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OFFICE OF THE PROSECUTING ATTORNEY

Statement of
KELDEN B.A. WALTJEN
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before the
County of Hawai'i Salary Commission

Wednesday, September 24, 2025
10:00 a.m.
Council Chambers

in consideration of
Proposed Salary Adjustments for Fiscal Year 2025-2026

Chair Steven Pavao, Vice-Chair Dr. Donala Kawa'auhau, and Members of the Hawai'i County Salary Commission;

The Office of the Prosecuting Attorney submits the following input in support of salary adjustments for fiscal year 2025-2026 and beyond.

1. **Primary Duties and Responsibilities of the Office of the Prosecuting Attorney**

Mission Statement: The Office of the Prosecuting Attorney ("OPA") pursues justice with integrity and commitment.

OPA is charged with the duty to see that the laws are faithfully executed and enforced within the County of Hawai'i. Violations of State and County laws, ordinances, rules and/or regulations are prosecuted on behalf of the Hawai'i Island community.

The deputy prosecuting attorneys prosecute cases in the Family Courts, seven District Courts and four divisions of Circuit Courts in Hawai'i County. This involves all criminal matters including preliminary hearings, grand jury sessions, arraignment calendars, motions, hearings, pretrial conferences and trials. In addition, they handle all appeals before the Hawai'i Appellate Courts. Deputy prosecutors screen all criminal referrals made by police and other law enforcement agencies and are available 24 hours per day, seven days a week for juvenile detention and felony conferrals.

**SALARY COMMISSION
COUNTY OF HAWAII**

OPA continues its efforts to attend to the needs of victims and witnesses as they go through the criminal justice process and seeks victim input for and notifies victims of case disposition.

OPA provides training for staff to maintain and improve their specialized skills. In addition, deputies and staff also provide and facilitate trainings for police and other law enforcement agencies, community stakeholders, service providers, and other partner agencies in crime prevention, education, substance misuse awareness, and enforcement disciplines.

In an effort to reduce crime and promote public safety OPA is actively involved in several initiatives that address juvenile delinquency and promote community involvement in identifying and addressing public safety issues. OPA actively supports the Big Island Juvenile and Adult Drug Court, Veteran's Court, Environmental Court and Adult Mental Health Jail Diversion Program. In addition, OPA works collaboratively to address domestic violence, sexual assault, illegal narcotics, homelessness, efforts to reduce recidivism and continue to support the Big Island Juvenile Intake and Assessment Center. These programs strive to balance the individual service needs of the individual, the legal requirements of the courts, and the safety needs of the community. Whenever possible, OPA seeks funding for specialized units and demonstration projects.

For more information or to keep apprised of current happenings at OPA, please visit and follow our social media platforms at <https://www.instagram.com/hawaii prosecutors/> and <https://www.facebook.com/HawaiiProsecutors>.

2. Number of Employees

As of July 1, 2025, OPA has 135 positions, including three unfunded positions, and one student (Hawai'i Community College Cooperative Vocational Education program) position.

3. Organizational Structure

OPA has three physical locations (offices in Hilo, Kona, and Waimea) and is comprised of the following units:

- Administrative Services (Human Resources, Fiscal Services, Information Management Systems, Grant Services, Secretarial Services, Executive Services)
- Deputy Prosecuting Attorneys
- Victims Assistance Unit (Restorative Justice Program)
- Criminal Investigations Unit
- Crime Prevention Unit

- Clerical Unit

4. Operating Budget and Funding Expenditure Summary

OPA's spending in fiscal year 2025 totaled \$11,267,355.45, of which \$9,864,754.26 was spent using County funds and \$1,402,601.19 was spent in Federal and State grant funds. The operating budget for fiscal year 2026 is \$15,070,685. This includes \$12,076,750 in County funds and \$2,993,935 in Federal and State grant funds.

5. Major Challenges

One of the major challenges facing OPA is to maintain the public's trust in our criminal justice system. In order for us to address concerns, OPA must be appropriately staffed. A combination of high student loan debt, high housing costs, and a high cost of living (Hawai'i is the #2 most expensive state to live in 2025¹) hinders our recruitment efforts. OPA currently has eight deputy prosecuting attorney vacancies.

We continue to aggressively recruit by advertising at the national, state, and local levels. We have paid for advertisements on Indeed.com, through the Hawai'i State Bar Association's online Career Center, and created and shared postings using our Office's social media platforms on Instagram, Facebook, and LinkedIn.

