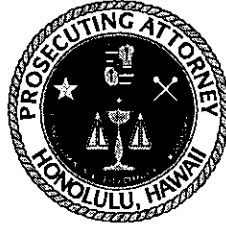


DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
1060 RICHARDS STREET, HONOLULU, HAWAII 96813  
AREA CODE 808 • 768-7400

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR**  
**HOUSE JUDICIARY COMMITTEE**  
**Twenty-Sixth State Legislature**  
**Regular Session of 2011**  
**State of Hawai'i**

February 17, 2011

RE: H.B. 246; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 246 with proposed amendments to include our funding requests.

We respectfully request the committee to pass H.B. 246 with a H.D. 1 to appropriate funds to the Department of the Prosecuting Attorney of the City and County of Honolulu: \$734,973 for Career Criminal Prosecution, \$121,057 for prosecution in Drug Court, \$86,888 for prosecution in Hawaii's Opportunity Probation with Enforcement, and \$502,965 for Victim Witness Assistance.

Pursuant to legislation passed in 1979, and codified as Hawaii Revised Statutes sections 845-1, 845-2, and 845-3, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes were committed against the people by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. The legislature directed the attorney general to support prosecuting attorney's offices with funds and technical assistance. The Department of the Prosecuting Attorney of the City and County of Honolulu created the Career Criminal Prosecution Unit, which the State has funded annually. Money spent on this unit is an efficient use of resources, especially when we are trying to provide our citizens with swift and effective justice, and reduce heavy caseloads and long court delays. With your support, our deputy prosecuting attorneys will have the tools necessary to make our community better by removing chronic criminals from the public. For the Career Criminal Prosecution Unit, we are asking for \$734,973.

The Department of the Prosecuting Attorney is not only focused on incarcerating or fining individuals who violate our laws. We are also determined to rehabilitate offenders who are on probation or released from prison in order to help them to become productive and law-abiding citizens. Our deputy prosecuting attorneys assigned to the State's Drug Court Program and Hawaii's Opportunity Probation with Enforcement are dedicated and determined to do their part

to reduce criminal recidivism, and to help offenders to turn their lives around. In the Judiciary's latest report to the Legislature on January 4, 2011, they reported that these programs had a recidivism rate as low as 3 percent and saved the state multi-millions of dollars.

Hawaii's Drug Court Program was inceptioned in 1996 on Oahu. Today, within the State of Hawaii, drug court programs can be found on the islands of Hawaii, Kauai, Maui, Molokai and Oahu. A variety of drug court programs are available for those residing on those islands including adults within the criminal court system, and adults and juveniles through the family court system. These programs are unique and sensitive to the cultural population of each of the islands while meeting the components of drug court programs nationwide. The design and structure of the drug court programs are developed at the local level, reflecting the unique strengths, circumstances and capacities of each community. According to the Judiciary's latest report to the Legislature on January 4, 2011, recidivism for offenders participating in the Drug Court Program currently range from 3 percent to 4 percent. The program also saves the State a lot of money, with Adult Drug Court costing about \$137/day in comparison to incarceration that costs seven times more, and Juvenile Drug Court costing \$227/day in comparison to incarceration that costs six times more.

Our deputy prosecuting attorneys for the Drug Court Program play an important role in ensuring that these programs are a success. They are aware that many individuals who use drugs are undergoing depression, post traumatic stress disorder, and other mental challenges because many are victims of physical and mental abuse from violence such as domestic violence and sexual assault. Our prosecuting attorneys are dedicated individuals who want to see offenders make a comeback in their lives, which results in criminal activity being removed from our community. Therefore, we are requesting \$121,057 for prosecution in drug court.

In the Fall of 2004, the Judiciary started Hawaii's Opportunity Probation with Enforcement or HOPE. Judge Steven S. Alm has played a huge role in this program. In an article he wrote in "The Champion" for the August 2010 issue, he explained how some offenders are violent and dangerous and need to be in prison. However, many other offenders do not belong in prison and can be safely supervised in our community. HOPE targets high-risk offenders on probation and it has done a tremendous job. According to an October 2007 - October 2008 study of felony probationers in Honolulu by Pepperdine University professor, Dr. Angela Hawkin, the probationers in the HOPE study group were:

- 55% less likely to be arrested for new crimes (21% vs. 47%);
- 72% less likely to use drugs (13% vs. 46%);
- 61% less likely to skip appointments with their probation officers (9% vs. 23%);  
and
- 53% less likely to have their probation revoked (7% vs. 15%).

