



# The Judiciary

State of Hawai'i

## **Supplemental Budget (2011-2013) and Variance Report (2010-2012)**

**Submitted to the  
Twenty-Sixth State Legislature**

**December 2011**



**To the Twenty Sixth State Legislature of Hawai'i  
Regular Session of 2012**

As Chief Justice of the Hawai'i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai'i State Legislature the Judiciary's FB 2011-13 Supplemental Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai'i, 1974, and Chapter 37 of the Hawai'i Revised Statutes, as amended.

Hawaii's courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

As you know, the basis for a supplemental budget differs markedly from a biennium budget. The biennial budget concept is based upon the premise that planning, evaluation, prioritization, and appropriate resource allocation were done in the previous year and that supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and special circumstances. The Judiciary is also very mindful of the State's economic situation and continuing budget deficit concerns as a result of the slowed rate of growth in general fund revenue collections for the current fiscal biennium. Considering these factors, as well as the supplemental nature of this budget period, the Judiciary has attempted to strike a balance between significant additional operating program requirements and the severe limitations on general fund resources. Accordingly, the Judiciary's general fund supplemental budget request focuses on maintaining its existing infrastructure, providing very limited resources to ensure the safety and security of juveniles held at the Hale Hoomalu Juvenile Detention Facility (HHJDF) at Kapolei, and continuing certain essential services jeopardized due to recent budget cuts. To that end, we have included a total of ten (10) new positions [including six (6) additional Juvenile Detention Workers for the HHJDF] and approximately \$1.9 million in additional supplemental general fund resources in our budget request. In addition to the HHJDF positions, these requests also include staffing [four (4) positions] to provide community service sentencing options in the Second Circuit, and additional monetary resources to continue in-custody substance abuse treatment at the Maui Community Correctional Center and on-call nursing services for juveniles at our Kapolei and Home Maluhia facilities. Resources are also requested to provide for maintenance of essential operating systems and security at the Ronald T.Y. Moon Judiciary Complex, to cover unemployment insurance benefits that will no longer be paid by the Executive Branch, and to expand court interpreter services in accordance with federal mandates.

In the special fund area, \$1,350,000 in additional Indigent Legal Assistance Fund expenditure ceiling is being requested to accommodate the significant increase in revenues expected due to Act 180, SLH 2011 provisions that increase surcharges for indigent legal fees to provide low and moderate income residents with additional access to legal services.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. Therefore, the Judiciary CIP request largely focuses on existing court buildings (Ali'iōlani Hale, Kauikeaouli Hale, and Hoapili Hale), and involves replacing essential facility components. CIP planning funding has also been included for an environmental assessment to begin the process to provide a status offender shelter and juvenile services center at the former site of the juvenile detention facility on Alder Street. This facility is vital to ensuring the continuum of services necessary to provide for Hawaii's juveniles exhibiting behaviors that could potentially lead to more serious problems with the law as they grow older and become adults.

In sum, the Judiciary recognizes the fiscal constraints imposed by the continuing economic and budget deficit concerns for the fiscal biennium. Our general fund budget request therefore is slightly more than \$134.5 million, which is just \$1.9 million more than our current budget base and still significantly less than our FY 2009 budget base of \$150 million. At the same time, we are also extremely concerned about the significant impact that the current economic environment has and will have on our citizens' access to justice. We believe that our focus on maintaining the Judiciary's existing infrastructure and continuing certain essential services jeopardized due to recent budget cuts indicates our intent to address and balance these concerns.

I know that the Legislature shares my continued commitment to preserving a fair and effective judicial system for Hawai'i. Only by having a strong, independent Judiciary that is respected and trusted by Hawaii's citizens will we be able to fulfill the responsibility that has been conferred upon us. On behalf of the Judiciary, I extend my heartfelt appreciation for your support and consideration.

Sincerely,

MARK E. RECKTENWALD  
Chief Justice  
December 16, 2011

# TABLE OF CONTENTS

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|                  |   |     |
|------------------|---|-----|
|                  | Chief Justice's Message .....                         | i   |
|                  | Table of Contents .....                               | iii |
| <b>Part I.</b>   | Introduction .....                                    | 1   |
| <b>Part II.</b>  | Operating Program Summaries .....                     | 6   |
|                  | The Judicial System .....                             | 7   |
|                  | Court Operations .....                                | 8   |
|                  | Support Services .....                                | 9   |
| <b>Part III.</b> | Operating Program Plan Details .....                  | 11  |
|                  | Courts of Appeal .....                                | 13  |
|                  | First Circuit .....                                   | 17  |
|                  | Second Circuit .....                                  | 29  |
|                  | Third Circuit .....                                   | 35  |
|                  | Fifth Circuit .....                                   | 39  |
|                  | Judicial Selection Commission .....                   | 43  |
|                  | Administration .....                                  | 45  |
| <b>Part IV.</b>  | Capital Improvements Appropriations and Details ..... | 52  |
| <b>Part V.</b>   | Variance Report .....                                 | 57  |
|                  | Courts of Appeal .....                                | 61  |
|                  | First Circuit .....                                   | 63  |
|                  | Second Circuit .....                                  | 65  |
|                  | Third Circuit .....                                   | 67  |
|                  | Fifth Circuit .....                                   | 69  |
|                  | Judicial Selection Commission .....                   | 71  |
|                  | Administration .....                                  | 73  |

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# PART I



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## Introduction

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# INTRODUCTION

The mission of the Judiciary as an independent branch of government is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.

## Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

| <b>Program Structure Number</b> | <b>Program Level<br/>I II III</b> | <b>Program I.D.</b> |
|---------------------------------|-----------------------------------|---------------------|
| 01                              | The Judicial System               |                     |
| 01 01                           | Court Operations                  |                     |
| 01 01 01                        | Courts of Appeal                  | JUD 101             |
| 01 01 02                        | First Circuit                     | JUD 310             |
| 01 01 03                        | Second Circuit                    | JUD 320             |
| 01 01 04                        | Third Circuit                     | JUD 330             |
| 01 01 05                        | Fifth Circuit                     | JUD 350             |
| 01 02                           | Support Services                  |                     |
| 01 02 01                        | Judicial Selection Commission     | JUD 501             |
| 01 02 02                        | Administration                    | JUD 601             |

## Contents of Document

This document contains the Judiciary Supplemental Budget. It has been prepared to supplement the Judiciary Budget Document presented to the Legislature in December 2010, and serves as the basis for amending the Judiciary Appropriations Act (Act 61, SLH 2011) passed by the Twenty Sixth State Legislature.

The following is an explanation of the sections contained in this document:

## Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

## Operating Program Plan Details

The Supplemental Budget is presented by major program areas. Each program area includes a financial summary, followed by narratives on the program objectives, and related data. The budget requests are listed and then discussed.

## Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and means of financing over the 6-year planning period.

## Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

## The Budget

The recommended levels of operating expenditures for fiscal year 2012-13 by major programs are as follows:

### Operating Expenditures (in \$)

| Major Program                 | MOF | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request |
|-------------------------------|-----|--------------------------|-------------------------|------------------|
| Courts of Appeal              | A   | 6,725,035                | ---                     | 6,725,035        |
|                               | W   | 243,261                  | ---                     | 243,261          |
| First Circuit                 | A   | 68,247,563               | 1,106,279               | 69,353,842       |
|                               | B   | 4,002,620                | ---                     | 4,002,620        |
| Second Circuit                | A   | 14,120,020               | 329,070                 | 14,449,090       |
| Third Circuit                 | A   | 16,673,734               | ---                     | 16,673,734       |
| Fifth Circuit                 | A   | 6,411,853                | ---                     | 6,411,853        |
| Judicial Selection Commission | A   | 85,940                   | ---                     | 85,940           |
| Administration                | A   | 20,401,512               | 434,728                 | 20,836,240       |
|                               | B   | 6,930,290                | 1,350,000               | 8,280,290        |
|                               | W   | <u>100,000</u>           | <u>---</u>              | <u>100,000</u>   |
| <b>Total</b>                  | A   | 132,665,657              | 1,870,077               | 134,535,734      |
|                               | B   | 10,932,910               | 1,350,000               | 12,282,910       |
|                               | W   | <u>343,261</u>           | <u>---</u>              | <u>343,261</u>   |

## Revenues

The projected revenues (all sources) for fiscal year 2012-13 by major programs are as follows:

### Revenues (in \$)

| Major Program    | Amount                   |
|------------------|--------------------------|
| Courts of Appeal | 80,549                   |
| First Circuit    | 37,923,370               |
| Second Circuit   | 4,614,685                |
| Third Circuit    | 5,814,569                |
| Fifth Circuit    | 2,201,024                |
| Administration   | <u>144,506</u>           |
| <b>Total</b>     | <u><b>50,778,703</b></u> |

## Cost Categories, Cost Elements, and Means of Financing

"**Cost categories**" identifies the major types of costs and includes operating and capital investment.

"**Cost elements**" identifies the major subdivisions of a cost category. The category "operating" includes personal services, other current expenses, and equipment. The category "capital investment" includes plans, land acquisition, design, construction, and equipment.

"**Means of financing**" (MOF) identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Twenty-Sixth State Legislature in accordance with the provisions of Chapter 37, Hawaii Revised Statutes.

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## **PART II**



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## **Operating Program Summaries**

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JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO.1

PROGRAM STRUCTURE NO. 01

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  |     |                     |
| Level III |     |                     |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                    | FISCAL YEAR 2012-13      |                         |                    | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|--------------------|--------------------------|-------------------------|--------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      |                          |                         |                    |                          |                         |                    |                     |                         |
|                                      | 1,917.50                 | 0.00                    | 1,917.50           | 1,917.50                 | 10.00                   | 1,927.50           | 1,917.50            | 1,927.50                |
| Personal Services                    | 98,269,716               | 0                       | 98,269,716         | 98,150,242               | 350,232                 | 98,500,474         | 196,419,958         | 196,770,190             |
| Other Current Expenses               | 44,648,504               | 0                       | 44,648,504         | 44,892,978               | 2,845,383               | 47,738,361         | 89,541,482          | 92,386,865              |
| Lease/Purchase Agreements            | 22,503                   | 0                       | 22,503             | 22,503                   | 0                       | 22,503             | 45,006              | 45,006                  |
| Equipment                            | 1,001,105                | 0                       | 1,001,105          | 876,105                  | 24,462                  | 900,567            | 1,877,210           | 1,901,672               |
| Motor Vehicles                       | 0                        | 0                       | 0                  | 0                        | 0                       | 0                  | 0                   | 0                       |
|                                      | 1,917.50                 | 0.00                    | 1,917.50           | 1,917.50                 | 10.00                   | 1,927.50           | 1,917.50            | 1,927.50                |
| Total Operation Costs                | 143,941,828              | 0                       | 143,941,828        | 143,941,828              | 3,220,077               | 147,161,905        | 287,883,656         | 291,103,733             |
| Capital & Investment Costs           | 17,074,000               | 0                       | 17,074,000         | 14,350,000               | 7,282,000               | 21,632,000         | 31,424,000          | 38,706,000              |
|                                      | <b>1,917.50</b>          | <b>0.00</b>             | <b>1,917.50</b>    | <b>1,917.50</b>          | <b>10.00</b>            | <b>1,927.50</b>    | <b>1,917.50</b>     | <b>1,927.50</b>         |
| <b>Total Program Expenditures</b>    | <b>161,015,828</b>       | <b>0</b>                | <b>161,015,828</b> | <b>158,291,828</b>       | <b>10,502,077</b>       | <b>168,793,905</b> | <b>319,307,656</b>  | <b>329,809,733</b>      |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                    | FISCAL YEAR 2012-13      |                         |                    | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|--------------------|--------------------------|-------------------------|--------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 1,875.50                 | 0.00                    | 1,875.50           | 1,875.50                 | 10.00                   | 1,885.50           | 1,875.50            | 1,885.50                |
|                                       | 132,665,657              | 0                       | 132,665,657        | 132,665,657              | 1,870,077               | 134,535,734        | 265,331,314         | 267,201,391             |
| Special Funds                         | 42.00                    | 0.00                    | 42.00              | 42.00                    | 0.00                    | 42.00              | 42.00               | 42.00                   |
|                                       | 10,932,910               | 0                       | 10,932,910         | 10,932,910               | 1,350,000               | 12,282,910         | 21,865,820          | 23,215,820              |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00               | 0.00                     | 0.00                    | 0.00               | 0.00                | 0.00                    |
|                                       | 343,261                  | 0                       | 343,261            | 343,261                  | 0                       | 343,261            | 686,522             | 686,522                 |
| G.O. Bond Fund                        | 17,074,000               | 0                       | 17,074,000         | 14,350,000               | 7,282,000               | 21,632,000         | 31,424,000          | 38,706,000              |
|                                       | <b>1,917.50</b>          | <b>0.00</b>             | <b>1,917.50</b>    | <b>1,917.50</b>          | <b>10.00</b>            | <b>1,927.50</b>    | <b>1,917.50</b>     | <b>1,927.50</b>         |
| <b>Total Financing</b>                | <b>161,015,828</b>       | <b>0</b>                | <b>161,015,828</b> | <b>158,291,828</b>       | <b>10,502,077</b>       | <b>168,793,905</b> | <b>319,307,656</b>  | <b>329,809,733</b>      |

