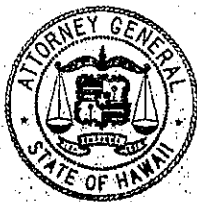


# **SB 524**

## **MAKING GRANT TO THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY**

Appropriates funds as a grant-in-aid to the county of Hawaii office of the prosecuting attorney for the career criminal prosecution unit and victim witness assistance program.

PSM/JDL, WAM



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2015**

---

**ON THE FOLLOWING MEASURE:**

**S.B. NO. 524, MAKING A GRANT TO THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY.**

**BEFORE THE:**

**SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS AND ON JUDICIARY AND LABOR**

**DATE:** Thursday, February 12, 2015                      **TIME:** 9:10 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Russell A. Suzuki, Attorney General, or  
Randall S. Nishiyama, Deputy Attorney General

---

Chairs Espero and Keith-Agaran and Members of the Committees:

The Department of the Attorney General (Department) supports this bill.

This bill appropriates funds as a grant to the County of Hawaii, Office of the Prosecuting Attorney for the Career Criminal Prosecution Unit and the Victim-Witness Assistance Program.

The Department supports this bill as these funds are for needed and worthy services provided by the County of Hawaii, Office of the Prosecuting Attorney to fulfill the requirements of chapter 845, Hawaii Revised Statutes (HRS), Career Criminals, and section 28-111, HRS, Victim-Witness Assistance Program, to the extent that these funding amounts can be supported within the State's financial plan.

The Legislature established the Career Criminal Prosecution (CCP) Program because it found that a substantial and disproportionate amount of serious crime is committed by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. The Legislature's intent was to support increased efforts by prosecuting attorneys' offices to prosecute career criminals. By their nature, CCP cases are often labor intensive and require experienced and well-trained deputy prosecutors. Since FY 2007-2008, funding for the CCP Program has been significantly reduced, which has resulted in positions being held vacant. This funding request is needed to fully staff the CCP program so that the prosecution of career criminals can be pursued to the greatest extent.

The Victim-Witness Assistance (VW) Program was established to provide information, assistance, and support services to the victims of and witnesses to crimes committed in the State.

The VW Program is implemented by the county prosecutors by victim witness counselors and support staff. The basic bill of rights for victims and witnesses, section 801D-4, HRS, includes the right to notification of disposition, notification of court proceedings, receiving protection from threats or harm, and being informed of financial assistance and social services. Similar to the CCP Program, funding for the VW Program has been significantly reduced since FY 2007-2008. This funding request is needed to ensure that all victims and witnesses are afforded the rights listed in section 801D-4, HRS.

We respectfully ask the Committee to pass this bill.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

1136 Union Mall, Suite 600  
Honolulu, Hawaii 96813  
Telephone: 808 587-1143  
FAX 808 587-1146

**MARI McCAIG**  
Chair

**MARTHA ROSS**  
Interim Commissioner

**ABELINA M. SHAW**  
Commissioner

**PAMELA FERGUSON-BREY**  
Executive Director

TESTIMONY ON SENATE BILL 524  
RELATING TO MAKING A GRANT TO THE HAWAII COUNTY OFFICE OF THE  
PROSECUTING ATTORNEY

by

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 12, 2015; 9:10 AM  
State Capitol, Conference Room 016

Chairs Espero and Keith-Agaran, Vice Chairs Baker and Shimabukuro, Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, and Members of the Senate Committee on Judiciary and Labor:

Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of Senate Bill 524. Senate Bill 524 appropriates funds for grants-in-aid to the Department of the Prosecuting Attorney of the County of Hawaii for the career criminal prosecution unit and for the victim witness assistance program.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

The Commission estimates that over eighty percent (80%) of the violent crime victims who apply for compensation are referred through the county victim witness assistance programs. The county victim witness assistance programs play an important role in mitigating the emotional and financial suffering experienced by victims through their referrals to the Commission and to other social service agencies. The county victim witness assistance programs also support and guide victims through the criminal justice process, helping to ensure that offenders can be successfully prosecuted.

