliminary hearing: self-explanatory  
Indictment: self-explanatory

**Total dispositions**

disposition of cases carried over from previous reporting period and those opened during the current reporting period. The total should reflect the dispositions of those dismissed, acquitted, and convicted.

**Total dismissed by prosecution**

number of individuals whose cases were totally dismissed, and number of counts dismissed by the government after prosecution commenced.

**Total dismissed by prosecution, partial dismissal**

number of counts which were dismissed (for cases which not all counts were dismissed by prosecution).

**Total dismissed by court, prior to trial**

number of individuals whose cases were totally dismissed; includes Grand Jury indictments, and the number of counts dismissed by the court after prosecution.

Total dismissed by court prior to trial, partial dismissal  
number of counts which were dismissed (for cases which not all counts were dismissed  
by court).

Total acquitted  
number of individuals whose cases were totally acquitted, and the number of counts  
resulting in acquittal.

Total acquitted, partial acquittal  
number of counts which were acquitted (for cases which not all counts were acquitted).

Total convicted  
Self-explanatory  
by plea – self-explanatory  
by trial – self-explanatory  
as charged – self-explanatory; counts only  
to lesser charge – self-explanatory; counts only

Dispositions of Convictions (individuals only)  
Probation with no incarceration – includes adverse modifications to probation  
Probation with jail term – probation with a jail term of 12 months or less  
Prison, regular term – self-explanatory  
Prison, enhanced term – includes mandatory minimum and extended term, and  
consecutive term  
DAG/DANC – DAG and DANC pleas, with or without incarceration

Revocations of Probation Filed  
Revoked – probation revoked  
Denied/Withdrawal – includes both instances when probation revocation is denied or  
withdrawn

Total Pending at end of period – the number of defendants/counts with no disposition at end of  
the reporting period

Outstanding warrants – self-explanatory  
Pending trial – self-explanatory  
Pending sentencing – self-explanatory  
Pending indictment – includes screening of cases

Total cases on appeal – self-explanatory

NOTE: Only felony and misdemeanors related to the felony cases are to be reported on this  
sheet. Misdemeanor cases (district court) are to be reported separately.

AG CPJA 9/2013

DEPARTMENT OF THE ATTORNEY GENERAL  
Crime Prevention and Justice Assistance Division  
235 South Beretania Street, Suite 401  
Honolulu, Hawaii 96813

APPLICATION FOR  
CAREER CRIMINAL PROSECUTION PROGRAM GRANT

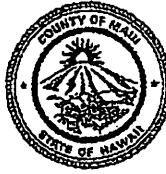
PART I - TITLE PAGE

- A. PROJECT TITLE Career Criminal Prosecution
- B. APPLICANT AGENCY County of Maui, Department of the  
Prosecuting Attorney
- C. ADDRESS 150 S. High Street  
Wailuku Hawaii 96793
- D. PROJECT DURATION From: 7/1/2017 To: 6/30/2019
- E. TOTAL FUNDS REQUESTED FY18 - \$144,736  
FY19 - \$144,736
- F. PROJECT DIRECTOR  
Name: John D. Kim  
Title: Prosecuting Attorney  
Telephone: " 808-270-7777 Fax: 808-270-7625  
E-mail: John.Kim@co.maui.hi.us
- G. FINANCIAL OFFICER  
Name: Ashley Tang  
Title: Account Clerk  
Telephone: 808-270-7655 Fax: 808-270-7625

FOR CPJAD USE	
Date received: <u>SEP 18 2017</u>	Project Number: <u>18-CCP-01</u>

EXHIBIT B

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625  
July 13, 2015

## II. PROGRAM DESCRIPTION

The Career Criminal Prosecution Program (CCP), is carried out by the County of Maui, Department of the Prosecuting Attorney, prosecutes those persons who fall within the enumerated categories established in Section 845-3, Hawaii Revised Statutes. The Maui CCP Program follows the guidelines contained in the Hawaii Prosecuting Attorney's Association "Policies And Criteria -Hawaii Career Criminal Prosecution Program." (Exhibit A).

The Maui CCP Program will assign one Deputy Prosecuting Attorney for FY2018 and FY2019. Requested funds of \$144,736 for the FY 2018, will be used to pay salary and associated fringe benefits.

The primary function of the CCP Program is to identify, expeditiously prosecute, and convict persons who are career criminals. The maximum possible sentence is sought, thereby providing a measure of public safety in Maui County.