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO.II

PROGRAM STRUCTURE NO. 01 01

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III |     |                     |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                    | FISCAL YEAR 2012-13      |                         |                    | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|--------------------|--------------------------|-------------------------|--------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      |                          |                         |                    |                          |                         |                    |                     |                         |
|                                      | 1,702.50                 | 0.00                    | 1,702.50           | 1,702.50                 | 10.00                   | 1,712.50           | 1,702.50            | 1,712.50                |
| Personal Services                    | 85,019,135               | 0                       | 85,019,135         | 85,019,135               | 350,232                 | 85,369,367         | 170,038,270         | 170,388,502             |
| Other Current Expenses               | 30,834,843               | 0                       | 30,834,843         | 30,834,843               | 1,060,655               | 31,895,498         | 61,669,686          | 62,730,341              |
| Lease/Purchase Agreements            | 22,503                   | 0                       | 22,503             | 22,503                   | 0                       | 22,503             | 45,006              | 45,006                  |
| Equipment                            | 547,605                  | 0                       | 547,605            | 547,605                  | 24,462                  | 572,067            | 1,095,210           | 1,119,672               |
| Motor Vehicles                       | 0                        | 0                       | 0                  | 0                        | 0                       | 0                  | 0                   | 0                       |
|                                      | 1,702.50                 | 0.00                    | 1,702.50           | 1,702.50                 | 10.00                   | 1,712.50           | 1,702.50            | 1,712.50                |
| Total Operation Costs                | 116,424,086              | 0                       | 116,424,086        | 116,424,086              | 1,435,349               | 117,859,435        | 232,848,172         | 234,283,521             |
| Capital & Investment Costs           | 0                        | 0                       | 0                  | 0                        | 0                       | 0                  | 0                   | 0                       |
|                                      | <b>1,702.50</b>          | <b>0.00</b>             | <b>1,702.50</b>    | <b>1,702.50</b>          | <b>10.00</b>            | <b>1,712.50</b>    | <b>1,702.50</b>     | <b>1,712.50</b>         |
| <b>Total Program Expenditures</b>    | <b>116,424,086</b>       | <b>0</b>                | <b>116,424,086</b> | <b>116,424,086</b>       | <b>1,435,349</b>        | <b>117,859,435</b> | <b>232,848,172</b>  | <b>234,283,521</b>      |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                    | FISCAL YEAR 2012-13      |                         |                    | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|--------------------|--------------------------|-------------------------|--------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request   | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 1,661.50                 | 0.00                    | 1,661.50           | 1,661.50                 | 10.00                   | 1,671.50           | 1,661.50            | 1,671.50                |
|                                       | 112,178,205              | 0                       | 112,178,205        | 112,178,205              | 1,435,349               | 113,613,554        | 224,356,410         | 225,791,759             |
| Special Funds                         | 41.00                    | 0.00                    | 41.00              | 41.00                    | 0.00                    | 41.00              | 41.00               | 41.00                   |
|                                       | 4,002,620                | 0                       | 4,002,620          | 4,002,620                | 0                       | 4,002,620          | 8,005,240           | 8,005,240               |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00               | 0.00                     | 0.00                    | 0.00               | 0.00                | 0.00                    |
|                                       | 243,261                  | 0                       | 243,261            | 243,261                  | 0                       | 243,261            | 486,522             | 486,522                 |
| G.O. Bond Fund                        | 0                        | 0                       | 0                  | 0                        | 0                       | 0                  | 0                   | 0                       |
|                                       | <b>1,702.50</b>          | <b>0.00</b>             | <b>1,702.50</b>    | <b>1,702.50</b>          | <b>10.00</b>            | <b>1,712.50</b>    | <b>1,702.50</b>     | <b>1,712.50</b>         |
| <b>Total Financing</b>                | <b>116,424,086</b>       | <b>0</b>                | <b>116,424,086</b> | <b>116,424,086</b>       | <b>1,435,349</b>        | <b>117,859,435</b> | <b>232,848,172</b>  | <b>234,283,521</b>      |

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO.II

PROGRAM STRUCTURE NO. 01 02

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 02  | Support Services    |
| Level III |     |                     |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 215.00                   | 0.00                    | 215.00            | 215.00                   | 0.00                    | 215.00            | 215.00              | 215.00                  |
| Personal Services                    | 13,250,581               | 0                       | 13,250,581        | 13,131,107               | 0                       | 13,131,107        | 26,381,688          | 26,381,688              |
| Other Current Expenses               | 13,813,661               | 0                       | 13,813,661        | 14,058,135               | 1,784,728               | 15,842,863        | 27,871,796          | 29,656,524              |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Equipment                            | 453,500                  | 0                       | 453,500           | 328,500                  | 0                       | 328,500           | 782,000             | 782,000                 |
| Motor Vehicles                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Total Operation Costs                | 215.00                   | 0.00                    | 215.00            | 215.00                   | 0.00                    | 215.00            | 215.00              | 215.00                  |
| Capital & Investment Costs           | 17,074,000               | 0                       | 17,074,000        | 14,350,000               | 7,282,000               | 21,632,000        | 31,424,000          | 38,706,000              |
| <b>Total Program Expenditures</b>    | <b>44,591,742</b>        | <b>0</b>                | <b>44,591,742</b> | <b>41,867,742</b>        | <b>9,066,728</b>        | <b>50,934,470</b> | <b>86,459,484</b>   | <b>95,526,212</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 214.00                   | 0.00                    | 214.00            | 214.00                   | 0.00                    | 214.00            | 214.00              | 214.00                  |
|                                       | 20,487,452               | 0                       | 20,487,452        | 20,487,452               | 434,728                 | 20,922,180        | 40,974,904          | 41,409,632              |
| Special Funds                         | 1.00                     | 0.00                    | 1.00              | 1.00                     | 0.00                    | 1.00              | 1.00                | 2.00                    |
|                                       | 6,930,290                | 0                       | 6,930,290         | 6,930,290                | 1,350,000               | 8,280,290         | 13,860,580          | 15,210,580              |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00              | 0.00                     | 0.00                    | 0.00              | 0.00                | 0.00                    |
|                                       | 100,000                  | 0                       | 100,000           | 100,000                  | 0                       | 100,000           | 200,000             | 200,000                 |
| G.O. Bond Fund                        | 17,074,000               | 0                       | 17,074,000        | 14,350,000               | 7,282,000               | 21,632,000        | 31,424,000          | 38,706,000              |
| <b>Total Financing</b>                | <b>215.00</b>            | <b>0.00</b>             | <b>215.00</b>     | <b>215.00</b>            | <b>0.00</b>             | <b>215.00</b>     | <b>215.00</b>       | <b>215.00</b>           |
|                                       | <b>44,591,742</b>        | <b>0</b>                | <b>44,591,742</b> | <b>41,867,742</b>        | <b>9,066,728</b>        | <b>50,934,470</b> | <b>86,459,484</b>   | <b>95,526,212</b>       |

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## **PART III**



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## **Operating Program Plan Details**

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JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 01

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III | 01  | Courts of Appeal    |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 79.00                    | 0.00                    | 79.00            | 79.00                    | 0.00                    | 79.00            | 79.00               | 79.00                   |
| Personal Services                    | 5,427,361                | 0                       | 5,427,361        | 5,427,361                | 0                       | 5,427,361        | 10,854,722          | 10,854,722              |
| Other Current Expenses               | 993,330                  | 0                       | 993,330          | 993,330                  | 0                       | 993,330          | 1,986,660           | 1,986,660               |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Equipment                            | 547,605                  | 0                       | 547,605          | 547,605                  | 0                       | 547,605          | 1,095,210           | 1,095,210               |
| Motor Vehicles                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Total Operation Costs                | 6,968,296                | 0                       | 6,968,296        | 6,968,296                | 0                       | 6,968,296        | 13,936,592          | 13,936,592              |
| Capital & Investment Costs           | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| <b>Total Program Expenditures</b>    | <b>6,968,296</b>         | <b>0</b>                | <b>6,968,296</b> | <b>6,968,296</b>         | <b>0</b>                | <b>6,968,296</b> | <b>13,936,592</b>   | <b>13,936,592</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 6,725,035                | 0                       | 6,725,035        | 6,725,035                | 0                       | 6,725,035        | 13,450,070          | 13,450,070              |
| Special Funds                         | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Revolving Funds                       | 243,261                  | 0                       | 243,261          | 243,261                  | 0                       | 243,261          | 486,522             | 486,522                 |
| G.O. Bond Fund                        | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| <b>Total Financing</b>                | <b>6,968,296</b>         | <b>0</b>                | <b>6,968,296</b> | <b>6,968,296</b>         | <b>0</b>                | <b>6,968,296</b> | <b>13,936,592</b>   | <b>13,936,592</b>       |

## **JUD 101 COURTS OF APPEAL**

### **Supreme Court**

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

### **Intermediate Court of Appeals**

The mission of the Intermediate Court of Appeals is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

### **Law Library**

The mission of the State Law Library System is to provide for the centralized and standardized selection and purchase of legal research materials and services that meet the needs of those who utilize its resources.

## **A. PROGRAM OBJECTIVES**

### **Supreme Court**

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
  - applications for writs of certiorari
  - transfer from the Intermediate Court of Appeals
  - reserved questions of law from the Circuit Courts, the Land Court, and the Tax Appeal Court
  - certified questions of law from federal courts
  - applications for writs directed to judges and other public officers
  - applications for other extraordinary writs
  - complaints regarding elections
- To make rules of practice and procedure for all state courts
- To license, regulate, and discipline attorneys
- To discipline judges

### **Intermediate Court of Appeals**

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law.
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

### **Law Library**

- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

### **B. DESCRIPTION OF REQUEST**

None.

### **C. REASONS FOR REQUEST**

N/A

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JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 02

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III | 02  | First Circuit       |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      |                          |                         |                   |                          |                         |                   |                     |                         |
|                                      | 1,098.50                 | 0.00                    | 1,098.50          | 1,098.50                 | 6.00                    | 1,104.50          | 1,098.50            | 1,104.50                |
| Personal Services                    | 53,973,088               | 0                       | 53,973,088        | 53,973,088               | 231,624                 | 54,204,712        | 107,946,176         | 108,177,800             |
| Other Current Expenses               | 18,254,592               | 0                       | 18,254,592        | 18,254,592               | 874,655                 | 19,129,247        | 36,509,184          | 37,383,839              |
| Lease/Purchase Agreements            | 22,503                   | 0                       | 22,503            | 22,503                   | 0                       | 22,503            | 45,006              | 45,006                  |
| Equipment                            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Motor Vehicles                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
|                                      | 1,098.50                 | 0.00                    | 1,098.50          | 1,098.50                 | 6.00                    | 1,104.50          | 1,098.50            | 1,104.50                |
| Total Operation Costs                | 72,250,183               | 0                       | 72,250,183        | 72,250,183               | 1,106,279               | 73,356,462        | 144,500,366         | 145,606,645             |
| Capital & Investment Costs           | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
|                                      | <b>1,098.50</b>          | <b>0.00</b>             | <b>1,098.50</b>   | <b>1,098.50</b>          | <b>6.00</b>             | <b>1,104.50</b>   | <b>1,098.50</b>     | <b>1,104.50</b>         |
| <b>Total Program Expenditures</b>    | <b>72,250,183</b>        | <b>0</b>                | <b>72,250,183</b> | <b>72,250,183</b>        | <b>1,106,279</b>        | <b>73,356,462</b> | <b>144,500,366</b>  | <b>145,606,645</b>      |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 1,057.50                 | 0.00                    | 1,057.50          | 1,057.50                 | 6.00                    | 1,063.50          | 1,057.50            | 1,063.50                |
|                                       | 68,247,563               | 0                       | 68,247,563        | 68,247,563               | 1,106,279               | 69,353,842        | 136,495,126         | 137,601,405             |
| Special Funds                         | 41.00                    | 0.00                    | 41.00             | 41.00                    | 0.00                    | 41.00             | 41.00               | 41.00                   |
|                                       | 4,002,620                | 0                       | 4,002,620         | 4,002,620                | 0                       | 4,002,620         | 8,005,240           | 8,005,240               |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00              | 0.00                     | 0.00                    | 0.00              | 0.00                | 0.00                    |
|                                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| G.O. Bond Fund                        | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
|                                       | <b>1,098.50</b>          | <b>0.00</b>             | <b>1,098.50</b>   | <b>1,098.50</b>          | <b>6.00</b>             | <b>1,104.50</b>   | <b>1,098.50</b>     | <b>1,104.50</b>         |
| <b>Total Financing</b>                | <b>72,250,183</b>        | <b>0</b>                | <b>72,250,183</b> | <b>72,250,183</b>        | <b>1,106,279</b>        | <b>73,356,462</b> | <b>144,500,366</b>  | <b>145,606,645</b>      |

## **JUD 310 FIRST CIRCUIT**

The mission of the First Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **Land Court/Tax Appeal Court**

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

## **B. DESCRIPTION OF REQUEST**

**Detention Facility Security:** Additional security staff consisting of six Juvenile Detention Worker I (JDW) positions, and corresponding payroll resources of \$231,624, have been included in the First Circuit's supplemental budget request. The Hale Ho'omalua Juvenile Detention Facility (HHJDF) at the Ronald T.Y. Moon Judiciary Complex in Kapolei is a 24-hour/7-day per week operation, and the additional staff resources will help to ensure the safety and security of juveniles during all three facility operating shifts each day.

**On-Call Nursing Services:** Funding to provide on-call nursing services for the Home Maluhia Shelter Facility on Alder Street and for the Hale Ho'omalua Juvenile Detention Facility (HHJDF) at Kapolei has been included in the First Circuit's supplemental budget request. The \$100,000 requested will ensure that necessary nursing services are available for juveniles temporarily residing at Home Maluhia Shelter Facility (there are no nurses on staff), and for those juveniles being detained at the HHJDF (in the event that nurses on staff are not available to respond to an emergency situation).

**Expiring Maintenance/Warranty Contracts for Essential Operating Systems:** \$696,446 has been included in the First Circuit's supplemental budget request to ensure the continuation of contracts to maintain essential operating systems at the Ronald T.Y. Moon Judiciary Complex in Kapolei (KJC). Systems requiring continuing service and maintenance include those supporting building elevator, air-conditioning, court recording, and fire alarm and sprinkler operations.

**Contract Security Guard Services:** \$78,209 to fully fund contracted security guard services at the Ronald T. Y. Moon Judiciary Complex in Kapolei (KJC) is included in the supplemental budget request of the First Circuit. The contract security guards are needed to adequately monitor and patrol all building entrances, exits, and grounds.

## C. REASONS FOR REQUEST

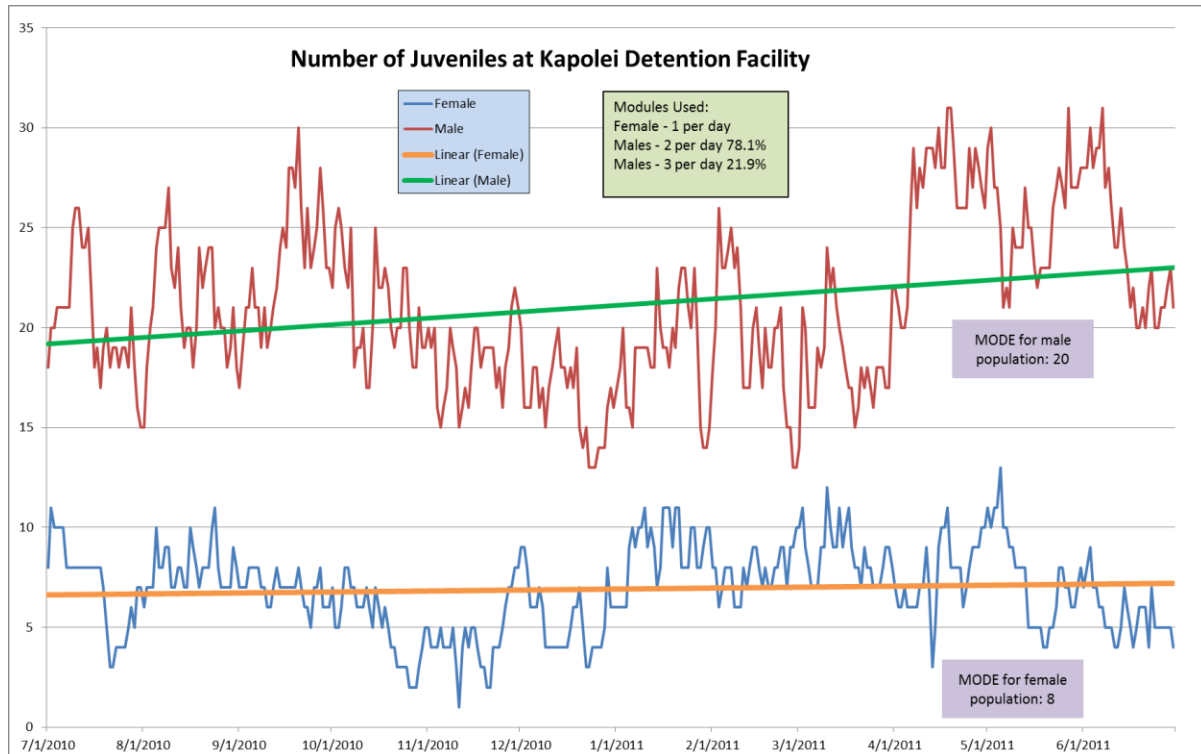
**Detention Facility Security:** Six JDW positions are being requested for HHJDF located within the Ronald T.Y. Moon Judiciary Complex in Kapolei. The additional staff will help provide for the safety, security and development of our juveniles housed at HHJDF, as well as help address some of the high overtime costs being incurred at this 24 hour, 7 days a week facility.

