

GET Committee

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To: GET Committee
Cc: Donald Guzman; Robert Rivera
Subject: GET-18(6) PRE-BUDGET SESSION PRESENTATION (DEPARTMENT OF THE PROSECUTING ATTORNEY)
Attachments: Department of the Prosecuting Attorney 3.5.19 New.pptx

Attached is the PowerPoint for the above matter.

Thank you.

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Department of the Prosecuting Attorney



PRE-BUDGET SESSION PRESENTATION
MARCH 21, 2019



Mission Statement

The Department's mission statement is "to seek justice." Through competent leadership and integrity, the Prosecuting Attorney ensures that the pursuit of justice is done in a fair, effective and efficient manner through a victim-centered approach in prosecution.

The Department, in conjunction with local, state and federal law enforcement agencies, seeks to provide a safe environment for the County of Maui, its residents and visitors alike. The Department will fulfill its responsibility within the executive branch by prosecuting , with fairness and integrity, those who violate the law and cause harm to others. The Department is dedicated to maintaining the highest ethical and professional standards in the practice of criminal prosecution. Successfully achieving the Department's mission fundamentally impacts the quality of life in Maui County.

PROSECUTORIAL FUNCTIONS

Responsible for:

- Prosecution of criminal and traffic laws or rules and regulations
 - State of Hawaii
 - County of Maui
 - Agencies
 - Department of Land and Natural Resources
 - Department of Liquor of Control

ORGANIZATIONAL CHARTS

POWERS, DUTIES, AND FUNCTIONS

ACCORDING TO THE COUNTY CHARTER, THE PROSECUTING ATTORNEY SHALL:

- Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council
- Attend all courts in the county and conduct, on behalf of the people, all prosecutions therein for offenses against the laws of the State and the ordinances and rules of the county
- Appear in every criminal case where there is a change of venue from the courts in the county and prosecute the same in any jurisdiction to which the same is changed or removed
- Institute proceeding or direct the Chief of Police to do so, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of public offenses when the Prosecuting Attorney has information that any such offenses have been committed, and for that purpose take charge of criminal cases before a judge of a court of competent jurisdiction, either in person or by a deputy or by such other prosecuting officer as the Prosecuting Attorney shall designate.
- Draw all indictments and attend before the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before a judge or courts of record under the direction of the Prosecuting Attorney.
- Prosecute administrative violations of the liquor laws before the board of liquor adjudications.
- Perform such other duties and functions as shall be assigned by the mayor.

TYPES OF OFFENSES PROSECUTED:

Misdemeanor, Petty Misdemeanor, and Violation.

- Misdemeanor--punishable for up to 1 year in jail
- Petty Misdemeanor--punishable for up to 30 days in jail
- Violation--punishable with a fine

Felonies (A, B, and C), and Murder.

Class A--20 years

Class B--up to 10 years

Class C--up to 5 years

Murder in the First Degree--life without parole

Murder in the Second Degree—life with parole

Administration

The Administration Program provides essential support and tools for employees to perform their tasks effectively to achieve the department's goals and objectives. The Department provides fiscal, personnel and management services to divisions within the department. It is responsible for maintaining quality control by ensuring that professional and support staffs are highly qualified and accountable in order to carry out their duties efficiently in prosecuting and filing cases fairly and with integrity, and that justice is served for the safety of Maui County

Felony Screening

All felony cases charged must be processed through a preliminary charging process, which can be through an Indictment by a Grand Jury, a Preliminary Hearing before a Judge, or a Felony Information Charge reviewed by a Judge. The Felony Screening Division consists of four deputy prosecutors, a Felony Screening attorney supervisor, and a clerical staff of four.

The Felony Screening Division oversee(s) the charging of the majority of the felony violent and property crimes within our county. Sexual assaults committed by adult offenders remain vertically assigned to the charging Deputy within the Sexual Assault unit due to the sensitive nature (victim dynamics) of sexual assaults. This enables victims to remain with the same specially trained Deputy throughout the prosecution (judicial) process. All other felonies charged by the Felony Screening Division are re-assigned to a Circuit Court Deputy upon arraignment, based upon the courtroom assignment of the case. This change enables more focus on charging processes by Felony Screening Deputies, and more focus on trial and sentencing processes by Circuit Court Deputies.

Circuit Court

Deputy prosecutors in this division try all felony, adult Family Court offenses, and jury-demand misdemeanor trial cases. The Circuit Court Division includes the general felony prosecution unit, sexual assault unit, family court unit and drug unit. The general felony prosecution unit consists of six (6) deputy prosecutors, a Circuit Court attorney supervisor, and a clerical staff of (4) four.

This division handles the undesignated life-term offenses, all three classes of felony offenses, and all adult Family Court misdemeanor offenses, as well as the misdemeanor jury demands. Cases handled in this division generally derive from police investigations and reports that have been referred to this Department from the Maui Police Department. Welfare fraud cases are investigated and referred by the State Department of Human Services pursuant to an agreement with the State of Hawaii.

Drug Unit

There are currently four prosecutors assigned to the felony drug team and a clerical staff of two. The team is responsible for all aspects of prosecuting drug cases including: case consultations, report screening, information charging, grand jury proceedings and probation violation hearings.

This year the team continues to collaborate with Maui Police Department's Vice Division in investigating via a large-scale wiretap investigation into one of the largest drug trafficking operations (DTO) between Oahu and Maui. In addition, the team works closely with local Federal Bureau of Investigations (FBI) and Drug Enforcement Agency (DEA) agents in coordinating state/federal investigations. The Maui Prosecutor's drug team, along with MPD Vice, is the first police/prosecutor team in the state to tackle this type of operation. The two teams are the leading source of information and training for the other counties on the investigative and legal necessities needed to run a wiretap operation.

