

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

ON THE FOLLOWING MEASURE:

S.B. NO. 423, RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, February 26, 2015

TIME: 1:00 p.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Randall S. Nishiyama, Deputy Attorney General, (808) 586-1267

Chair Tokuda and Members of the Committee:

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

This bill appropriates funds as a grant to the Department of the Prosecuting Attorney of the City and County of Honolulu 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 Department of the Prosecuting Attorney of the City and County of Honolulu 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.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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TESTIMONY IN SUPPORT OF SB423 – RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

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

**Senate Committee on Ways and Means
February 26, 2015, 1:00 p.m., Conference Room 211**

Chair Tokuda, Vice Chair Kouchi, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB423 – Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu.

In supporting these Appropriations, we adopt the reasoning set forth in the testimony submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu and echo the testimony we set forth in our testimony in support of the Kaua'i Prosecutor's bill (SB1305). The Career Criminal Prosecution Unit and Victim Witness Assistance Program are vital, state-mandated programs that address the most serious criminals and provide direct services to victims of crime.

Accordingly, we are in **STRONG SUPPORT** of SB423. We request that your Committee **PASS** the Appropriations.

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

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 423

A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

COMMITTEE ON WAYS AND MEANS

Sen. Jill N. Tokuda, Chair
Sen. Ronald D. Kouchi, Vice Chair

Thursday, February 26, 2015, 1:00 p.m.
State Capitol, Conference Room 211

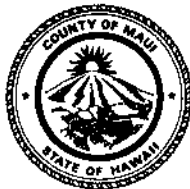
Honorable Chair Tokuda, Vice-Chair Kouchi, and Members of the Committee on Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 423.

This measure appropriates moneys to the Department of the Prosecuting Attorney of the City and County of Honolulu, for the Career Criminal Prosecution Unit (CCP) and Victim Witness Assistance Program (VWAP).

The funding of these programs are essential for City and County of Honolulu prosecutors and will ensure the CCP and VWAP continue to make a positive effect on the citizens of Kauai.

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.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 423, 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.



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TESTIMONY
ON

SB 423 - RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

February 26, 2015

The Honorable Jill N. Tokuda
Chair
The Honorable Ronald D. Kouchi
Vice Chair
and Members of the Senate Committee on Ways and Means

Chair Tokuda, Vice Chair Kouchi and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 423 - Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu. SB 423 appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu 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 423.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai'i**

February 26, 2015

**RE: S.B. 423; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Chair Tokuda, Vice Chair Kouchi and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 423.

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 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 program, which it originally 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, the Department will have the tools necessary to protect our public from career criminals.

Since 1983, the Legislature has also provided support for the Victim Witness Assistance Program. In 1986, the Legislature enacted HRS §28-111, which established the Victim Witness Assistance program on a statewide basis. While the statute established the program in the Department of the Attorney General, for the purpose of providing information, assistance, funding, and support services to the victims and witnesses of crimes committed in Hawaii, all direct services are provided by each county's prosecuting attorney. Adequate funding is necessary for our Department to be able to provide these vital services.

For all of the foregoing reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 423, which will provide the funding needed to provide state-mandated services to our community in the Career Criminal and Victim Witness Assistance programs. Also, as the legislative session progresses, we kindly request that our funding in this bill be inserted into the State Budget, along with similarly needed funding for each county prosecutor. Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
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MARI McCAIG
Chair

MARTHA ROSS
Interim Commissioner

ABELINA M. SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 423
RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING
ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair

Thursday, February 26, 2015; 1:00 PM
State Capitol, Conference Room 211

Chair Tokuda, Vice Chair Kouchi, and Members of the Senate Committee on Ways and Means:

Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of Senate Bill 423. Senate Bill 423 appropriates funds for grants-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu 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 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 City and County of Honolulu for the victim witness assistance program. Thank you for providing the Commission with the opportunity to testify in support of Senate Bill 423.