HHJDF opened in the spring of 2010, and as anticipated, the 51,221 square foot size, design, and advanced technology specific to security and operations present significant staffing challenges when compared to the previous, smaller, 22,424 square foot facility located at Alder Street. The new facility has a Central Control Unit with state of the art security equipment. This unit serves as the hub of communications and technology, and is responsible for monitoring and control of all movement, doors, and audio and video surveillance throughout HHJDF. During weekends and after hours, the Central Control Unit has the added responsibility of communicating with law enforcement and emergency service agencies, if necessary, as well as the public.

HHJDF has five 12-bed secure residential housing modules, each with two tiers of single occupancy rooms. Each module can hold 12 youth. The staffing for these modules consists of two gender specific JDWs for each module (two male JDWs per module for the boys' side and two female JDWs per module for the girls' side). The assigned staff is responsible for supervising and managing the juvenile residents within the module living areas. In addition, staff personnel are assigned as "rovers" to oversee the other daily operations of HHJDF. The duties of the rovers include: family visitation, central control monitoring, detention home hearings, medical unit visits, movement of juveniles as necessary, crisis (24 hour one-on-one supervision as necessary), administrative unit tasks, and emergency transport. Generally, one or two rovers are assigned per shift depending on the time of day and the number of juveniles housed at HHJDF.

Currently HHJDF full time staffing consists of 25 male JDWs and 15 female JDWs.

FY2011 population data showed that HHJDF operated one module each day for the female juvenile population, and two to three modules for the male juvenile population, with two modules for males being operated 78% of the time and three modules for males only 22% of the time. The following chart illustrates the juvenile population and corresponding module usage between July 2010 and June 2011.



Staffing and shift requirements to operate a single module housing 12 juveniles are as follows:

Two JDWs for each of two eight-hour shifts from 7am to 11pm daily, equating to 4 JDWs per day.

One JDW for one 8 hour shift from 11pm to 7am per day.

One JDW “rover” for each 8 hour shift for a total of 3 JDW rovers per day.

One additional JDW from 5am to 1pm and one from 1pm to 9pm to cover shift changes and periods of heavy juvenile movement such as meals and personal hygiene in the morning, and to prepare for and monitor the activities of the day.

Vacation, sick leave, training, and UPW contract furlough days must also be considered in determining JDW overall staffing requirements.

To address staffing shortages and juvenile population fluctuations, HHJDF has utilized temporary, intermittent JDWs to augment the permanent work force. However, because these intermittent employees are few and sometimes not available when called, staff coverage generally requires the use of overtime. From 7/2/2010 to 6/20/2011, JDWs worked more than 30,000 overtime hours that resulted in total overtime costs exceeding \$600,000. We believe that the continual use of significant amounts of overtime to provide necessary staff coverage over a prolonged period is inadvisable due to staff

fatigue, illness, and eventual burnout, and the possible adverse effect this could have on the overall security and operation of HHJDF.

Considering the staffing requirements, difficulties faced in scheduling intermittent JDWs, and overtime factors discussed above, it is clear that the number of authorized JDWs is insufficient to ensure adequate coverage of all operating modules and activities scheduled. Additional JDWs are therefore being requested to begin the process of addressing this staffing deficiency with regard to the modules used by males.

The Judiciary's request for six male JDWs is based on a staffing needs formula which calculates the number of staff needed based on the estimated juvenile population, hours of work required/available, number of shifts and number of JDW staff assigned, projected sick and vacation leave, and necessary staff training days. It is recognized that this formula is theoretical and depends on mathematical calculations to determine estimated staffing needs. However, we believe that its application to the staffing shortfall situation at HHJDF is sound, and that it provides a close approximation of at least some of the staffing required to provide for the safety and welfare of the juveniles left in our charge, and to assist in reducing overtime costs.

It should be noted that the request for six male JDWs and corresponding salary costs of \$231,624 may not fully address HHJDF staffing needs and its overtime concerns, but in light of the state's economic condition, we felt it necessary to keep our request at a minimum and take the opportunity to further review the impact of the requested positions on overall staffing availability and overtime costs. Overtime and providing adequate security is a recurring issue at HHJDF (as well as at other institutional facilities) that will not disappear. Over the years, increases in HHJDF staffing have been minimal, with management instead utilizing temporary positions to sustain the program operation. However, in order to continue to address HHJDF security concerns, it has been determined that the core security staff needs to be increased. HHJDF staffing is a problem that needs immediate attention, and this request for additional permanent staffing will provide an essential part of an eventual solution to ensure the safety of both juveniles and staff.

**On-Call Nursing Services:** This request will provide \$100,000 to contract for on-call nursing services for Home Maluhia Shelter Facility on Alder Street and for the HHJDF at Kapolei. Both facilities operate 24-hours per day/7-days per week.

On-call nursing services are necessary as the Judiciary does not have the nursing staff to provide daily 24-hour medical coverage at either facility, and medical services are often required at varying hours over the course of a day to dispense medication to juveniles and to provide treatment such as basic dressing changes. In fact, the Judiciary presently has no medical staff at Home Maluhia. Nursing staff is on duty at HHJDF, but only from 6:00 a.m. to 9:00 p.m; no medical staff is on duty during the nine hours outside of this period.

Due to the necessity of providing nursing services, existing resources have had to be reallocated to pay for such services. However, the First Circuit's ability to continue to pay for essential nursing services on an unbudgeted basis has largely been eliminated by the across-the-board operating budget reductions beginning in FY 2010 and continuing through FY 2012. This supplemental budget request is therefore necessary to offset the adverse impact that will eventually result from these cuts and the need to divert program resources from other important items, such as facility repair and maintenance and the purchase of treatment services for probationers, to pay for necessary nursing services.

Funding for on-call nurses will ensure that necessary medical services can be provided to youth on an as-needed basis to address any medical issues that arise when medical staff is unavailable. When a juvenile has a serious medical problem and is in need of round-the-clock nursing, this contract will allow someone to be available to treat the youth and dispense medication. For example, medical personnel need to timely and regularly oversee and monitor the blood sugar level of any diabetic youth taking insulin. Contract nursing services are essential to providing required medical attention to all youth detained at either HHJDF or at Home Maluhia. Without such services, the Judiciary's inability to appropriately attend to a juvenile who is gravely ill could lead to serious liability issues.

Contract nursing services also fulfill an important triage function so that doctors are brought in only when absolutely necessary, thereby keeping the cost of more expensive doctor's services, as well as the cost of hiring additional nursing staff, under control. Appropriating additional resources for contract nursing services as requested will provide the means for the Judiciary to efficiently provide this necessary service to juveniles under our care.

**Expiring Maintenance/Warranty Contracts for Essential Operating Systems:** This request will provide \$696,446 in supplemental resources to provide service/maintenance agreements for major building systems and components that are essential to the operation of the KJC. These building components include the air conditioning, elevator, electronic monitoring, audio/visual recording, water filtration, card reader access, security camera, building roll-up gates and fire alarm systems.

Maintenance contracts help to keep major building components working consistently to avoid disruptions and delays in KJC's functions and operations. Further, maintaining major building components, such as the fire alarm system, is essential to the safety and security of the public and building occupants. Finally, poorly maintained equipment will be more costly to repair or replace in the future. Keeping equipment items properly serviced and maintained will maximize their useful life thereby allowing the Judiciary to realize the full benefit of its equipment investment.

The KJC began full operation in February 2010. It consists of a four-level courthouse building with a total square footage of approximately 123,000 square feet, a juvenile detention facility of approximately 60,000 square feet, and a central plant that contains the shared and back-up mechanical systems for the complex. The detention facility operates on a 24-hour a day, 7-day a week schedule, providing secure housing and

programs for juveniles awaiting adjudication. The site has 394 parking stalls in three lots on an 11 acre parcel. Both the First Circuit Family Court and the Waianae District Court operate out of the main courthouse building. Proper maintenance of key KJC building systems and components to keep this vital Judiciary complex open and in good condition, will ensure that essential services can be delivered to the Waianae community, and to citizens requiring access to the Family Court, as well as help to fulfill statewide juvenile detention needs.

It is noted that \$2 million was provided in the fiscal biennium 2009 – 2011 budget for this new complex, but this was only for utility costs, building and grounds maintenance employees, and some security services. Funding was not included nor requested for maintenance of building components because they were still under warranty. These warranties are now expiring and resources are needed for maintenance contracts to ensure their continued operation and to maximize useful life. Further, the across-the-board operating budget reductions beginning in FY 2010 and continuing through FY 2012 effectively eliminated the First Circuit's ability to rely on program savings to fund these essential cost items. Without sufficient funding for maintenance agreements, basic preventive maintenance requirements on key mechanical building system components will not be performed, and repairs to these building components may be delayed (as vendors generally place priority on repairs and maintenance work that are under a service contract.) Therefore, upon expiration of the initial building component warranties, the additional resources requested to pay for service maintenance agreements are needed to ensure that these major building components are properly maintained and regular preventive maintenance is scheduled and performed. Without sufficiently maintained building components, the new KJC might be forced to temporarily suspend portions of its operation, inconveniencing citizens requiring court services, and creating potential health hazards and safety issues for both employees and the individuals that we serve.

The following chart provides details of the major KJC components and costs that our supplemental budget request is intended to cover:

| Component/System                         | Estimated Cost for Maintenance Agreements | Current warranty expiration date |
|--|---|----------------------------------|
| Air conditioning                         | 150,000                                   | 11/1/2011                        |
| A/C system control system                | 18,000                                    | 11/1/2011                        |
| Elevator                                 | 70,800                                    | 2/22/2012 and 3/18/2012          |
| Fire panel alarm and sprinkler systems   | 14,000                                    | 11/1/2010                        |
| Building generator                       | 2,800                                     | 11/1/2011                        |
| Parking gate and building roll-up gates  | 20,000                                    | 11/1/2010                        |
| Court Recording System                   | 187,846                                   | 3/26/2012                        |
| Security Systems reader and access cards | 80,000                                    | 1/22/2012                        |
| Cameras and Video Equipment              | 150,000                                   | 3/26/2012                        |
| Water Filtration                         | 3,000                                     | 11/1/2011                        |
| <b>Total</b>                             | <b>696,446</b>                            |                                  |

Obtaining the resources necessary to pay for these maintenance agreements will ensure that regularly scheduled preventative maintenance service is performed to protect and maximize the life of these essential building operating components. Without preventative maintenance, the equipment is subject to a greater incidence of mechanical malfunction or failure which will ultimately cost more to repair, or in the case of severe damage, parts or equipment replacement will be required.

Unlike equipment installed in older buildings, the newer machinery installed at the KJC is much more complex, even though it may perform a similar function. Also, partly due to new energy and emission control standards, the equipment requires additional periodic inspection and maintenance, and is also subject to more expensive repair bills (especially if the system is not under some type of contract maintenance program.) The requested additional resources will ensure that appropriate maintenance contracts are in place to provide timely repairs at a reasonable cost, thus enabling the KJC to continue to provide essential court and detention services to the community.

**Contract Security Guard Services:** This request will provide \$78,209 in supplemental funding for two additional contract security guards at the KJC to ensure that sufficient security staff is available to control access to the courthouse building, and to secure facility grounds and the area around the Juvenile Detention Facility.

The KJC consists of a main courthouse building with four levels and a total square footage of approximately 123,000 square feet, and a juvenile detention facility of about 51,000 square feet. A total of 221 employees work in the main court building and 78 employees work in the juvenile detention facility which houses up to a maximum of 66 juveniles. The site has 394 parking stalls in three lots on an 11 acre parcel.

The Judiciary contracts for 15 security guards to provide 24 hour security, seven days per week at KJC. These contract security guards are responsible for checking the central control station that houses the court building's video monitoring system; operating x-ray machines, walk-through metal detectors, and hand held metal detectors at building entrances and exits; and providing perimeter security by patrolling the extensive KJC grounds. While Sheriff positions could be requested from Department of Public Safety (PSD) and be free to the Judiciary (although they would still cost the State), this would not seem the most cost effective and efficient way to use the Sheriffs, especially considering the staffing shortages faced by PSD with regard to Sheriff positions.

The Judiciary has recently decided to discontinue weekend and after hours coverage at KJC, and has determined that only 10 contract security guards are needed to fulfill security requirements during regular operating hours when public access is permitted. The reduction from 15 to 10 is part of the Judiciary's effort to look for ways to achieve savings without severely jeopardizing safety, security or services. To achieve this reduction, security services will focus on regular business hours when court facilities are open to the public (thereby eliminating coverage after-hours and on weekends and holidays.)

It should be noted that a large part of the resources used to contract for security services at the KJC has been obtained through the reallocation of existing resources. Presently, the KJC has budgeted resources to contract for only eight security guards. Specifically, the 2009 Legislature provided funding to hire four security guards while KJC obtained resources for two additional security guards through the closure and subsequent transfer of the Waianae District Court to the KJC, and for two more security guards when the Adult Client Services and Family Court probation offices at 850 Richards Street and Restaurant Row, respectively, were closed and moved to KJC. Therefore, although the KJC has operated with as many as 15 security guards to provide round-the-clock security services, the KJC has budgeted resources to pay for only eight contract security guards, thus necessitating our request for funding to contract for two additional security guards.