The determination whether a person is to be prosecuted as a career criminal is made by the Deputy Prosecutor in the CCP Program. This decision is based on whether the defendant can be identified as a career criminal as defined by one or more of the categories contained in Section 845-3, HRS. Following a screening decision, the Deputy Prosecutor brings the case before the Grand Jury, Preliminary Hearing, or files an Information Charging. After a defendant is arraigned, the case is automatically assigned to the CCP Deputy Prosecutor, or it may be assigned by the CCP Deputy Prosecutor to another experienced Deputy Prosecutor in the Department funded by Maui County. This provides continuity for both Deputy Prosecutor and victims and witnesses, less duplication of effort, and lends to a more effective prosecution. Due to the high volume of cases and staff shortages in the CCP program, and only one Deputy Prosecutor funded by the State, other senior Deputy Prosecutors are assigned to handle CCP cases. CCP statistics are kept by the Law Technician assigned to the unit.

The CCP cases often concern more serious crimes and their prosecution is usually highly complex and labor intensive.

## II. continued -PROGRAM DESCRIPTION -Department of the Prosecuting Attorney, Maui County

In FY 2016, there were 704 cases referred and screened. 317 cases were rejected/declined and the total cases opened during the fiscal year was 360. There were 235 defendants were convicted, 231 by plea, and 4 by trial. All 204 defendants were sentenced with prison term, 194 with 4 to 5 years (64%), 6 with 10 years, and 32 with 30 days to 2 years (28%). 17% of prisoners were females.

In FY 2017, there were 647 cases referred and screened. 273 cases were rejected/declined and the total cases opened during the fiscal year was 356. There were 173 defendants convicted, 168 by plea and 5 by trial. 270 defendants were sentenced with prison term, 127 with 4 to 5 years imprisonment (62%), 6 with 10 years imprisonment, and 133 defendants with 6 days to 2 years of imprisonment (26%). 17% of prisoners were females.

Management of the Program will be monitored by John D. Kim, Prosecuting Attorney.

Carson Tani, Senior Deputy Prosecutor, for the supervisor for the CCP Unit and has worked with this Department since October 14, 1991. See attached resume.

Data is collected from the Department's criminal database. There are six reports that can be accessed at any given time which provides the defendants' names, charges, convictions, years of imprisonment, discharges, and dispositions. The reports are analyzed to assess the increase/decrease of referrals, the types of crimes, the years of imprisonment and other information to change or stay status quo for prosecution strategies. CCP reports are also used as a tool for increasing/decreasing staff.

CARSON F. TANI  
2158 Main Street, Apt. 501  
Wailuku, HI 96793  
(808) 243-2296

EXPERIENCE

County of Maui, Department of the Prosecuting Attorney  
150 South High Street  
Wailuku, HI 96793  
(808) 270-7630  
Deputy Prosecuting Attorney from 10/91 to present

Currently assigned to circuit court as a team leader for courtroom 3.  
Responsibilities include felony jury trials and supervising courtroom 3 attorneys. Previous experience include several years in district court, family Court, and screening. Responsibilities included presenting cases at felony grand jury and preliminary hearings, and misdemeanor bench trials.

Jay Matsumaru and Associates  
Ala Moana Pacific Center  
Associate from 4/91 to 10/91

Responsibilities included preparing articles of incorporation and bylaws and reviewing contracts.

EDUCATION

University of Colorado School of Law  
Boulder, Colorado  
JD 1990

University of Colorado  
Boulder, Colorado  
BS in Finance 1984

PROFESSIONAL  
LICENSES

Licensed to practice law in Colorado and Hawaii

REFERENCES

Available upon request

**PART III. BUDGET DETAIL AND EXPLANATION**

**BUDGET DETAIL: FY 2016 & FY 2017**

COST ELEMENT					AMOUNT
<b>A. Salaries and Wages</b>					
Position Title	No. of Positions	Monthly rate	Subtotal		
Deputy Prosecuting Attorney	1	\$9995.25	119,943.00		
@12 months		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
Position Title	No. of Positions	Hourly Rate	No. of Hours	Subtotal	
		\$		\$	
		\$		\$	
		\$		\$	
		\$		\$	
<b>Total Salaries and Wages</b>					<b>\$119,943.00</b>
<b>B. Fringe Benefits</b>					
		Employee Benefits 1@56.62%			
Position Title	No. of Positions	Monthly Rate	Subtotal		
Deputy Prosecuting Attorney	1	\$5659.31	\$24,793.00		
@4.25 months		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
Position Title	No. of Positions	Hourly Rate	No. of Hours	Subtotal	
		\$		\$	
		\$		\$	
		\$		\$	
		\$		\$	
<b>Total Fringe Benefits</b>					<b>24,793</b>
<b>C. Consultants/Contracts</b>					
Scone of Consultant/Contract	Estimated Cost	Length of Consultant/ Contract Service	Select as Aopropriate		
	\$		D Consultant	D Contract	
	\$		D Consultant	D Contract	
	\$		D Consultant	D Contract	
	\$		D Consultant	D Contract	
	\$		D Consultant	D Contract	