The Department of the Prosecuting Attorney will continue to play a role in this successful program. In order to fulfill our duties for HOPE, we are requesting \$86,888.

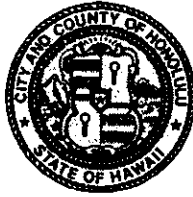
Since 1983, the Legislature has provided support for the Victim Witness Assistance Program. In 1986, the Legislature enacted section 28-111, Hawaii revised Statutes, which established the Victim Witness Assistance program on a statewide basis. The statute established the program in the Department of the Attorney General, with the purpose of providing information, assistance, and support services to the victims and witnesses of crimes committed in Hawaii. To continue its services to victims, the Department of the Prosecuting Attorney is

requesting \$502,965 to the Victim Witness Assistance program.

In conclusion, the Department of the Prosecuting Attorney strongly supports the passage of H.B. 246, which will give us the funding that will help us maximize our service to our community in the various fields of Career Criminal, Drug Court, HOPE, and Victim Witness Assistance. Thank you for this opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE WC-NTK

February 17, 2011

The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 246, Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu

I am Britt Nishijo, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

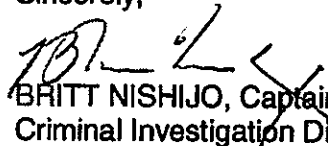
The Honolulu Police Department supports House Bill No. 246, Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu.

The revenue appropriated for use by the Department of the Prosecuting Attorney's career criminal prosecution unit, prosecution in drug court, and the victim witness assistance program will enable the Department of the Prosecuting Attorney to hire their necessary staff and accomplish their mission more effectively. It will also aid in speeding up the prosecution of cases that fall under these categories.

The Honolulu Police Department urges you to support House Bill No. 246, Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu.

Thank you for the opportunity to testify.

Sincerely,

  
BRITT NISHIJO, Captain  
Criminal Investigation Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

*Serving and Protecting With Aloha*

## JUDtestimony

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Monday, February 14, 2011 1:52 PM  
**To:** JUDtestimony  
**Subject:** HB246 to be heard Thursday, 02/17/11, at 2:00pm in Room 325

TO: Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair  
Judiciary Committee Members

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate  
881 Akiu Place  
Kailua, HI 96734

DATE: 02/17/11

RE: SUPPORT for HB246

Good Afternoon Representatives and thank you for this opportunity to provide testimony in SUPPORT of HB246.

Please support as much funding as you can possibly allow for the Prosecuting Attorney's Office as they maintain a crucial component of providing justice and lawfulness in our state. The Victim Witness Assistance Program is of particular importance to crime victims, who after being traumatized by a crime, now have to understand and deal with a prosecution case. I have worked directly with several of the Victim Witness Advocates and cannot speak highly enough of their dedication, knowledge, commitment and support towards the people they're entrusted to care for.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

## JUDtestimony

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**From:** Lynne Matusow [lynnehi@aol.com]  
**Sent:** Tuesday, February 15, 2011 8:56 AM  
**To:** JUDtestimony  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Downtown Neighborhood Board 13 Testimony in Favor of HB 246, public hearing Thursday, Feb. 17, 2 pm

Dear Chair Agaron and Committee Members:

At its monthly meeting on February 3, the Downtown Neighborhood Board voted to endorse the legislative package submitted by Honolulu Prosecuting Attorney Keith Kaneshiro. Included in that package was HB 246, Relating to Appropriations for Department of Prosecuting Attorney. We believe this funding is necessary and urge you to pass the bill.

Thank you for the opportunity to submit testimony

Sincerely,

Alvin Au, Chair  
Downtown Neighborhood Board  
60 N. Beretania St., #PHA-2  
Honolulu, HI 96817  
[alvinau1945@hotmail.com](mailto:alvinau1945@hotmail.com)  
536-7997