Like any other unbudgeted essential cost item, the across-the-board operating budget reductions imposed on the Judiciary beginning in FY 2010 and continuing through FY 2012 have effectively eliminated the First Circuit's ability to continue to rely on program savings to fund important items such as contract security guards. The reduction in the number of contract security guards from 15 to 10 and the reduced coverage period is a direct result of these cuts. The continuing need to provide adequate security for the KJC through reallocated program resources may adversely affect other First Circuit operations.

In summary, the requested funding will provide the First Circuit with the necessary budgeted resources to pay for 10 contract security guards at the KJC. Adequate funding will facilitate the procuring of sufficient contract security staffing. This will allow the KJC to fulfill its purpose of providing a community resource where essential court services can be delivered, and ensuring the safety and security of judges, court staff, attorneys, and the public conducting court business.

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 03

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III | 03  | Second Circuit      |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 205.00                   | 0.00                    | 205.00            | 205.00                   | 4.00                    | 209.00           | 205.00              | 209.00                  |
| Personal Services                    | 10,058,446               | 0                       | 10,058,446        | 10,058,446               | 118,608                 | 10,177,054       | 20,116,892          | 20,235,500              |
| Other Current Expenses               | 4,061,574                | 0                       | 4,061,574         | 4,061,574                | 186,000                 | 4,247,574        | 8,123,148           | 8,309,148               |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                | 0                   | 0                       |
| Equipment                            | 0                        | 0                       | 0                 | 0                        | 24,462                  | 24,462           | 0                   | 24,462                  |
| Motor Vehicles                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                | 0                   | 0                       |
| Total Operation Costs                | 14,120,020               | 0                       | 14,120,020        | 14,120,020               | 329,070                 | 14,449,090       | 28,240,040          | 28,569,110              |
| Capital & Investment Costs           | 0                        | 0                       | 0                 | 0                        | 0                       | 0                | 0                   | 0                       |
| <b>Total Program Expenditures</b>    | <b>14,120,020</b>        | <b>0.00</b>             | <b>14,120,020</b> | <b>14,120,020</b>        | <b>4.00</b>             | <b>209.00</b>    | <b>28,240,040</b>   | <b>28,569,110</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 14,120,020               | 0.00                    | 14,120,020        | 14,120,020               | 329,070                 | 14,449,090        | 28,240,040          | 28,569,110              |
| Special Funds                         | 0                        | 0.00                    | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Revolving Funds                       | 0                        | 0.00                    | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| G.O. Bond Fund                        | 0                        | 0.00                    | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| <b>Total Financing</b>                | <b>14,120,020</b>        | <b>0.00</b>             | <b>14,120,020</b> | <b>14,120,020</b>        | <b>329,070</b>          | <b>14,449,090</b> | <b>28,240,040</b>   | <b>28,569,110</b>       |

## **JUD 320 SECOND CIRCUIT**

The mission of the Second Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **B. DESCRIPTION OF REQUEST**

**Maui Adult Community Service Sentencing:** The request provides the Second Circuit with \$143,070 for four Social Service Assistant V positions and related equipment to assume the duties of adult community service sentencing previously provided by the Department of Public Safety (DPS).

**Maui Drug Court In-Custody Treatment:** The request provides \$186,000 for Purchase of Service (POS) funds to retain the Maui/Molokai Drug Court's (MDC) in-custody substance abuse treatment program at the Maui Community Correctional Center (MCCC).

## C. REASONS FOR REQUEST

**Maui Adult Community Service Sentencing:** On Oahu, the Judiciary's First Circuit is responsible for handling the duties for both adult and juvenile community service sentencing. On the neighbor islands, however, each circuit performs the duties for juvenile community service sentencing while the Department of Public Safety's Intake Service Center (ISC) handles all adult community service sentencing matters. In the Second Circuit, this arrangement was in existence for approximately 30 years. Unfortunately, DPS decided to discontinue providing the Judiciary with adult community service sentencing services due to severe staffing shortages, hiring freezes, and overtime restrictions caused by the worsening economy. In a letter dated July 21, 2010, the DPS informed the Judiciary Second Circuit that it would no longer accept referrals for the adult community service sentencing program (CSSP) effective August 16, 2010. As a result, the Second Circuit has had no adult CSSP since that time and is the only circuit within the Judiciary without one.

Community service sentencing is currently a sentencing alternative for many offenses such as operating a vehicle under the influence of an intoxicant, minors possessing or consuming liquor, and operating a vehicle without insurance. It is often used as an alternative to imprisonment because community service sentencing is "restorative justice" which is more likely to encourage people to improve their behavior than jail time. In certain offenses, like littering, however, community service sentencing is a mandatory penalty that must be imposed in addition to other sanctions. In such instances, the Second Circuit is unable to fulfill the intent of the law as enacted by the Legislature and must instead impose jail time or fines. This presents a disparate administration of justice in the state, in that it is the only jurisdiction that cannot afford offenders the opportunity to perform community service as a consequence for their offenses.

Second Circuit Judges have been facing sentencing dilemmas since the elimination of the adult CSSP. As an example, for a first time offense of excessive speeding (section 291C-105, HRS), the statute mandates the imposition of either 36 hours of community service or not less than 48 hours and not more than 5 days of imprisonment. In passing this law, the Legislature recognized the seriousness of the offense but more importantly, the benefits which mandatory hours of community service would have to offer. While it is true that jail sentencing could be imposed in a case like this since it is an alternative, a sentencing judge should, among other things, impose a sentence that he/she believes "fits the crime." If presented with this case of a first time excessive speeding offender with no other criminal/traffic record who is a contributing member of society, a strong argument

can be made that under these circumstances, jail is not the appropriate penalty. In this situation, community service, along with other statutorily mandated penalties, would seem to a more appropriate sentence.

Likewise, a common traffic offense, operating a vehicle without insurance, carries high mandatory fines with community service as an alternative, in addition to mandatory driver's license suspension. Many defendants cannot afford to pay high fines, but incur this penalty as the only available sentencing option. The inability to pay the fines in turn results in a charge of contempt of court for failing to pay. At this point, the offender must return to court, resulting in unnecessary and additional court time and congestion.

Statistics for FY 2010 revealed that when DPS handled adult community sentencing duties, they received over 2,500 referrals from the Circuit and District Courts representing over 244,000 hours of adult community service ordered. As a result, it is clear that the absence of community service sentencing in the Second Circuit has had significant impact on sentencing options and the administration of justice. The requested positions and resources will enable the Second Circuit to resume adult community service program duties, making community service another viable sentencing alternative for the courts.

**Maui Drug Court In-Custody Treatment:** In 2001, the Maui/Molokai Drug Court (MDC), along with the Department of Public Safety (DPS) and the County of Maui (COM), created the in-custody drug treatment program within Maui Community Correctional Center (MCCC) for incarcerated drug offenders who are so highly addicted to drugs that they are considered unmanageable in an unsecured residential or outpatient substance abuse treatment setting. These are the offenders who cause the most harm to the community by threatening public safety and committing crimes in the community to support their addiction. MDC, along with DPS and COM, realized that it was essential to provide program treatment services to include such offenders who are in need of a higher level of care. As a result, two dorms were created where 20 male inmates and 12 female inmates are able to receive in-custody drug treatment for a minimum of 90 days. Here, contracted treatment services for the MDC jail-based program consists of 21 hours of treatment per week, five days a week. Treatment services are culturally relevant and designed to meet the specific needs of the incarcerated men and women. The program places a strong emphasis on community re-entry planning along with relapse prevention. In addition, participants are able to study for and attain a high school equivalency diploma, attend groups such as Alcoholics and Narcotics Anonymous, and engage in parenting classes as well as parent/child play groups. In-custody treatment services and activities are designed to help facilitate the participants' successful transition from jail-based treatment to community-based treatment. The COM supported this in-custody rehabilitative effort and provided initial funding for this service with the intention that the Judiciary would eventually take over program costs. For the past ten years, the Judiciary has been extremely fortunate that its in-custody treatment program has been essentially funded entirely by the COM. Unfortunately, due to its own financial limitations, the COM terminated funding (\$186,000 annually) on July 1, 2010.

To address the loss of funding, the MDC has continued in-custody treatment services by negotiating temporary reductions in payments and services in other drug court service areas including in-community treatment, Family Court Drug Court, and Molokai's Drug Court/Family Court Drug Court. In fact, some of these substance abuse providers have agreed to provide services to the Judiciary at the same contracted rate despite increases in their program/personnel costs. The negative impact of the elimination of funding for in-custody treatment services was compounded by annual lump-sum reductions to Judiciary operating programs that have been implemented by the Legislature. Because neither the Second Circuit nor Drug Court service providers can continue to operate effectively after having absorbed prior funding cuts, \$186,000 in additional resources is being requested to ensure the continuation of this vital drug treatment service.

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 04

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III | 04  | Third Circuit       |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 223.00                   | 0.00                    | 223.00            | 223.00                   | 0.00                    | 223.00            | 223.00              | 223.00                  |
| Personal Services                    | 11,009,592               | 0                       | 11,009,592        | 11,009,592               | 0                       | 11,009,592        | 22,019,184          | 22,019,184              |
| Other Current Expenses               | 5,664,142                | 0                       | 5,664,142         | 5,664,142                | 0                       | 5,664,142         | 11,328,284          | 11,328,284              |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Equipment                            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Motor Vehicles                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Total Operation Costs                | 16,673,734               | 0                       | 16,673,734        | 16,673,734               | 0                       | 16,673,734        | 33,347,468          | 33,347,468              |
| Capital & Investment Costs           | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| <b>Total Program Expenditures</b>    | <b>16,673,734</b>        | <b>0</b>                | <b>16,673,734</b> | <b>16,673,734</b>        | <b>0</b>                | <b>16,673,734</b> | <b>33,347,468</b>   | <b>33,347,468</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 16,673,734               | 0                       | 16,673,734        | 16,673,734               | 0                       | 16,673,734        | 33,347,468          | 33,347,468              |
| Special Funds                         | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Revolving Funds                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| G.O. Bond Fund                        | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| <b>Total Financing</b>                | <b>16,673,734</b>        | <b>0</b>                | <b>16,673,734</b> | <b>16,673,734</b>        | <b>0</b>                | <b>16,673,734</b> | <b>33,347,468</b>   | <b>33,347,468</b>       |

## **JUD 330 THIRD CIRCUIT**

The mission of the Third Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

**B. DESCRIPTION OF REQUEST**

None.

**C. REASONS FOR REQUEST**

N/A

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 01 05

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 01  | Court Operations    |
| Level III | 05  | Fifth Circuit       |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 97.00                    | 0.00                    | 97.00            | 97.00                    | 0.00                    | 97.00            | 97.00               | 97.00                   |
| Personal Services                    | 4,550,648                | 0                       | 4,550,648        | 4,550,648                | 0                       | 4,550,648        | 9,101,296           | 9,101,296               |
| Other Current Expenses               | 1,861,205                | 0                       | 1,861,205        | 1,861,205                | 0                       | 1,861,205        | 3,722,410           | 3,722,410               |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Equipment                            | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Motor Vehicles                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Total Operation Costs                | 6,411,853                | 0                       | 6,411,853        | 6,411,853                | 0                       | 6,411,853        | 12,823,706          | 12,823,706              |
| Capital & Investment Costs           | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| <b>Total Program Expenditures</b>    | <b>6,411,853</b>         | <b>0</b>                | <b>6,411,853</b> | <b>6,411,853</b>         | <b>0</b>                | <b>6,411,853</b> | <b>12,823,706</b>   | <b>12,823,706</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 6,411,853                | 0                       | 6,411,853        | 6,411,853                | 0                       | 6,411,853        | 12,823,706          | 12,823,706              |
| Special Funds                         | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Revolving Funds                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| G.O. Bond Fund                        | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| <b>Total Financing</b>                | <b>6,411,853</b>         | <b>0</b>                | <b>6,411,853</b> | <b>6,411,853</b>         | <b>0</b>                | <b>6,411,853</b> | <b>12,823,706</b>   | <b>12,823,706</b>       |

## **JUD 350 FIFTH CIRCUIT**

The mission of the Fifth Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

**B. DESCRIPTION OF REQUEST**

None.

**C. REASONS FOR REQUEST**

N/A

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 02 01

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title                         |
|-----------|-----|-------------------------------|
| Level I   | 01  | The Judicial System           |
| Level II  | 02  | Support Services              |
| Level III | 01  | Judicial Selection Commission |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      |                          |                         |                  |                          |                         |                  |                     |                         |
|                                      | 1.00                     | 0.00                    | 1.00             | 1.00                     | 0.00                    | 1.00             | 1.00                | 1.00                    |
| Personal Services                    | 57,708                   | 0                       | 57,708           | 57,708                   | 0                       | 57,708           | 115,416             | 115,416                 |
| Other Current Expenses               | 28,232                   | 0                       | 28,232           | 28,232                   | 0                       | 28,232           | 56,464              | 56,464                  |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Equipment                            | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Motor Vehicles                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
|                                      | 1.00                     | 0.00                    | 1.00             | 1.00                     | 0.00                    | 1.00             | 1.00                | 1.00                    |
| Total Operation Costs                | 85,940                   | 0                       | 85,940           | 85,940                   | 0                       | 85,940           | 171,880             | 171,880                 |
| Capital & Investment Costs           | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
|                                      | 1.00                     | 0.00                    | 1.00             | 1.00                     | 0.00                    | 1.00             | 1.00                | 1.00                    |
| <b>Total Program Expenditures</b>    | <b>85,940</b>            | <b>0</b>                | <b>85,940</b>    | <b>85,940</b>            | <b>0</b>                | <b>85,940</b>    | <b>171,880</b>      | <b>171,880</b>          |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                  | FISCAL YEAR 2012-13      |                         |                  | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|------------------|--------------------------|-------------------------|------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 1.00                     | 0.00                    | 1.00             | 1.00                     | 0.00                    | 1.00             | 1.00                | 1.00                    |
|                                       | 85,940                   | 0                       | 85,940           | 85,940                   | 0                       | 85,940           | 171,880             | 171,880                 |
| Special Funds                         | 0.00                     | 0.00                    | 0.00             | 0.00                     | 0.00                    | 0.00             | 0.00                | 0.00                    |
|                                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00             | 0.00                     | 0.00                    | 0.00             | 0.00                | 0.00                    |
|                                       | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
| G.O. Bond Fund                        | 0                        | 0                       | 0                | 0                        | 0                       | 0                | 0                   | 0                       |
|                                       | 1.00                     | 0.00                    | 1.00             | 1.00                     | 0.00                    | 1.00             | 1.00                | 1.00                    |
| <b>Total Financing</b>                | <b>85,940</b>            | <b>0</b>                | <b>85,940</b>    | <b>85,940</b>            | <b>0</b>                | <b>85,940</b>    | <b>171,880</b>      | <b>171,880</b>          |

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **A. PROGRAM OBJECTIVES**

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

### **B. DESCRIPTION OF REQUEST**

None.