Total Consultants					\$0
<b>COSTELEMMENT</b>					<b>AMOUNT</b>
<b>D. Transportation and Subsistence</b>					
Itemize for mainland/interisland airfare, ground transportation, rental car, per diem	Unit Cost	No. of Travelers as applicable	No. of Days	Subtotal	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
	\$			\$	
<b>Total Transportation and Subsistence</b>					\$0
<b>E. Office Supplies</b>					
Itemize supplies and related costs such as printing, paper, binders, etc.	Quantity	Cost by Unit	Subtotal		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
<b>Total Office Supplies</b>					\$0
<b>F. Equipment</b>					
Specify equipment that will be purchased, leased, or rented.	Quantity	Cost by Unit	Subtotal		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
<b>Total Equipment</b>					\$0



COST ELEMENT				AMOUNT
G. Other Costs	Quantity	Cost by Unit	Subtotal	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
Total Other Costs				\$0
<b>TOTAL PROJECT COSTS</b>				<b>\$144,736</b>

**BUDGET EXPLANATION:**

**A. Salaries and Wages**

The salary for the Deputy Prosecuting Attorney position will be paid by grant funds.

**B. Fringe Benefits**

The composite fringe benefit rate is at 56.62% for the Deputy Prosecuting Attorney Position .  
The rate consists of the following fringe benefit items and computed rates: See attachment

Salary (12Months) = 119,943.00(Actual)

Total amount need to cover Fringe Benefits = \$ 67,911.73(Actual)

Total: =187,854.73 (Actual)

Grant fund - 144,736.00 Grant Award

County of Maui will cover the shortfall of \$43,118.73 to cover the balance of the Fringe Benefits.

**C. Consultants/Contracts**

0

**D Transportation and Subsistence**

0

**E. Office Supplies**

0

**F. Equipment**

0

**G. Other Costs**

0

ALAN M. ARAKAWA  
Mayor



DANILO F. AGSALOG  
Director

MARK R. WALKER  
Deputy Director

COUNTY OF MAUI  
**DEPARTMENT OF FINANCE**  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

October 4, 2016

**MEMORANDUM**

TO: ALL DEPARTMENTS AND AGENCIES

SUBJECT: EMPLOYEE FRINGE BENEFIT RATES-  
CALENDAR YEAR 2017

The County of Maui has reviewed and revised the employee fringe benefit rates utilizing the actual cost data and salary base for the prior fiscal year which ended on June 30, 2016 (Fiscal 2016). These rates are to be used from January 1, 2017 through December 31, 2017 (Calendar 2017). Please note that there are no anticipated changes for July 1, 2017 as in previous years.

**EMPLOYEE FRINGE BENEFIT RATES  
BASED UPON EMPLOYER'S CONTRIBUTION**

	<u>Personnel (except Police &amp; Fire)</u> <u>1/1/17</u>	<u>Police &amp; Fire</u> <u>1/1/17</u>
Employee's Retirement System (ERS)	17.00%	25.00%
Social Security/Medicare	<u>7.65</u>	<u>1.45</u>
Subtotal	24.65%	26.45%
Unemployment	10.31%	10.31%
Workers' Compensation (a)	<u>3.80</u>	<u>6.07</u>
Rate	14.11%	16.38%
Medical, Drug, Dental, Vision, Life	17.86%	17.86%
Other Post Employment Benefits (OPEB)	<u>9.11%</u>	<u>9.11%</u>
Total Employer's Contribution	65.73%	69.80%

56.62%

**LEAVE BENEFITS**

Vacation	8.08%	8.08%
Sick	5.00	5.00
Holiday	5.00	5.00
Others (Admin Leave, Union)	<u>.77</u>	<u>.77</u>
Total Leave Benefits	18.85%	18.85%
Total Fringe Benefit Rate (OT & Straight Time)	84.58%	88.65%

(a) Please use the following Workers' Compensation rates for the following classifications: Refuse workers: 12.85%; Firefighters: 6.07%; Police Officers: 4.49%; Not Otherwise Classified: 3.80%

If you have any questions on the above employee fringe benefit rates, please call the Accounts Division.

DANILO F. AGSALOG  
Director of Finance

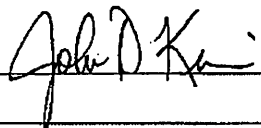
DEPARTMENT OF THE ATTORNEY GENERAL

PART IV. ACCEPTANCE OF CONDITIONS

The undersigned agrees, on behalf of the applicant agency, that:

1. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with (i) Chapter 845 Hawaii Revised Statutes; (ii) Policies and Criteria of the Hawaii Career Criminal Prosecution Program; (iii) any special conditions contained in the grant award; (iv) general and fiscal regulations of the Department of the Attorney General.
2. Any grant received as a result of this application may be terminated, or fund payment may be discontinued, by the Department of the Attorney General when it finds a substantial failure to comply with the foregoing provisions, the application obligations or for non-availability of funds.

SUBMITTED BY:

Signature:  Date: 9/25/2017  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Agency: \_\_\_\_\_