Many victims and surviving family members, particularly victims and survivors of violent crimes like murder and sexual assault, would not be able to make it through the criminal justice process without the support and guidance of a victim witness advocate. Victim witness advocates notify crime victims of hearing dates and major developments in their case, accompany victims and survivors to court where necessary, and help victims and survivors with victim impact statements to enable them to exercise their right to be heard at sentencing. This is all in addition to informing victims and survivors about the social services and financial assistance available to them as crime victims.

The county victim witness assistance programs need sufficient funding for staff in order to continue to provide these important services. The Commission urges you to support the appropriation of grants-in-aid to the Department of the Prosecuting Attorney of the County of Hawaii for the victim witness assistance program. Thank you for providing the Commission with the opportunity to testify in support of Senate Bill 524.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE WILL ESPERO, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawai'i**

February 12, 2015

**RE: S.B. 524; MAKING A GRANT TO THE HAWAII COUNTY OFFICE OF THE  
PROSECUTING ATTORNEY.**

Chair Espero, Chair Keith-Agaran, Vice Chair Baker, Vice-Chair Shimabukuro, members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 524.

Pursuant to legislation passed in 1979, and codified as sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes ("HRS"), the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." In response, the State created the Career Criminal Prosecution Unit, which it has funded annually. Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and reducing heavy caseloads and long court delays. With your support, these deputy prosecuting attorneys will have the tools necessary to protect the public from career criminals.

Since 1983, the Legislature has also 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, funding, and support services to the victims and witnesses of crimes committed in Hawaii.

For all of the foregoing reasons, the Honolulu Prosecuting Attorney strongly supports the passage of S.B. 524, which will provide the funding needed to maximize service to the community in the fields of Career Criminal and Victim Witness Assistance. Also, as the legislative session progresses, we kindly request that the funding in this bill be inserted into the State Budget, along with similarly necessary funding for each county. Thank you for the opportunity to testify on this matter.

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

---

TESTIMONY IN SUPPORT OF  
SB524 – MAKING A GRANT TO THE HAWAII COUNTY OFFICE OF THE  
PROSECUTING ATTORNEY.

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committees on Public Safety, Intergovernmental and Military Affairs  
AND Judiciary and Labor  
February 12, 2015, 9:10 a.m., Conference Room 016

Chairs Espero and Keith-Agaran, Vice Chairs Baker and Shimabukuro, and  
Members of the Committees:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB524 – Making a Grant to the Hawai'i County Office of the Prosecuting Attorney.

In supporting these Appropriations, we note that the Career Criminal Prosecution Unit<sup>1</sup> and Victim Witness Assistance Program<sup>2</sup> are vital, state-

---

<sup>1</sup> Career Criminal Prosecution programs were established in 1979 by HRS Section 845-2, which provides that:

“There shall be established a career criminal prosecution program, whose purpose shall be the investigation and prosecution of those persons identified as habitual or career criminals....The office of the attorney general shall administer the program, and develop a plan of financial and technical assistance for prosecuting attorneys' offices.” (emphasis added).

<sup>2</sup> Victim Witness Assistance programs were established in 1986 by HRS Section 28-111, which provides that:

“There is established a victim-witness assistance program in the department of the attorney general, whose purpose shall be to provide information, assistance, and support services to the victims of and witnesses to crimes committed in the State.... The attorney general shall allocate and award appropriated funds to counties whose victim-witness assistance units are in substantial compliance with the policies and criteria established.” (emphasis added).

mandated programs that address the most serious career criminals and provide direct services to victims of crime.

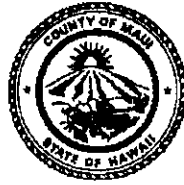
Historically, the funding for these programs has been provided by the Department of the Attorney General to all four Counties for the statewide efforts to maintain vital and effective CCP and VWA programs. Although funding has somewhat lessened in recent years, these programs have always been regarded as bulwarks of the criminal justice system in Hawai'i.

These funds go directly to pay the salaries of the highly-skilled and experienced Deputy Prosecutors and Victim/Witness Advocates who are our on-the-ground, frontline resources in seeking justice in our community. Without these funds, the possibility of reductions-in-force of these public safety and law enforcement professionals is very real.