### **C. REASONS FOR REQUEST**

N/A

JUDICIARY  
STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO.III

PROGRAM STRUCTURE NO. 01 02 02

POSITION IN PROGRAM STRUCTURE

| Level     | No. | Title               |
|-----------|-----|---------------------|
| Level I   | 01  | The Judicial System |
| Level II  | 02  | Support Services    |
| Level III | 02  | Administration      |

| PROGRAM EXPENDITURES<br>(in dollars) | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|--------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                      | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| Operating Costs                      | 214.00                   | 0.00                    | 214.00            | 214.00                   | 0.00                    | 214.00            | 214.00              | 214.00                  |
| Personal Services                    | 13,192,873               | 0                       | 13,192,873        | 13,073,399               | 0                       | 13,073,399        | 26,266,272          | 26,266,272              |
| Other Current Expenses               | 13,785,429               | 0                       | 13,785,429        | 14,029,903               | 1,784,728               | 15,814,631        | 27,815,332          | 29,600,060              |
| Lease/Purchase Agreements            | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Equipment                            | 453,500                  | 0                       | 453,500           | 328,500                  | 0                       | 328,500           | 782,000             | 782,000                 |
| Motor Vehicles                       | 0                        | 0                       | 0                 | 0                        | 0                       | 0                 | 0                   | 0                       |
| Total Operation Costs                | 214.00                   | 0.00                    | 214.00            | 214.00                   | 0.00                    | 214.00            | 214.00              | 214.00                  |
| Capital & Investment Costs           | 17,074,000               | 0                       | 17,074,000        | 14,350,000               | 7,282,000               | 21,632,000        | 31,424,000          | 38,706,000              |
| <b>Total Program Expenditures</b>    | <b>44,505,802</b>        | <b>0</b>                | <b>44,505,802</b> | <b>41,781,802</b>        | <b>9,066,728</b>        | <b>50,848,530</b> | <b>86,287,604</b>   | <b>95,354,332</b>       |

| REQUIREMENTS BY<br>MEANS OF FINANCING | FISCAL YEAR 2011-12      |                         |                   | FISCAL YEAR 2012-13      |                         |                   | BIENNIUM TOTALS     |                         |
|---------------------------------------|--------------------------|-------------------------|-------------------|--------------------------|-------------------------|-------------------|---------------------|-------------------------|
|                                       | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Appropriation | Supplemental<br>Request | Total<br>Request  | Current<br>Biennium | Recommended<br>Biennium |
| General Fund                          | 213.00                   | 0.00                    | 213.00            | 213.00                   | 0.00                    | 213.00            | 213.00              | 213.00                  |
|                                       | 20,401,512               | 0                       | 20,401,512        | 20,401,512               | 434,728                 | 20,836,240        | 40,803,024          | 41,237,752              |
| Special Funds                         | 1.00                     | 0.00                    | 1.00              | 1.00                     | 0.00                    | 1.00              | 1.00                | 1.00                    |
|                                       | 6,930,290                | 0                       | 6,930,290         | 6,930,290                | 1,350,000               | 8,280,290         | 13,860,580          | 15,210,580              |
| Revolving Funds                       | 0.00                     | 0.00                    | 0.00              | 0.00                     | 0.00                    | 0.00              | 0.00                | 0.00                    |
|                                       | 100,000                  | 0                       | 100,000           | 100,000                  | 0                       | 100,000           | 200,000             | 200,000                 |
| G.O. Bond Fund                        | 17,074,000               | 0                       | 17,074,000        | 14,350,000               | 7,282,000               | 21,632,000        | 31,424,000          | 38,706,000              |
| <b>Total Financing</b>                | <b>214.00</b>            | <b>0.00</b>             | <b>214.00</b>     | <b>214.00</b>            | <b>0.00</b>             | <b>214.00</b>     | <b>214.00</b>       | <b>214.00</b>           |
|                                       | <b>44,505,802</b>        | <b>0</b>                | <b>44,505,802</b> | <b>41,781,802</b>        | <b>9,066,728</b>        | <b>50,848,530</b> | <b>86,287,604</b>   | <b>95,354,332</b>       |

## **JUD 601 ADMINISTRATION**

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary.

### **A. PROGRAM OBJECTIVES**

#### **Overall Program Objective**

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation and fiscal control, and administrative services.

#### **Policy and Planning**

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current Equal Employment Opportunities (EEO) issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

- To provide a fair and expeditious administrative process for revoking the driver licenses and motor vehicle registrations of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

### **Support Services**

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

### **Intergovernmental and Community Relations**

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media; and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.
- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.

- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from pre contact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.

### **Human Resources**

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.

- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

### **Commission on Judicial Conduct**

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

## **B. DESCRIPTION OF REQUEST**

**Unemployment Insurance Benefits:** This request provides \$200,000 to pay unemployment insurance benefits that will no longer be paid by the Executive Branch.

**Expansion of Court Interpreter Services:** \$234,728 is being requested to expand court interpreter services and facilitate access to justice for limited English proficient court customers.

**Indigent Legal Assistance Fund (ILAF) Ceiling Increase:** This request increases the ILAF special fund ceiling by \$1,350,000 to facilitate the distribution of the anticipated increase in collections resulting from Act 180 of the 2010 Legislative Session.

## **C. REASONS FOR REQUEST**

**Unemployment Insurance Benefits:** The Judiciary recently became aware of the Governor's decision to discontinue paying unemployment insurance benefits for former Judiciary and Legislative employees from the budget of the Executive Branch's Department of Human Resources Development (DHRD) through a report he released in August 2011. The report identified various adjustments made to Executive department budgets to accommodate the \$50

million in lump-sum cuts imposed by the Legislature for fiscal years 2012 and 2013. Included in the adjustments for DHRD was a \$510,000 general fund reduction in FY 2013. The report stated, “Reduce general funds in FY13 for the Judiciary and Legislature for Unemployment Insurance (UI) benefits; Judiciary and Legislature should include amounts in their respective budgets.” Having appropriated funding within its budget base for this expense, DHRD has always covered this cost for former Judiciary employees. Because this decision was made without a corresponding transfer of funds, the Judiciary does not have the budgeted resources to cover this new cost. Supplemental funding of \$200,000 is therefore being requested to accommodate this new expense in FY 2013.

Based on the actual unemployment insurance benefit payments made by DHRD over the last three fiscal years, the Judiciary determined that approximately \$200,000 would be required to cover this expense annually. Due to the continued funding reductions over the past several years, the Judiciary cannot afford to absorb this additional cost within its existing budget base. Securing additional funding takes on even greater importance in light of a recent Department of Labor and Industrial Relations report. According to an article in the Star Advertiser published in November 2011, “Hawaii’s seasonally adjusted unemployment rate rose in October for the fourth straight month to 6.5 percent to match the highest level in a year.” There is every indication that the payment of unemployment insurance benefits will continue at current or possibly higher levels for an extended period of time.

**Expansion of Court Interpreter Services:** The Judiciary is requesting \$234,728 for FY 2013 to fund the expansion of court interpreter services to all Judiciary civil and administrative proceedings as mandated by federal and state language access laws, Title VI of the Civil Rights Act of 1964 and Chapter 371, Hawaii Revised Statutes (HRS). This expansion will facilitate access to justice for limited English proficient (LEP) court customers.

Hawaii’s Language Access Law, Chapter 371, HRS, enacted in 2006, provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. Appropriations made to ensure compliance with this law, however, did not provide funds for all government agencies to fulfill this mandate. Chapter 371, HRS requires that the Judiciary provide language access for individuals seeking government services, which means that court interpreter services must be provided for all civil and administrative proceedings. Federal and state Constitutional mandates further underscore the need to make these services available to the Judiciary’s court users.

The Judiciary is faced with unique challenges resulting from Hawaii’s geographic isolation, relatively small population base, and diversity of cultures and languages. Because of its geographic isolation and corresponding travel costs, Hawaii cannot afford to rely on interpreters to travel from neighboring states to interpret for a case or proceeding. Therefore, the Judiciary needs to build self-sufficiency into its effort to provide qualified court interpreters for a multitude of languages.

During the period from 1980 to 2007, the number of speakers of non-English languages in Hawaii grew by 140%. This has contributed to the nearly 12.1% of Hawaii residents who speak English at less than proficient levels. Hawaii, therefore, has a very significant portion of its population that could be considered “limited English proficient” (LEP).

The Judiciary, through its Court Interpreter Certification Program, presently seeks to provide the most qualified available court interpreter to LEP parties in criminal and juvenile cases to facilitate their meaningful participation in court proceedings. However, individuals in civil courts and individuals facing Judiciary administrative proceedings do not receive court-appointed interpreter services unless specifically ordered by the presiding authority of the non-criminal matter. Also, due to lack of funding, the majority of probation and community service appointments are not provided court interpreter services. LEP parties may be asked to return with a bilingual friend or family member to assist them, which often results in inaccurate delivery of information due to lack of linguistic knowledge, interpreting skills, and/or conflicts of interest. The lack of language assistance services has reportedly discouraged many from coming to the Judiciary despite their clear need for judicial services and results in the perception that justice is not accessible to all.

It is noted that the \$234,728 requested to expand court interpreter services was based on FY 2011 court interpreter and caseload data as well as projected demand for the various court proceedings that would potentially involve interpreting services. It is imperative that LEP court customers have the ability to meaningfully participate in the legal system and secure access to justice through language services required by federal and state laws. If the request is not funded, the Judiciary will be non-compliant with federal and state constitutional and language access mandates and will continue to be exposed to potential lawsuits, federal/state investigations, and withdrawal of significant amounts of federal funds.

**Indigent Legal Assistance Fund (ILAF) Ceiling Increase:** Act 180 (S.B. 1073) of the 2011 Legislative Session increases the surcharge for indigent legal services to expand the delivery of legal assistance to those low and moderate income individuals who are not having their legal needs met. The Conference Committee report on S.B.1073, S.D.2, H.D.2, C.D.1 supported this legislation and stated that there was a "...need to fund legal services for low and moderate income individuals who would not otherwise have access to them." The report also went on to mention that the surcharge increases were the first since Chapter 607-5.7, HRS (the original law creating ILAF) was enacted in 1996 and further that this was also the first time the surcharges would be applied to a broader range of filings.

In anticipation of the substantial rise in collections resulting from the fee increases administered over the next two year period, the Judiciary requests that the ILAF ceiling be raised by \$1,350,000 beginning FY2013. With the ceiling currently set at \$550,000 and annual collections expected to reach nearly \$1.9 million when the surcharge increases are in full effect, this ceiling request is critical to the goal of increasing access to justice by addressing the legal needs of those who do not have the financial means to seek assistance on their own. Without the ceiling increase, the projected increase in collections associated with Act 180 will remain inaccessible and the intended beneficiaries will be precluded from receiving the legal services they require.

## **PART IV**



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## **Capital Improvements Appropriations and Details**

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JUDICIARY  
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Judiciary  
PROGRAM STRUCTURE NO: 01

| DESCRIPTION            | Cost Element | Project Total | Prior Years Total | Fiscal Year 2012-13 |                       |            | Recommended Appropriation | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|------------------------|--------------|---------------|-------------------|---------------------|-----------------------|------------|---------------------------|---------|---------|---------|---------|
|                        |              |               |                   | FY2011-12           | Current Appropriation | Adjustment |                           |         |         |         |         |
| <b>Judiciary Total</b> | Plans        | 4,165         | 2,115             | 425                 | 250                   | 250        | 500                       | 1,125   | 0       | 0       | 0       |
|                        | Land         | 10,929        | 6,189             | 4,740               | 0                     | 0          | 0                         | 0       | 0       | 0       | 0       |
|                        | Design       | 26,679        | 7,600             | 5,204               | 9,750                 | 625        | 10,375                    | 0       | 3,500   | 0       | 0       |
|                        | Constr       | 228,862       | 108,900           | 6,455               | 4,100                 | 6,407      | 10,507                    | 28,000  | 0       | 75,000  | 0       |
|                        | Equip        | 28,550        | 18,050            | 250                 | 250                   | 0          | 250                       | 0       | 2,000   | 0       | 8,000   |
|                        | <b>Total</b> | 299,185       | 142,854           | 17,074              | 14,350                | 7,282      | 21,632                    | 29,125  | 5,500   | 75,000  | 8,000   |
|                        | G.O. Bonds   | 299,185       | 142,854           | 17,074              | 14,350                | 7,282      | 21,632                    | 29,125  | 5,500   | 75,000  | 8,000   |