Sexual Assault Unit

The Circuit Court Division assigns some of its specially-trained Circuit Court deputies to handle (exclusively) cases involving sexual assaults committed against adults and children. Victim/Witness counselors, who have received professional education and special training, and are proficient in dealing with sexual assault issues, work closely with the designated sexual assault deputies. Cases within the Sexual Assault Unit are vertically prosecuted, with the assigned Deputy handling the case from intake/screening through and including trial.

Deputies and Victim/Witness counselors in the Sexual Assault Unit work closely and collaboratively with members of several other organizations, including the Children's Justice Center, Child Welfare Services, Child and Family Services, Sexual Assault Forensic Medical Examiners, the Maui Police Department and others. Interagency meetings, case tracking meetings, civil/criminal meetings and investigator team meetings occur on a monthly/regular basis and serve to ensure that sexual assault cases are handled through a multidisciplinary team approach.

District Court

This division currently consists of six deputy prosecutors, including a supervisor, eight clerical staff and a clerical supervisor. The deputies and support staff assigned to this division are responsible for the prosecution of all misdemeanor, petty misdemeanor, and traffic offenses in the five districts (Wailuku, Lahaina, Hana, Molokai, and Lanai) of the Second Judicial Circuit. In addition, the District Court Division reviews and prosecutes violations of county and state ordinances submitted by the Maui Police Department, County Parks Division, the Maui Humane Society, State of Hawaii Department of Land and Natural Resources, and the Airport Department of Transportation Division.

Wailuku District Court continues to be the most active court, convening five days a week. The Lahaina District Court continues to operate at two court sessions a week on Monday and Wednesday. Molokai District Court convenes three a month on every second and fourth Tuesday. The Hana and Lanai District Courts are convened once every month on the first and third Tuesday, respectively.

Family Court

This division consists of one full-time deputy prosecutor assigned to juvenile prosecution and four full-time deputy prosecutors with one deputy prosecutor assigned as the team leader. They handle all domestic violence cases ranging from misdemeanor abuse cases to kidnapping and murder. In addition, there is a clerical support staff of four and one grant-funded domestic violence investigator.

Appellate Division

The Appellate, Asset Forfeiture and Administrative Services Division consists of three (3) full-time deputy prosecutors, one (1) full-time paralegal (legal assistant), and continues to handle state post-conviction, state appellate, federal district habeas corpus cases, federal appellate, state asset forfeiture cases, federal asset forfeiture cases, and liquor enforcement cases. The division also continued its handling of legislation and in-house training.

Victim Witness Division

Victim/Witness Division--1 director, 8 counselors and a clerical staff of two.

- The purpose of the division is to help ensure that victims and witnesses are treated with compassion, dignity, understanding, and respect throughout the criminal justice system. The division primarily assists in cases of serious violent crimes including homicide, sexual assaults, offenses involving child victims, abuse of household members, robbery, and physical assaults.
- The division also provides training and instruction for private and public service agencies/schools in conjunction with deputy prosecutors and members of the interagency team addressing such topics as mandated reporting, victim services, anti-bullying and mass terrorism.

Investigation Division

Composed of four General Funded investigators and one Violence Against Women Act (“VAWA”) grant-funded domestic violence investigator, this division conducted follow-up investigation for cases under review for the possible filing of charges and for cases pending trial, assisted with neighbor-island or mainland requests for investigative assistance by other law enforcement agencies, served subpoenas, conducted background investigations for specialized purposes, and performed other special duties as assigned. The grant funded domestic violence investigator position, having been funded by VAWA for 19 years continues to favorably impact the quality and quantity of follow up services available to our Domestic Violence Unit in these challenging cases.

The caseload for this division is voluminous, with the attorney to investigator ratio at approximately 7:1, and investigators responded to 4,700 requests for services in FY 18.

HOW ARE CASES GENERATED FOR OUR OFFICE?

99.5 % comes from the Maui Police Department. Traffic, violations, petty misdemeanors, misdemeanors, felonies.

Department of Land and Natural Resources--fish and game laws, cases involving undersized fish or octopus, not more than allowed, spearing of lobsters, out of season, etc. These are mostly misdemeanors.

Maui Humane Society--leash law violations, cruelty to animals.

Liquor Law Violations--the violations are usually over-service, and serving minors under 21. These cases are usually tried in the office of the liquor board.

Conflict cases--when another prosecuting agency can't prosecute an offense because of a conflict of interest, we are sometimes asked to handle that case for them.

Vacancies

85 Total EP for the Department of the Prosecuting Attorney

5 Vacancies as of December 31, 2018

- Administration Program 7.0 EP
 - 1 Vacancy - Position Filled on 2/25/19
 - Account Clerk III (Incumbent relocated to the mainland)

- General Prosecution Program 68.0 EP
 - 2 Vacancies
 - Law Tech I - Position filled on 2/1/19 (Incumbent transferred to Public Works)
 - Office Operations Assistant II – FY19 Expansion Position – Position was filled on 2/1/19, but incumbent was on the Account Clerk III list so we transferred incumbent to the Account Clerk III position on 2/25/19

- Grant Revenue Funds 10.0 EP
 - 2 Vacancies
 - 2 Victim Witness Counselor I (1 incumbent relocated to the mainland, 1 incumbent Promoted to a higher position at The Department of Housing and Human Concerns.