Accordingly, we are in **STRONG SUPPORT** of SB524. We request that your Committee **PASS** these Appropriations.

Thank you very much for the opportunity to provide testimony on these Appropriations.

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Acting Prosecuting Attorney  
ROBERT D. RIVERA  
Acting First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: PETER A. HANANO  
Deputy Prosecuting Attorney  
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 524 - MAKING A GRANT TO THE HAWAII COUNTY  
OFFICE OF THE PROSECUTING ATTORNEY

February 9, 2014

The Honorable Will Espero  
Chair  
The Honorable Rosalyn H. Baker  
Vice Chair  
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Gilbert S.C. Keith-Agaran  
Chair  
The Honorable Maile S.L. Shimabukuro  
Vice Chair  
and Members of the Senate Committee on Judiciary and Labor

Chair Espero, Vice Chair Baker, Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 524 - Making Appropriations to the Hawaii County Office of the Prosecuting Attorney. SB 524 appropriates funds to the Hawaii County Office of the Prosecuting Attorney for the career criminal prosecution unit and victim witness assistance program.

State law mandates that certain qualifying defendants be prosecuted under the Career Criminal Prosecution (CCP) program (HRS Chapter 845). State law also mandates to the counties that crime victims and witnesses in criminal cases are afforded certain rights and must be provided with specified services (HRS Chapter 801D). In order to avoid the unfunded

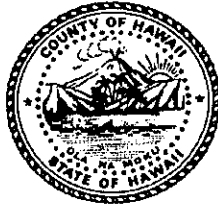
mandate prohibition provided by the Hawaii State Constitution, it was the practice for the State to provide funding for these services. This bill will provide the necessary funding required for these programs that are required by state law.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 524.

Thank you very much for the opportunity to provide testimony on this bill.

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪ'I ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF SENATE BILL 524

A BILL FOR AN ACT MAKING A GRANT TO THE HAWAII  
COUNTY OFFICE OF THE PROSECUTING ATTORNEY

COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Will Espero, Chair  
Sen. Rosalyn H. Baker, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gilbert S.C. Keith-Agaran, Chair  
Sen. Maile S.L. Shimabukuro, Vice Chair

Thursday, February 12, 2015, 9:10 a.m.  
State Capitol, Conference Room 016

Honorable Chairs Espero and Keith-Agaran, Vice-Chairs Baker and Shimabukuro, and Members of the Committees on Public Safety, Intergovernmental And Military Affairs and Judiciary and Labor, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 524.

This measure appropriates funds as a grant-in-aid to the county of Hawai'i Office of the Prosecuting Attorney for the Career Criminal Prosecution Unit (CCP) and Victim Witness Assistance Program (VWAP).

The CCP program was created because a disproportionate amount of serious crimes are committed against the public by a relatively small of number of multiple and repeat-felony offenders, commonly known as "career criminals." Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays.

Since 1983, the Legislature has provided support for the VWAP, and in 1986, the Legislature established the VWAP on a statewide basis. The statute established the program in the Department of the Attorney General, with the purpose of providing information, assistance, funding, and support services to the victims and witnesses of crimes committed in Hawai'i.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). State law also mandates to the counties that crime victims and witnesses in criminal cases are afforded certain rights and must be provided with specific services (HRS Chapter 801D). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services.

This bill will provide funding as follows:

	CCP	VWAP
Fiscal Year 2015-2016:	\$87,631.00	\$59,956.00
Fiscal Year 2016-2017:	<u>\$99,487.00</u>	<u>\$76,183.00</u>
Total:	\$187,118.00	\$136,139.00

Although the funding will allow us to plan and prioritize for the next two fiscal years, if the Legislation is not inclined to fund these programs for both fiscal years, we ask that funds are at least appropriated for FY 2015-2016.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 524, which will provide the funding needed to maximize our service to our community in the fields of Career Criminal and Victim Witness Assistance. Thank you for the opportunity to testify on this matter.