In looking to the future, we have revived and updated our volunteer/intern program in hopes of generating interest and cultivating relationships with future deputy prosecuting attorney applicants. We also now provide employment opportunities for law school students and graduates as law clerks which expose prospective future deputy prosecuting attorneys to life inside of OPA and a means to enhance and develop their skillsets and knowledge related to criminal procedure, legal research and analysis, witness and trial preparation, victim-centered and trauma-informed practices, and courtroom strategies. These law clerks in turn develop an interest and investment into both our Office and our community.

In the past four years, we have had four deputy prosecuting attorneys leave to accept positions at the Office of the Corporation Counsel, who offer competitive salaries, far fewer courtroom appearances, and rare media coverage and public pressure. Prosecutors are on-call, often have to stay late, work on the weekend and holidays, or take their work home in order to complete tasks and be prepared for their assignments. Prosecutors are required to regularly attend and make courtroom appearances and it is not uncommon for their cases to be the focus of media coverage and public comment.

Staffing shortages is something that is not unique to OPA. In January 2025, all four county prosecutors, together with the Department of the Attorney General and Office of the Public Defender petitioned the Hawai'i Supreme Court to establish rules that allow limited license reciprocity for attorneys actively licensed in another state, territory, or the District of

¹ <https://www.cnn.com/2025/07/11/americas-most-expensive-places-to-live-top-states-for-business-rankings.html>.

Columbia to practice criminal law on behalf of one of the aforementioned governmental entities². In June 2025, the Hawai‘i Supreme Court issued its Order Establishing a Pilot Project Re: Limited License Method for Public Employee (Criminal Law) to assist the government criminal law offices with their staffing concerns and protect the integrity of Hawai‘i’s criminal justice system³.

Following the establishment of the Pilot Project in June, OPA has seen a small increase in the number of applications for deputy prosecuting attorney positions. Comparatively, Maui Prosecutors had received seventy applications by August 1, 2025 while offering a salary range between \$122,000 and \$213,000 with attorneys licensed for nine years or more starting at \$213,000⁴.

6. Overtime Requirements

Although the duties, work, and responsibilities of a prosecutor often times require working after hours and in far excess of a forty-hour work week, prosecutors are not compensated for overtime.

7. Recommended Salary Adjustments and Rational

a. Relevant Authority

Hawai‘i County Code Article 26 §2-144 provides, in relevant part, “[t]he appointing authorities shall set the salaries for deputies within their offices; provided no deputy shall be compensated at a rate which is less than fifty percent nor more than ninety percent of the salary which has been established for the prosecuting attorney or corporation counsel, whichever is higher.”

Pursuant to Rules of the County of Hawai‘i Salary Commission §204-1, this Commission is tasked to review and compensate all county elected officials and appointed directors and deputy directors so that their total salaries and benefits have a reasonable relationship to compensation in the public and private sectors.

b. Law School Student Loan Debt

Student loan debt is a substantial burden that many applicants contemplating a career in public service have to consider before accepting a government lawyer position. According to the University of Hawai‘i at Manoa, William S. Richardson School of Law’s website, tuition for a full-time student is currently \$11,652 per semester for a Hawai‘i resident and \$23,364 for a non-resident⁵. Richardson, which is the only available law school in Hawai‘i, further estimates that the cost of attendance (9 months) is \$45,102 for a Hawai‘i resident and \$68,526 for a non-resident living on campus⁶. Those figures jump up to \$51,398 for a

² https://www.courts.state.hi.us/wp-content/uploads/2025/02/2025.2.10_Memo-to-CCRO_Limited-License-Atty-for-posting.pdf.

³ <https://www.courts.state.hi.us/wp-content/uploads/2025/06/order592.pdf>.

⁴ <https://www.civilbeat.org/2025/08/hawai%CA%BBi-needs-lawyers-now-mainland-attorneys-can-practice-here/>.

⁵ <https://law.hawaii.edu/admissions/tuition/>.

⁶ *Id.*

Hawai'i resident and \$74,822 for a non-resident who choose to live off campus⁷. That comes out to an estimated law school debt of between \$135,306 and \$154,194 for a Hawai'i resident and \$205,578 and \$224,466 for a non-resident. These figures do not account for any additional student loan debt arising from obtaining an undergraduate degree, which is a law school prerequisite.

c. Data Supporting a Salary Increase

The following information is provided to illustrate where the salary for the Prosecuting Attorney for Hawai'i County currently sits in relation to other similar positions within the state, nationally, and in relation to recent inflation statistics.