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

| DESCRIPTION   | Cost Element | Project Total  | Prior Years Total | Fiscal Year 2012-13 |                       |            |                           |               |              |               |              |
|---|--------------|----------------|-------------------|---------------------|-----------------------|------------|---------------------------|---------------|--------------|---------------|--------------|
|   |              |                |                   | FY2012              | Current Appropriation | Adjustment | Recommended Appropriation | 2013-14       | 2014-15      | 2015-16       | 2016-17      |
|   |              |                |                   |                     |                       |            |                           |               |              |               |              |
| <b>Kapolei Judiciary Complex, O'ahu</b>                           | Plans        | 1,340          | 1,090             |                     |                       |            | 0                         | 250           |              |               |              |
|   | Land         | 6,139          | 6,139             |                     |                       |            | 0                         |               |              |               |              |
|   | Design       | 10,415         | 6,915             |                     |                       |            | 0                         |               | 3,500        |               |              |
|   | Constr       | 108,900        | 108,900           |                     |                       |            | 0                         |               |              |               |              |
|   | Equip        | 18,050         | 18,050            |                     |                       |            | 0                         |               |              |               |              |
|   | <b>Total</b> | <b>144,844</b> | <b>141,094</b>    | <b>0</b>            | <b>0</b>              | <b>0</b>   | <b>0</b>                  | <b>250</b>    | <b>3,500</b> | <b>0</b>      | <b>0</b>     |
|   | G.O. Bonds   | 144,844        | 141,094           | 0                   | 0                     | 0          | 0                         | 250           | 3,500        | 0             | 0            |
| <b>Kona Judiciary Complex, Hawai'i</b>                            | Plans        | 600            | 600               |                     |                       |            | 0                         |               |              |               |              |
|   | Land         | 4,550          | 50                | 4,500               |                       |            | 0                         |               |              |               |              |
|   | Design       | 7,500          |                   |                     | 7,500                 | 0          | 7,500                     |               |              |               |              |
|   | Constr       | 75,000         |                   |                     |                       |            | 0                         |               |              | 75,000        |              |
|   | Equip        | 8,000          |                   |                     |                       |            | 0                         |               |              |               | 8,000        |
|   | <b>Total</b> | <b>95,650</b>  | <b>650</b>        | <b>4,500</b>        | <b>7,500</b>          | <b>0</b>   | <b>7,500</b>              | <b>0</b>      | <b>0</b>     | <b>75,000</b> | <b>8,000</b> |
|   | G.O. Bonds   | 95,650         | 650               | 4,500               | 7,500                 | 0          | 7,500                     | 0             | 0            | 75,000        | 8,000        |
| <b>Wahiawā District Court, O'ahu</b>                              | Plans        | 101            | 100               | 1                   |                       |            | 0                         |               |              |               |              |
|   | Land         | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Design       | 2,684          | 685               | 1,999               |                       |            | 0                         |               |              |               |              |
|   | Constr       | 28,000         |                   |                     |                       |            | 0                         | 28,000        |              |               |              |
|   | Equip        | 2,000          |                   |                     |                       |            | 0                         |               | 2,000        |               |              |
|   | <b>Total</b> | <b>32,785</b>  | <b>785</b>        | <b>2,000</b>        | <b>0</b>              | <b>0</b>   | <b>0</b>                  | <b>28,000</b> | <b>2,000</b> | <b>0</b>      | <b>0</b>     |
|   | G.O. Bonds   | 32,785         | 785               | 2,000               | 0                     | 0          | 0                         | 28,000        | 2,000        | 0             | 0            |
| <b>Moloka'i District Court, Moloka'i</b>                          | Plans        | 100            | 100               |                     |                       |            | 0                         |               |              |               |              |
|   | Land         | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Design       | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Constr       | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Equip        | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | <b>Total</b> | <b>100</b>     | <b>100</b>        | <b>0</b>            | <b>0</b>              | <b>0</b>   | <b>0</b>                  | <b>0</b>      | <b>0</b>     | <b>0</b>      | <b>0</b>     |
|   | G.O. Bonds   | 100            | 100               | 0                   | 0                     | 0          | 0                         | 0             | 0            | 0             | 0            |
| <b>Kapuāiwa Building Window Replacement and Upgrade O'ahu</b>     | Plans        | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Land         | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Design       | 185            |                   | 185                 |                       |            | 0                         |               |              |               |              |
|   | Constr       | 1,850          |                   |                     | 1,850                 | 0          | 1,850                     |               |              |               |              |
|   | Equip        | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | <b>Total</b> | <b>2,035</b>   | <b>0</b>          | <b>185</b>          | <b>1,850</b>          | <b>0</b>   | <b>1,850</b>              | <b>0</b>      | <b>0</b>     | <b>0</b>      | <b>0</b>     |
|   | G.O. Bonds   | 2,035          | 0                 | 185                 | 1,850                 | 0          | 1,850                     | 0             | 0            | 0             | 0            |
| <b>Kauikeaouli Hale Cellblock Upgrade and Improvements, O'ahu</b> | Plans        | 65             |                   | 65                  |                       |            | 0                         |               |              |               |              |
|   | Land         | 240            |                   | 240                 |                       |            | 0                         |               |              |               |              |
|   | Design       | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Constr       | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | Equip        | 0              |                   |                     |                       |            | 0                         |               |              |               |              |
|   | <b>Total</b> | <b>305</b>     | <b>0</b>          | <b>305</b>          | <b>0</b>              | <b>0</b>   | <b>0</b>                  | <b>0</b>      | <b>0</b>     | <b>0</b>      | <b>0</b>     |
|   | G.O. Bonds   | 305            | 0                 | 305                 | 0                     | 0          | 0                         | 0             | 0            | 0             | 0            |

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

| DESCRIPTION   | Cost Element | Project Total | Prior Years Total | Fiscal Year 2012-13 |                       |              |                           |          |          |          |          |
|---|--------------|---------------|-------------------|---------------------|-----------------------|--------------|---------------------------|----------|----------|----------|----------|
|   |              |               |                   | FY2012              | Current Appropriation | Adjustment   | Recommended Appropriation | 2013-14  | 2014-15  | 2015-16  | 2016-17  |
| <b>Ka'ahumanu Hale Roof, Lanai, and Concrete Terrace Deck Improvements, O'ahu</b> | Plans        | 80            |                   | 80                  |                       |              | 0                         |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 360           |                   | 360                 |                       |              | 0                         |          |          |          |          |
|   | Constr       | 4,205         |                   | 4,205               |                       |              | 0                         |          |          |          |          |
|   | Equip        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | <b>Total</b> | <b>4,645</b>  | <b>0</b>          | <b>4,645</b>        | <b>0</b>              | <b>0</b>     | <b>0</b>                  | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 4,645         | 0                 | 4,645               | 0                     | 0            | 0                         | 0        | 0        | 0        | 0        |
| <b>Ka'ahumanu Hale Fire Alarm System Upgrade and Improvements, O'ahu</b>          | Plans        | 7             |                   | 7                   |                       |              | 0                         |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 140           |                   | 140                 |                       |              | 0                         |          |          |          |          |
|   | Constr       | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Equip        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | <b>Total</b> | <b>147</b>    | <b>0</b>          | <b>147</b>          | <b>0</b>              | <b>0</b>     | <b>0</b>                  | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 147           | 0                 | 147                 | 0                     | 0            | 0                         | 0        | 0        | 0        | 0        |
| <b>Ka'ahumanu Hale Elevator Systems Upgrade and Modernization, O'ahu</b>          | Plans        | 22            |                   | 22                  |                       |              | 0                         |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 270           |                   | 270                 |                       |              | 0                         |          |          |          |          |
|   | Constr       | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Equip        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | <b>Total</b> | <b>292</b>    | <b>0</b>          | <b>292</b>          | <b>0</b>              | <b>0</b>     | <b>0</b>                  | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 292           | 0                 | 292                 | 0                     | 0            | 0                         | 0        | 0        | 0        | 0        |
| <b>Lump Sum CIP for Judiciary Facilities, Statewide (FB 2011-2013 Only)</b>       | Plans        | 500           |                   | 250                 | 250                   | 0            | 250                       |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 4,500         |                   | 2,250               | 2,250                 | 0            | 2,250                     |          |          |          |          |
|   | Constr       | 4,500         |                   | 2,250               | 2,250                 | 0            | 2,250                     |          |          |          |          |
|   | Equip        | 500           |                   | 250                 | 250                   | 0            | 250                       |          |          |          |          |
|   | <b>Total</b> | <b>10,000</b> | <b>0</b>          | <b>5,000</b>        | <b>5,000</b>          | <b>0</b>     | <b>5,000</b>              | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 10,000        | 0                 | 5,000               | 5,000                 | 0            | 5,000                     | 0        | 0        | 0        | 0        |
| <b>Kauikeaouli Hale Domestic Water Booster and Fire Pump Replacement, O'ahu</b>   | Plans        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 115           |                   |                     |                       | 115          | 115                       |          |          |          |          |
|   | Constr       | 285           |                   |                     |                       | 285          | 285                       |          |          |          |          |
|   | Equip        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | <b>Total</b> | <b>400</b>    | <b>0</b>          | <b>0</b>            | <b>0</b>              | <b>400</b>   | <b>400</b>                | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 400           | 0                 | 0                   | 0                     | 400          | 400                       | 0        | 0        | 0        | 0        |
| <b>Ali'iōlani Hale Building Exterior Improvements, O'ahu</b>                      | Plans        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Land         | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | Design       | 40            |                   |                     |                       | 40           | 40                        |          |          |          |          |
|   | Constr       | 3,000         |                   |                     |                       | 3,000        | 3,000                     |          |          |          |          |
|   | Equip        | 0             |                   |                     |                       |              | 0                         |          |          |          |          |
|   | <b>Total</b> | <b>3,040</b>  | <b>0</b>          | <b>0</b>            | <b>0</b>              | <b>3,040</b> | <b>3,040</b>              | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|   | G.O. Bonds   | 3,040         | 0                 | 0                   | 0                     | 3,040        | 3,040                     | 0        | 0        | 0        | 0        |

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

| DESCRIPTION   | Cost Element | Project Total | Prior Years Total | Fiscal Year 2012-13 |               |            |               |              |            |          |          |          |
|---|--------------|---------------|-------------------|---------------------|---------------|------------|---------------|--------------|------------|----------|----------|----------|
|   |              |               |                   | FY2012              | Current       |            | Recommended   |              | 2013-14    | 2014-15  | 2015-16  | 2016-17  |
|   |              |               |                   |                     | Appropriation | Adjustment | Appropriation | Adjustment   |            |          |          |          |
| <b>Kauikeaouli Hale Air Conditioning System Controls Equipment Upgrade, O'ahu</b> | Plans        | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Land         | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Design       | 70            |                   |                     |               |            | 70            | 70           |            |          |          |          |
| <b>Equipment Upgrade, O'ahu</b>   | Constr       | 157           |                   |                     |               |            | 157           | 157          |            |          |          |          |
|   | Equip        | 0             |                   |                     |               |            | 0             | 0            |            |          |          |          |
|   | <b>Total</b> | <b>227</b>    | <b>0</b>          | <b>0</b>            | <b>0</b>      | <b>0</b>   | <b>227</b>    | <b>227</b>   | <b>0</b>   | <b>0</b> | <b>0</b> | <b>0</b> |
| G.O. Bonds  | 227          | 0             | 0                 | 0                   | 0             | 227        | 227           | 0            | 0          | 0        | 0        |          |
| <b>Hoapili Hale Interior Air Handling and Supply System Improvements, Maui</b>    | Plans        | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Land         | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Design       | 165           |                   |                     |               |            | 165           | 165          |            |          |          |          |
| <b>Supply System Improvements, Maui</b>   | Constr       | 1,200         |                   |                     |               |            | 1,200         | 1,200        |            |          |          |          |
|   | Equip        | 0             |                   |                     |               |            | 0             | 0            |            |          |          |          |
|   | <b>Total</b> | <b>1,365</b>  | <b>0</b>          | <b>0</b>            | <b>0</b>      | <b>0</b>   | <b>1,365</b>  | <b>1,365</b> | <b>0</b>   | <b>0</b> | <b>0</b> | <b>0</b> |
| G.O. Bonds  | 1,365        | 0             | 0                 | 0                   | 0             | 1,365      | 1,365         | 0            | 0          | 0        | 0        |          |
| <b>Hoapili Hale Air Conditioning Energy Management System Upgrade, Maui</b>       | Plans        | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Land         | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Design       | 135           |                   |                     |               |            | 135           | 135          |            |          |          |          |
| <b>System Upgrade, Maui</b>   | Constr       | 975           |                   |                     |               |            | 975           | 975          |            |          |          |          |
|   | Equip        | 0             |                   |                     |               |            | 0             | 0            |            |          |          |          |
|   | <b>Total</b> | <b>1,110</b>  | <b>0</b>          | <b>0</b>            | <b>0</b>      | <b>0</b>   | <b>1,110</b>  | <b>1,110</b> | <b>0</b>   | <b>0</b> | <b>0</b> | <b>0</b> |
| G.O. Bonds  | 1,110        | 0             | 0                 | 0                   | 0             | 1,110      | 1,110         | 0            | 0          | 0        | 0        |          |
| <b>Status Offender Shelter and Juvenile Services Center, O'ahu</b>                | Plans        | 1,350         | 225               |                     |               |            | 250           | 250          | 875        |          |          |          |
|   | Land         | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Design       | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
| <b>Center, O'ahu</b>  | Constr       | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Equip        | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | <b>Total</b> | <b>1,350</b>  | <b>225</b>        | <b>0</b>            | <b>0</b>      | <b>0</b>   | <b>250</b>    | <b>250</b>   | <b>875</b> | <b>0</b> | <b>0</b> | <b>0</b> |
| G.O. Bonds  | 1,350        | 225           | 0                 | 0                   | 0             | 250        | 250           | 875          | 0          | 0        | 0        |          |
| <b>Hoapili Hale Air Conditioning Cooling Tower Building Improvements, Maui</b>    | Plans        | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Land         | 0             |                   |                     |               |            |               | 0            |            |          |          |          |
|   | Design       | 100           |                   |                     |               |            | 100           | 100          |            |          |          |          |
| <b>Building Improvements, Maui</b>  | Constr       | 790           |                   |                     |               |            | 790           | 790          |            |          |          |          |
|   | Equip        | 0             |                   |                     |               |            | 0             | 0            |            |          |          |          |
|   | <b>Total</b> | <b>890</b>    | <b>0</b>          | <b>0</b>            | <b>0</b>      | <b>0</b>   | <b>890</b>    | <b>890</b>   | <b>0</b>   | <b>0</b> | <b>0</b> | <b>0</b> |
| G.O. Bonds  | 890          | 0             | 0                 | 0                   | 0             | 890        | 890           | 0            | 0          | 0        | 0        |          |

# PART V



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## Variance Report

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# VARIANCE REPORT

## INTRODUCTION

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following four categories:

### A. FORECASTING AND DATA COLLECTION METHODS

At present, the forecasting techniques used are largely bivariate regression. This methodology is then further refined by smoothing and by normative trend/event analysis. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

### B. EXTERNAL TRENDS AND EVENTS

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and technological change on global, national, state, and local levels; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

### C. OTHER FACTORS

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

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VARIANCE DETAILS

STATE OF HAWAII

PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

Program Structure No. 01 01 01

PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |               | Fiscal Year 2012 |                                    |     |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---------------|------------------|------------------------------------|-----|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   | A<br>Budgeted | B<br>Estimated   | Change From A TO B<br>Amount +/- % |     |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |               |                  |                                    |     |   |   |
|                                     | Expenditures |                  |             |                                    |   |               |                  |                                    |     |   |   |
| Operating                           | Positions    | 79.0             | 79.0        | 0.0                                | + | 0             | 79.0             | 79.0                               | 0.0 | + | 0 |
|                                     | Expenditures | 6,714            | 6,752       | 38                                 | + | 1             | 5,226            | 5,230                              | 4   | + | 0 |
| Totals                              | Positions    | 79.0             | 79.0        | 0.0                                | + | 0             | 79.0             | 79.0                               | 0.0 | + | 0 |
|                                     | Expenditures | 6,714            | 6,752       | 38                                 | + | 1             | 5,226            | 5,230                              | 4   | + | 0 |

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. | MEASURES OF EFFECTIVENESS                      | Fiscal Year 2011 |             |                                    |   |              | Fiscal Year 2012 |                                    |   |   |  |
|-------------|--|------------------|-------------|------------------------------------|---|--------------|------------------|------------------------------------|---|---|--|
|             |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   | A<br>Planned | B<br>Estimated   | Change From A TO B<br>Amount +/- % |   |   |  |
| 1.          | Median Time to Decision, Criminal Appeal (Mo)* | 16               | *           | *                                  | * | 16           | *                | *                                  | * | * |  |
| 2.          | Median Time to Decision, Civil Appeal (Mo)*    | 16               | *           | *                                  | * | 16           | *                | *                                  | * | * |  |
| 3.          | Median Time to Decision, Original Proc. (Mo)   | 1                | *           | *                                  | * | 1            | *                | *                                  | * | * |  |

\*Information currently unavailable as appellate court reporting system is undergoing change.

PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. | PROGRAM SIZE INDICATORS                 | Fiscal Year 2011 |             |                                    |   |              | Fiscal Year 2012 |                                    |       |   |    |
|-------------|---|------------------|-------------|------------------------------------|---|--------------|------------------|------------------------------------|-------|---|----|
|             |   | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   | A<br>Planned | B<br>Estimated   | Change From A TO B<br>Amount +/- % |       |   |    |
| 1.          | A01 Criminal Appeals Filed              | 240              | 209         | 31                                 | - | 13           | 225              | 210                                | 15    | - | 7  |
| 2.          | A02 Civil Appeals Filed                 | 340              | 264         | 76                                 | - | 22           | 302              | 270                                | 32    | - | 11 |
| 3.          | A03 Original Proceedings Filed          | 72               | 136         | 64                                 | + | 89           | 90               | 104                                | 14    | + | 16 |
| 4.          | A04 Appeals Disposed                    | 630              | 583         | 47                                 | - | 7            | 588              | 600                                | 12    | + | 2  |
| 5.          | A05 Motions Filed                       | 2,400            | 2,368       | 32                                 | - | 1            | 2,384            | 2,400                              | 16    | + | 1  |
| 6.          | A06 Motions Terminated                  | 2,400            | 2,240       | 160                                | - | 7            | 2,320            | 2,300                              | 20    | - | 1  |
| 7.          | A07 Library-Size of Collections (000's) | 400              | 386         | 14                                 | - | 4            | 393              | 390                                | 3     | - | 1  |
| 8.          | A08 Library-Circulation & Reference Use | 10,000           | 25,861      | 15,861                             | + | 159          | 25,000           | 26,000                             | 1,000 | + | 4  |
| 9.          | A09 Library-Patrons Served              | 7,000            | 9,756       | 2,756                              | + | 39           | 8,378            | 9,000                              | 622   | + | 7  |

## **JUD 101 COURTS OF APPEAL**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

No position variances for FY 2011 as the Courts of Appeal were fully staffed. The expenditure variance for the year was attributable to reduced funding resources offset by significant efforts to reduce spending levels in various operating areas. Despite these efforts, the expenditure variance was largely due to increased costs for subscriptions and materials for the Law Library that were partially offset by revolving fund expenditures that were less than budgeted.

In the first quarter of FY 2012, the Courts of Appeal showed no position vacancies as they continue to be fully staffed. Expenditure variances in the first quarter are largely due to the timing of actual payroll disbursements and normal procurement and operational practices. For the balance of FY 2012, the estimated expenditures are expected to reflect the combined effect of the liquidation of first quarter billings as they are received in later quarters and payments made for court purchased items.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The appellate court reporting system is currently undergoing changes. Publication of data has been suspended until modifications to the appellate court reporting system are completed.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 3, Original Proceedings Filed, was 89% over the planned level due to underestimation of the planned number.

Item 8, Library - Circulation and Reference Use, was 159% over the planned level because, for the first time, the library was able to capture and add the number of single website visits to the actual number of visits to the library.

Item 9, Library - Patrons Served, was 39% over the planned level due to the underestimation of the number of library patrons requiring services.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

Program Structure No. 01 01 02

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |   |
|                                     | Expenditures |                  |             |                                    |   |   |
| Operating                           | Positions    | 1098.5           | 1052.5      | 46.0                               | - | 4 |
|                                     | Expenditures | 70,959           | 70,279      | 680                                | - | 1 |
| Totals                              | Positions    | 1098.5           | 1052.5      | 46.0                               | - | 4 |
|                                     | Expenditures | 70,959           | 70,279      | 680                                | - | 1 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |   | Nine Months Ended 6-30-12 |                |                                    |   |   |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|---|---------------------------|----------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                            |             |                                    |   |   |                           | 72,251         |                                    |   |   |
|                                     | Expenditures |                            |             |                                    |   |   |                           |                |                                    |   |   |
| Operating                           | Positions    | 1098.5                     | 1044.5      | 54.0                               | - | 5 | 1098.5                    | 1048.5         | 50.0                               | - | 5 |
|                                     | Expenditures | 18,063                     | 16,861      | 1,202                              | - | 7 | 54,188                    | 55,390         | 1,202                              | + | 2 |
| Totals                              | Positions    | 1098.5                     | 1044.5      | 54.0                               | - | 5 | 1098.5                    | 1048.5         | 50.0                               | - | 5 |
|                                     | Expenditures | 18,063                     | 16,861      | 1,202                              | - | 7 | 54,188                    | 55,390         | 1,202                              | + | 2 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |   |
|---------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|---|
|                                       |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| 1.                                    | Med. Time to Dispo., Circ. Ct. Crim. Act. (Days) | 260              | 302         | 42                                 | + | 16 | 281              | 300            | 19                                 | + | 7 |
| 2.                                    | Med. Time to Dispo., Circ. Ct. Civil Act. (Days) | 395              | 421         | 26                                 | + | 7  | 408              | 420            | 12                                 | + | 3 |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |   |
|-------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|---|
|                                     |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| 1.                                  | T01 Civil Actions, Circuit Court             | 6,700            | 7,925       | 1,225                              | + | 18 | 7,313            | 8,000          | 687                                | + | 9 |
| 2.                                  | T02 Marital Actions                          | 7,100            | 7,194       | 94                                 | + | 1  | 7,147            | 7,200          | 53                                 | + | 1 |
| 3.                                  | T03 Adoption Proceedings                     | 700              | 667         | 33                                 | - | 5  | 684              | 700            | 16                                 | + | 2 |
| 4.                                  | T04 Parental Proceedings                     | 2,000            | 1,967       | 33                                 | - | 2  | 1,984            | 2,000          | 16                                 | + | 1 |
| 5.                                  | A01 Civil Actions Filed, Circuit Court       | 2,800            | 2,673       | 127                                | - | 5  | 2,737            | 2,700          | 37                                 | - | 1 |
| 6.                                  | A02 Criminal Actions Filed, Circuit Court    | 2,200            | 2,083       | 117                                | - | 5  | 2,142            | 2,100          | 42                                 | - | 2 |
| 7.                                  | A03 Marital Actions Filed                    | 4,150            | 4,142       | 8                                  | - | 0  | 4,146            | 4,200          | 54                                 | + | 1 |
| 8.                                  | A04 Traffic - New Filings (thousands)        | 360              | 309         | 51                                 | - | 14 | 335              | 310            | 25                                 | - | 7 |
| 9.                                  | A05 Traffic - Entry of Judgement (thousands) | 350              | 317         | 33                                 | - | 9  | 334              | 320            | 14                                 | - | 4 |

# **JUD 310 FIRST CIRCUIT**

## **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In fiscal year 2011, position variances were the result of employee turnover and conservative hiring practices that recognized the seriousness of the state financial situation. Recruitment time factors for the limited number of key positions that were vacated and subsequently filled also affected position variances. All position vacancies are carefully screened as part of the ongoing process of reassessment undertaken to ensure that new hires are necessary to continue vital court services. Conservative hiring practices are also necessary due to the common practice of budgeting for payroll expenses at less than 100%; and instead, providing a reduced budget which is reflective of anticipated turnover savings derived when authorized positions are vacant during the recruitment process. Fiscal year 2011 First Circuit expenditures were slightly lower than those reflected as “planned” largely due to efforts to control expenses in areas such as utilities, and purchased services to ensure program operations stayed within appropriated resource levels. Special fund expenditures that were less than budgeted also contributed to the variance.

In the first quarter of fiscal year 2012, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditure variances in the first quarter are largely due to the timing of actual payroll disbursements, conservative hiring practices, and normal procurement and operational practices.

For the balance of fiscal year 2012, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2012 by newer employees subject to a 20-day pay-lag is disbursed), the liquidation of first quarter billings as they are received in later quarters, and payments made for court purchased services. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year.

## **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

No significant variance to report.

## **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

No significant variance to report.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

Program Structure No. 01 01 03

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |   |
|                                     | Expenditures |                  |             |                                    |   |   |
| Operating                           | Positions    | 205.0            | 199.0       | 6.0                                | - | 3 |
|                                     | Expenditures | 13,910           | 13,880      | 30                                 | - | 0 |
| Totals                              | Positions    | 205.0            | 199.0       | 6.0                                | - | 3 |
|                                     | Expenditures | 13,910           | 13,880      | 30                                 | - | 0 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |   | Nine Months Ended 6-30-12 |                |                                    |   |   |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|---|---------------------------|----------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                            |             |                                    |   |   |                           |                |                                    |   |   |
|                                     | Expenditures |                            |             |                                    |   |   |                           |                |                                    |   |   |
| Operating                           | Positions    | 205.0                      | 199.0       | 6.0                                | - | 3 | 205.0                     | 199.0          | 6.0                                | - | 3 |
|                                     | Expenditures | 3,530                      | 3,353       | 177                                | - | 5 | 10,590                    | 10,767         | 177                                | + | 2 |
| Totals                              | Positions    | 205.0                      | 199.0       | 6.0                                | - | 3 | 205.0                     | 199.0          | 6.0                                | - | 3 |
|                                     | Expenditures | 3,530                      | 3,353       | 177                                | - | 5 | 10,590                    | 10,767         | 177                                | + | 2 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|---------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                       |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                    | Med. Time to Dispo., Circ. Ct. Crim. Act. (Days) | 225              | 297         | 72                                 | + | 32 | 261              | 290            | 29                                 | + | 11 |
| 2.                                    | Med. Time to Dispo., Circ. Ct. Civil Act. (Days) | 350              | 307         | 43                                 | - | 12 | 329              | 300            | 29                                 | - | 9  |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|-------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                     |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                  | T01 Civil Actions, Circuit Court             | 1,800            | 2,225       | 425                                | + | 24 | 2,013            | 2,300          | 287                                | + | 14 |
| 2.                                  | T02 Marital Actions                          | 920              | 1,072       | 152                                | + | 17 | 996              | 1,100          | 104                                | + | 10 |
| 3.                                  | T03 Adoption Proceedings                     | 85               | 69          | 16                                 | - | 19 | 77               | 70             | 7                                  | - | 9  |
| 4.                                  | T04 Parental Proceedings                     | 318              | 484         | 166                                | + | 52 | 401              | 480            | 79                                 | + | 20 |
| 5.                                  | A01 Civil Actions Filed, Circuit Court       | 720              | 779         | 59                                 | + | 8  | 750              | 780            | 30                                 | + | 4  |
| 6.                                  | A02 Criminal Actions Filed, Circuit Court    | 725              | 693         | 32                                 | - | 4  | 709              | 700            | 9                                  | - | 1  |
| 7.                                  | A03 Marital Actions Filed                    | 620              | 664         | 44                                 | + | 7  | 642              | 670            | 28                                 | + | 4  |
| 8.                                  | A04 Traffic - New Filings (thousands)        | 38               | 34          | 4                                  | - | 11 | 36               | 40             | 4                                  | + | 11 |
| 9.                                  | A05 Traffic - Entry of Judgement (thousands) | 38               | 33          | 5                                  | - | 13 | 36               | 40             | 4                                  | + | 11 |

## **JUD 320 SECOND CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In fiscal year 2011, position variances were the result of employee turnover and conservative hiring practices that recognized the seriousness of the state financial situation. Recruitment time factors for the limited number of key positions that were vacated and subsequently filled also affected position variances. The expenditure variances were slightly lower than those reflected as “planned” largely due to the number of vacant positions.

In the first quarter of fiscal year 2012, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditure variances in the first quarter are largely due to payroll savings relating to conservative hiring practices, and normal procurement and operational practices.

For the balance of fiscal year 2012, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled), the liquidation of first quarter billings as they are received in later quarters, payments made for court purchased services, and the offset caused by the payroll reduction due to the implementation of employee furloughs. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year.

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### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 32% under the planned level due to an overestimation of the planned level.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions – Circuit Court, was 24% over the planned level, primarily due to an increase in mortgage foreclosure filings.

Item 4, Parental Proceedings, was 52% over planned levels due to an increase in Family Court Special Services filings (ensuring the well-being of children) and an underestimation of the planned level.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Third Circuit

Program Plan ID: JUD 330

Program Structure No. 01 01 04

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |   |
|                                     | Expenditures |                  |             |                                    |   |   |
| Operating                           | Positions    | 223.0            | 211.0       | 12.0                               | - | 5 |
|                                     | Expenditures | 16,458           | 16,040      | 418                                | - | 3 |
| Totals                              | Positions    | 223.0            | 211.0       | 12.0                               | - | 5 |
|                                     | Expenditures | 16,458           | 16,040      | 418                                | - | 3 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |    | Nine Months Ended 6-30-12 |                |                                    |   |    |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|----|---------------------------|----------------|------------------------------------|---|----|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| Research and Development            | Positions    |                            |             |                                    |   |    |                           |                |                                    |   |    |
|                                     | Expenditures |                            |             |                                    |   |    |                           |                |                                    |   |    |
| Operating                           | Positions    | 223.0                      | 215.0       | 8.0                                | - | 4  | 223.0                     | 216.0          | 7.0                                | - | 3  |
|                                     | Expenditures | 4,169                      | 7,255       | 3,087                              | + | 74 | 12,506                    | 9,419          | 3,087                              | - | 25 |
| Totals                              | Positions    | 223.0                      | 215.0       | 8.0                                | - | 4  | 223.0                     | 216.0          | 7.0                                | - | 3  |
|                                     | Expenditures | 4,169                      | 7,255       | 3,087                              | + | 74 | 12,506                    | 9,419          | 3,087                              | - | 25 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |  | Fiscal Year 2011 |             |                                    |   |   | Fiscal Year 2012 |                |                                    |   |   |
|---------------------------------------|--|------------------|-------------|------------------------------------|---|---|------------------|----------------|------------------------------------|---|---|
|                                       |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| 1.                                    | Med. Time to Dispo., Circ. Ct. Crim. Act. (Days) | 330              | 321         | 9                                  | - | 3 | 326              | 320            | 6                                  | - | 2 |
| 2.                                    | Med. Time to Dispo., Circ. Ct. Civil Act. (Days) | 350              | 346         | 4                                  | - | 1 | 348              | 340            | 8                                  | - | 2 |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|-------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                     |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                  | T01 Civil Actions, Circuit Court             | 2,500            | 3,106       | 606                                | + | 24 | 2,803            | 3,100          | 297                                | + | 11 |
| 2.                                  | T02 Marital Actions                          | 1,510            | 1,521       | 11                                 | + | 1  | 1,516            | 1,500          | 16                                 | - | 1  |
| 3.                                  | T03 Adoption Proceedings                     | 114              | 116         | 2                                  | + | 2  | 115              | 110            | 5                                  | - | 4  |
| 4.                                  | T04 Parental Proceedings                     | 749              | 1,022       | 273                                | + | 36 | 886              | 1,000          | 114                                | + | 13 |
| 5.                                  | A01 Civil Actions Filed, Circuit Court       | 850              | 848         | 2                                  | - | 0  | 849              | 850            | 1                                  | + | 0  |
| 6.                                  | A02 Criminal Actions Filed, Circuit Court    | 970              | 852         | 118                                | - | 12 | 911              | 900            | 11                                 | - | 1  |
| 7.                                  | A03 Marital Actions Filed                    | 675              | 623         | 52                                 | - | 8  | 649              | 650            | 1                                  | + | 0  |
| 8.                                  | A04 Traffic - New Filings (thousands)        | 51               | 44          | 7                                  | - | 14 | 48               | 50             | 2                                  | + | 4  |
| 9.                                  | A05 Traffic - Entry of Judgement (thousands) | 51               | 40          | 11                                 | - | 22 | 46               | 45             | 1                                  | - | 2  |

## **JUD 330 THIRD CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In fiscal year 2011, position variances were the result of employee turnover and conservative hiring practices that recognized the seriousness of the state financial situation. Recruitment time factors for the limited number of key positions that were vacated and subsequently filled also affected position variances. The expenditure variances were slightly lower than those reflected as “planned” largely due to the number of vacant positions.

