

Re: response to erin wilson letter

Shaylene Carvalho

Sent: Wednesday, January 18, 2012 2:06 PM

To: Leo De Azambuja [LDeAzambuja@thegardenisland.com]

Cc: Jake Delaplane

Thanks for the sense of humor :-)

Shay

On Jan 18, 2012, at 1:50 PM, "Leo De Azambuja" <LDeAzambuja@thegardenisland.com> wrote:

Ha, not a problem Shay,

See you tomorrow in council.

Aloha, Léo.

On 1/18/12 1:47 PM, "Shaylene Carvalho" <scarvalho@kauai.gov> wrote:

No.

Shay

On Jan 18, 2012, at 10:22 AM, "Leo De Azambuja" <LDeAzambuja@thegardenisland.com> wrote:

Re: response to erin wilson letter Hi Shay,

I got a call from Erin Wilson today, and she wanted a copy of your response. I explained to her that I'm not sure if it's public document. Her testimony was public document, but your response is just an answer sent to me through email. I told her I would act the same if the situation was reversed, out of ethics and respect. She insisted she wanted a copy, so I told her I would ask you for permission.

No one else has seen it, and no one will without your authorization. That's how reporters should treat their sources, regardless of who they are.

But since I already told her I would ask you, here goes her request.

Do you authorize me to send Erin Wilson a copy of your email?

Aloha, Léo.

On 1/12/12 6:13 PM, "Shaylene Carvalho" <scarvalho@kauai.gov> wrote:

From: Shaylene Iseri-Carvalho

Sent: Thursday, January 12, 2012 6:09 PM

Subject: response to erin wilson letter

Ms. Wilson worked as a Victim Witness Counselor at the Office of the Prosecuting Attorney for 78 days. I find it quite telling that the majority of her testimony to the

Council relates to issues that occurred long before she was employed by the OPA, or even stepped foot onto our island. The blindly negative characterizations of office policy, operations, and employment history evidences the fact that this testimony is thinly veiled political attack, fueled by a jilted former employee.

The decision to eliminate Ms. Wilson's position was a result of a careful review of Victim Witness Counselor workloads, job descriptions, and the duty of our agency to maintain efficiency and fiscal responsibility in a time of economic uncertainty. This review was prompted by Ms. Wilson's own statement to me in September 2011, in which she revealed to me and our grant coordinator that she was only working 60% of the time she was at the office during a normal work day. Upon learning this information, I requested an audit of the Victim Witness Counselor caseload in an attempt to properly distribute case assignments among the 4 Victim Witness Counselors so that every Counselor had a sufficient caseload to support a full-time position for each. After reviewing the amount and type of cases assigned to each Victim Witness Counselor, it became clear that we would be unable to distribute the caseload in such a way as to justify the continued existence of Ms. Wilson's position.

When it became clear that Ms. Wilson's position was unjustifiable and should be eliminated, we conferred with the County Attorney's Office and Personnel Office in order to determine the proper way to begin the process. Both the County Attorney's Office and the Personnel Office advised that since Ms. Wilson was still well-within her probationary period of employment, that we were under no obligation to provide Ms. Wilson more than 2 weeks advance notice. No action was taken without express and complete conferral both the County Attorney's Office and the Personnel Office.

When Ms. Wilson learned that her position was being eliminated, Ms. Wilson, who had never had any prior disciplinary actions, began acting inappropriately toward fellow employees. Many employees complained of Ms. Wilson's inappropriate and intrusive behavior, which included videoing and/or photographing other employees during the work day without their consent. She also became confrontational with other employees on several occasions, leading multiple employees to file complaints of Ms. Wilson creating a hostile work environment.

In a time of economic uncertainty and hardship, it would be totally irresponsible to maintain a full-time County position in which the employee is only working 60% of the work-day. Through our cost-saving measures implemented during my first two years in office, I saved the County nearly one million dollars in expenditures. I have consistently maintained this focus on fiscal responsibility, and I refuse to retain positions that are unnecessary and constitute a waste of taxpayer dollars.

With regard to Ms. Wilson's comments regarding employee turnover, her assumptions and conclusions are baseless and misguided. In general, Prosecuting

Attorneys' offices are often utilized as a stepping stone into the legal profession. Many new attorneys fresh out of law school view taking a job at a Prosecutor's office as a temporary step in their legal career that gives them substantial exposure to the local courts in a relatively short period of time. These new attorneys often leave the Prosecutor's office when another more appealing job opportunity becomes available to them.

The nature of the workload also contributes to high turnover rates in Prosecuting Attorneys' offices. Deputy Prosecuting Attorneys deal with violent and heinous criminal cases that can be psychologically and emotionally difficult for some attorneys to handle. The disturbing nature of the cases coupled with the high volume of the workload leads many attorneys to decide that the job is simply not for them. This effect is amplified during times like the current economic crisis, when the severity and frequency of crime is at an all-time high.

When new administrations come into office, turnovers are expected as the incoming Prosecutor has strategies and goals that may differ from the former Prosecutor's. In addition, limited resources, a high workload, and potential for burnout are all factors that may contribute to attorneys leaving the office.

Nationwide, turnover in prosecuting attorney's offices is not unusual. Hawai'i is no exception. It should be noted that the Honolulu Prosecuting Attorney's Office has had approximately 40 attorneys leave the office since 2010.

With regard to her allegation of 17 attorneys leaving the office since December 1, 2008, Ms. Wilson's facts are inaccurate. In actuality, 15 attorneys have left the office during this period, for a wide variety of reasons. 3 attorneys transferred to other government agencies. 5 attorneys were asked to resign for poor work performance. 2 were terminated for dishonesty. 1 resigned after giving birth. 4 resigned because they were relocating off-island.

Despite the changes in personnel, our office has consistently maintained a high level of operational efficiency and competency. We have attained the following conviction rates in felony

cases:

97% career criminal prosecutions
93% sexual assaults
98% domestic violence
98% methamphetamine
100% other drug crimes
99% property crimes

With regard to the backlog experienced by the OPA as a result of the furloughs, none of the Victim Witness Counselors utilized any of the funding available for Victim Witness advocacy services, as there was never a backlog in this area. We have never compromised victim services in the name of mere cost savings.

Victim Witness Counselors are not the only employees that provide victim services. Our attorneys take a proactive approach in having personal contact with their witnesses, and keeping the victims of crime apprised of the status of their cases. We've found that many victims prefer to have direct contact with the attorney assigned to their case, instead of having a victim witness counselor act as an intermediary. This direct contact is an important part of our model of prosecution, as it builds a stronger rapport with victims, which leads to more successful dispositions and higher victim satisfaction.

For over a decade, the Office of the Prosecuting Attorney has also contracted with outside agencies, like the YWCA, that provide specialized services for victims of crime. These services include crisis counseling, emergency shelter, and sexual assault and domestic violence advocacy.

We find that these types of agencies are often better equipped to respond to victims' immediate needs, as they, unlike our victim witness counselors, operate 24/7.