When setting the compensation of a Chief Prosecutor, the National District Attorneys Association has set forth the following standard that should be considered:

1-4.2 Compensation; Responsibilities of the Chief Prosecutor

Chief prosecutors should be compensated commensurate with their responsibilities. *The salary of the full-time chief prosecutor should be at least that of the salary of the chief judge of general trial jurisdiction in the chief prosecutor's district* and should not be lowered during a term of office. Factors that should be considered in determining compensation include, but are not limited to:

- a. The benefits to the jurisdiction of encouraging highly competent people to seek a position of prosecutor with a career orientation; and
- b. The level of compensation of people with analogous responsibilities in the private practice of law, in private industry, and in public service.”⁸

Should the salary commission adopt the NDAA's guidance, the salary of the Prosecuting Attorney should be set at **\$243,156**⁹ which would be equal to the salary of circuit court judges across the state.

Another factor the NDAA suggests that should be considered is the compensation of people with analogous responsibilities. Historically, the Hawai'i County Prosecuting Attorney has been compensated near that of the Honolulu Prosecuting Attorney, and slightly above the Maui (not an elected position, appointed by the Mayor) and Kauai Prosecuting Attorney. The current salaries of the county prosecuting attorneys are as follows:

Oahu:	FY25-26: \$214,272
Hawai'i:	FY25-26: \$197,004
Maui:	FY25-26: \$239,043 ¹⁰
Kauai:	FY25-26: \$164,192

⁷ *Id.*

⁸ <https://ndaa.org/wp-content/uploads/NDAA-NPS-3rd-Ed.-w-Revised-Commentary.pdf>.

⁹ The salary is current as of July 1, 2025 and is subject to change. The salary is determined by the Commission on Salaries pursuant to Article XVI, Section 3.5. of the Constitution of the State of Hawai'i and Section 26-56. of the Hawai'i Revised Statutes, and any subsequent action taken by the Legislature.

¹⁰ Salary Commission boosts pay for mayor, council members, department heads. <https://mauinow.com/2025/04/05/salary-commission-boosts-pay-for-mayor-council-members-department-heads/>.

As of the 2020 census, Hawai'i County was the second largest of the four counties with a population of 200,629. Maui's was 164,754, Kauai 73,298, and Oahu 1,016,508. Consistent with the population, Hawai'i County also has the second largest prosecutor's office by number of employees, including deputy prosecuting attorneys. During 2023 calendar year, OPA was allotted five additional deputy prosecuting attorney positions based in part on data showing OPA had the highest case load per deputy prosecuting attorney in the state when accounting for Circuit, Family, and Operating a Vehicle Under the Influence of an Intoxicant cases.

Other States have considered whether population size should affect an elected prosecutor's compensation. One state concluded that the salary of an elected prosecutor is better suited to be tied to a Chief Judge of the District as suggested by the NDAA, as opposed to comparing the size and scope of individual counties within the state. See RCW 36.17.020 – Schedule of Salaries (Washington State legislature finding that the responsibilities and decisions required of the elected prosecuting attorney are essentially the same in every county, regardless of population size, and therefore the salaries of the elected prosecutors are set by statute to meet or exceed the salary of a superior court judge.)

As discussed previously, one of the major challenges is recruiting and retaining qualified individuals. OPA has lost applicants and highly qualified employees to opportunities available in other departments, on other islands, and to other prosecutor's offices out of State. This comparison conducted in September 2023 (current salaries are likely higher) provides examples of available salaries in other jurisdictions and further highlights this ongoing challenge. These counties were selected to provide samples from several states, using jurisdictions with analogous geographical and population size.

County, State	Population	Size	Pros. Salary	Cost of Living ("COL") ¹¹	COL -Adjusted
Yuma, AZ	203,881	5,518 sq mi	\$153,936	52.56%	\$234,845
Tulare, CA	473,000	4,839 sq mi	\$271,148	27%	\$369,632
Okanogan, WA	42,104	5,315 sq mi	\$142,359	30%	\$202,577
Napa, CA	78,818	789 sq mi	\$270,564	18%	\$331,396
Pueblo, CO	168,168	2,398 sq mi	\$162,250	33%	\$242,710
Lee, AL	174,244	1,212 sq mi	\$157,322	37%	\$249,663
Washoe, NV	486,489	6,600 sq mi	\$180,918	28%	\$250,845
Average Annual Salary					\$250,852

¹¹ Using Forbes.com Cost of Living calculator and the closest available city.

8. Conclusion

OPA understands and acknowledges that our County currently has significant financial obligations; however, if funding permits, OPA supports salary increases and the Commission's proposal to mirror HGEA's salary increases for executives and elected officials. Mahalo for allowing OPA an opportunity to provide input for your consideration.