In the first quarter of fiscal year 2012, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditures are greater than budgeted in the first quarter due to the majority of recurring expenses (utilities, contracts, rentals, service on a fee, purchase of service) being encumbered up front for the fiscal year. Estimated expenditures are expected to be lower than budgeted amounts for the balance of fiscal year 2012 because of this. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

No significant variance to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions – Circuit Court, was 24% over the planned level, primarily due to an increase in mortgage foreclosure filings.

Item 4, Parental Proceedings, was 36% over planned levels due to an increase in cases involving tracking down hard to locate defendants to attempt to establish paternities.

Item 9, Traffic – Entry of Judgment, was 22% under the planned level due to an overestimation of the planned level.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

Program Structure No. 01 01 05

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |   |
|                                     | Expenditures |                  |             |                                    |   |   |
| Operating                           | Positions    | 97.0             | 95.0        | 2.0                                | - | 2 |
|                                     | Expenditures | 6,317            | 6,364       | 47                                 | + | 1 |
| Totals                              | Positions    | 97.0             | 95.0        | 2.0                                | - | 2 |
|                                     | Expenditures | 6,317            | 6,364       | 47                                 | + | 1 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |   | Nine Months Ended 6-30-12 |                |                                    |   |   |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|---|---------------------------|----------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                            |             |                                    |   |   |                           |                |                                    |   |   |
|                                     | Expenditures |                            |             |                                    |   |   |                           |                |                                    |   |   |
| Operating                           | Positions    | 97.0                       | 94.0        | 3.0                                | - | 3 | 97.0                      | 97.0           | 0.0                                | + | 0 |
|                                     | Expenditures | 1,603                      | 1,648       | 45                                 | + | 3 | 4,809                     | 4,764          | 45                                 | - | 1 |
| Totals                              | Positions    | 97.0                       | 94.0        | 3.0                                | - | 3 | 97.0                      | 97.0           | 0.0                                | + | 0 |
|                                     | Expenditures | 1,603                      | 1,648       | 45                                 | + | 3 | 4,809                     | 4,764          | 45                                 | - | 1 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |  | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|---------------------------------------|--|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                       |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                    | Med. Time to Dispo., Circ. Ct. Crim. Act. (Days) | 330              | 273         | 57                                 | - | 17 | 302              | 270            | 32                                 | - | 11 |
| 2.                                    | Med. Time to Dispo., Circ. Ct. Civil Act. (Days) | 375              | 300         | 75                                 | - | 20 | 338              | 300            | 38                                 | - | 11 |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |   | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|-------------------------------------|---|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                     |   | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                  | TO1 Civil Actions, Circuit Court            | 800              | 1,059       | 259                                | + | 32 | 930              | 1,100          | 170                                | + | 18 |
| 2.                                  | TO2 Marital Actions                         | 655              | 758         | 103                                | + | 16 | 707              | 760            | 53                                 | + | 7  |
| 3.                                  | TO3 Adoption Proceedings                    | 101              | 98          | 3                                  | - | 3  | 100              | 100            | 0                                  | + | 0  |
| 4.                                  | TO4 Parental Proceedings                    | 420              | 486         | 66                                 | + | 16 | 453              | 500            | 47                                 | + | 10 |
| 5.                                  | A01 Civil Actions Filed, Circuit Court      | 250              | 238         | 12                                 | - | 5  | 244              | 250            | 6                                  | + | 2  |
| 6.                                  | A02 Criminal Actions Filed, Circuit Court   | 300              | 543         | 243                                | + | 81 | 422              | 500            | 78                                 | + | 18 |
| 7.                                  | A03 Marital Actions Filed                   | 250              | 257         | 7                                  | + | 3  | 254              | 260            | 6                                  | + | 2  |
| 8.                                  | A04 Traffic - New Filings (thousands)       | 11               | 16          | 5                                  | + | 45 | 14               | 16             | 2                                  | + | 14 |
| 9.                                  | A05 Traffic - Entry of Judgment (thousands) | 11               | 14          | 3                                  | + | 27 | 13               | 14             | 1                                  | + | 8  |

## **JUD 350 FIFTH CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2011, the variance in positions was due to general employee turnover and standard delays in filling vacancies relating to the recruitment and selection process. The corresponding expenditure variance for the year was attributable to reduced funding resources offset by significant efforts to reduce spending levels in various operating areas. Despite these efforts there was still a slight shortage for the year.

In the first quarter of FY 2012, the variance in positions was attributable to normal employee turnover and standard recruitment delays. The expenditure variance in the first quarter was largely due to the timing of actual payroll disbursements and items being encumbered in the first quarter that will be liquidated during the fiscal year. For the balance of FY 2012, estimated expenditures are expected to reflect the combined effect of additional payroll expenses, the liquidation of first quarter billings as they are received in later quarters, and payments made for court purchased services.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

No significant variances to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions – Circuit Court, was 32% over the planned level, primarily due to an increase in mortgage foreclosure filings.

Item 6, Criminal Actions Filed – Circuit Court, was 81% over the planned level and 50% more than in FY 2010, primarily due to an increase in filing for almost every type of criminal action on Kauai. Consequently, the planned level was significantly underestimated.

Item 8, Traffic – New Filings, was 45% over the planned level due to a significant increase in new filings for non-criminal traffic violations and parking violations relative to FY 2010, and a corresponding underestimation of the planned level.

Item 9, Traffic – Entry of Judgment, was 27% over the planned level due to an underestimation of the planned level.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

## VARIANCE DETAILS

Program Structure No. 01 02 01

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |    |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|----|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    |
| Research and Development            | Positions    |                  |             |                                    |   |    |
|                                     | Expenditures |                  |             |                                    |   |    |
| Operating                           | Positions    | 1.0              | 1.0         | 0.0                                | + | 0  |
|                                     | Expenditures | 84               | 75          | 9                                  | - | 11 |
| Totals                              | Positions    | 1.0              | 1.0         | 0.0                                | + | 0  |
|                                     | Expenditures | 84               | 75          | 9                                  | - | 11 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |   | Nine Months Ended 6-30-12 |                |                                    |   |   |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|---|---------------------------|----------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                            |             |                                    |   |   |                           |                |                                    |   |   |
|                                     | Expenditures |                            |             |                                    |   |   |                           |                |                                    |   |   |
| Operating                           | Positions    | 1.0                        | 1.0         | 0.0                                | + | 0 | 1.0                       | 1.0            | 0.0                                | + | 0 |
|                                     | Expenditures | 22                         | 20          | 2                                  | - | 9 | 64                        | 66             | 2                                  | + | 3 |
| Totals                              | Positions    | 1.0                        | 1.0         | 0.0                                | + | 0 | 1.0                       | 1.0            | 0.0                                | + | 0 |
|                                     | Expenditures | 22                         | 20          | 2                                  | - | 9 | 64                        | 66             | 2                                  | + | 3 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |  | Fiscal Year 2011 |             |                                    |  |  | Fiscal Year 2012 |                |                                    |  |  |
|---------------------------------------|--|------------------|-------------|------------------------------------|--|--|------------------|----------------|------------------------------------|--|--|
|                                       |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |  |  | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |  |  |
| N/A                                   |  |                  |             |                                    |  |  |                  |                |                                    |  |  |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |  | Fiscal Year 2011 |             |                                    |  |  | Fiscal Year 2012 |                |                                    |  |  |
|-------------------------------------|--|------------------|-------------|------------------------------------|--|--|------------------|----------------|------------------------------------|--|--|
|                                     |  | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |  |  | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |  |  |
| N/A                                 |  |                  |             |                                    |  |  |                  |                |                                    |  |  |

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

The Judicial Selection Commission reflects no position variance for FY 2011 as the sole position was filled throughout the year. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices employed by the Judicial Selection Commission.

While it is anticipated that there will be no position variance for FY 2012, there is an expenditure variance expected for the first quarter due to the proportionately lower expenditures that are typically incurred in the early part of the fiscal year. The remainder of FY 2012 reflects the higher level of expenditures associated with the normal increase in procurement and operational activity.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

N/A.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

N/A.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Administration

Program Plan ID: JUD 601

Program Structure No. 01 02 02

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

| COST<br>(Expenditures in \$1,000's) |              | Fiscal Year 2011 |             |                                    |   |   |
|-------------------------------------|--------------|------------------|-------------|------------------------------------|---|---|
|                                     |              | A<br>Budgeted    | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   |
| Research and Development            | Positions    |                  |             |                                    |   |   |
|                                     | Expenditures |                  |             |                                    |   |   |
| Operating                           | Positions    | 214.0            | 210.0       | 4.0                                | - | 2 |
|                                     | Expenditures | 27,305           | 26,037      | 1,268                              | - | 5 |
| Totals                              | Positions    | 214.0            | 210.0       | 4.0                                | - | 2 |
|                                     | Expenditures | 27,305           | 26,037      | 1,268                              | - | 5 |

| COST<br>(Expenditures in \$1,000's) |              | Three Months Ended 9-30-11 |             |                                    |   |    | Nine Months Ended 6-30-12 |                |                                    |   |    |
|-------------------------------------|--------------|----------------------------|-------------|------------------------------------|---|----|---------------------------|----------------|------------------------------------|---|----|
|                                     |              | A<br>Budgeted              | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Budgeted             | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| Research and Development            | Positions    |                            |             |                                    |   |    |                           |                |                                    |   |    |
|                                     | Expenditures |                            |             |                                    |   |    |                           |                |                                    |   |    |
| Operating                           | Positions    | 214.0                      | 205.0       | 9.0                                | - | 4  | 214.0                     | 214.0          | 0.0                                | + | 0  |
|                                     | Expenditures | 6,868                      | 10,506      | 3,638                              | + | 53 | 20,603                    | 16,965         | 3,638                              | - | 18 |
| Totals                              | Positions    | 214.0                      | 205.0       | 9.0                                | - | 4  | 214.0                     | 214.0          | 0.0                                | + | 0  |
|                                     | Expenditures | 6,868                      | 10,506      | 3,638                              | + | 53 | 20,603                    | 16,965         | 3,638                              | - | 18 |

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

| Item<br>No. MEASURES OF EFFECTIVENESS |   | Fiscal Year 2011 |             |                                    |   |   | Fiscal Year 2012 |                |                                    |   |   |
|---------------------------------------|---|------------------|-------------|------------------------------------|---|---|------------------|----------------|------------------------------------|---|---|
|                                       |   | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |   | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |   |
| 1.                                    | Average Time to Process JUDHR001 Form (days)    | 5                | 5           | 0                                  | + | 0 | 5                | 5              | 0                                  | + | 0 |
| 2.                                    | Average Time to Process Payment Document (days) | 5                | 5           | 0                                  | + | 0 | 5                | 5              | 0                                  | + | 0 |

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

| Item<br>No. PROGRAM SIZE INDICATORS |   | Fiscal Year 2011 |             |                                    |   |    | Fiscal Year 2012 |                |                                    |   |    |
|-------------------------------------|---|------------------|-------------|------------------------------------|---|----|------------------|----------------|------------------------------------|---|----|
|                                     |   | A<br>Planned     | B<br>Actual | Change From A TO B<br>Amount +/- % |   |    | A<br>Planned     | B<br>Estimated | Change From A TO B<br>Amount +/- % |   |    |
| 1.                                  | A01 Number of Payment Documents Processed | 39,913           | 31,635      | 8,278                              | - | 21 | 32,391           | 31,635         | 756                                | - | 2  |
| 2.                                  | A02 Number of Recruitment Announcements   | 970              | 619         | 351                                | - | 36 | 780              | 619            | 161                                | - | 21 |
| 3.                                  | A03 Number of JUDHR001 Forms Processed    | 3,000            | 4,257       | 1,257                              | + | 42 | 3,000            | 2,500          | 500                                | - | 17 |

## **JUD 601 ADMINISTRATION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

The FY 2011 position variance was due to normal employee turnover and recruitment delays combined with conservative recruitment activity. The corresponding expenditure variance for the year was attributable to continued conservative spending practices, lower than expected electricity expenses during various periods of the year, and special and revolving fund expenditures that are notably lower than authorized ceiling amounts.

In the first quarter of FY 2012, the position variance appears to be slightly higher but relatively stable. However, with reduced staffing levels resulting from previous budgetary reductions, administrative programs are expected to fill vacant positions expeditiously and a minimal position variance is expected for the remainder of the fiscal year. The expenditure variance for the first quarter period of FY 2012 was largely due to full-year funding encumbered for various contracts and operating expenses. This fiscal practice results in the proportionately lower level of operating expenses projected for the remaining three quarters of FY 2012.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

There are no variances identified.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

The variance reflected in the Number of Payment Documents Processed (Item 1) for FY 2011 was impacted by the continued integration of automated accounting functions as well as a decline in procurement activity.

The variance identified in the Number of Recruitment Announcements (Item 2) issued during FY 2011 resulted from the Judiciary's continued enforcement of conservative recruitment practices as well as the lower level of vacancies that have occurred over the past fiscal year. In light of the ongoing difficulties associated with the state financial situation and decreases in employee turnover, recruitment activities are expected to continue at these lower levels in FY 2012.

The significant FY 2011 variance reflected in Item 3, Number of JUDHR001Forms Processed, is attributed primarily to the work involved in implementing the 5% payroll reduction for Hawaii Government Employees Association (HGEA) and Excluded Managerial Compensation Plan (EMCP) employees, and in continuing the 5% salary reduction for judges.