



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

ON THE FOLLOWING MEASURE:

S.B. NO. 1305, S.D. 1, MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI
OFFICE OF THE PROSECUTING ATTORNEY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, March 19, 2015

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Rhoads and Members of the Committee:

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

This bill appropriates funds to the County of Kauai, 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 Kauai, 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, Hawai'i 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 1305, SD1
RELATING TO MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI OFFICE
OF THE PROSECUTING ATTORNEY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 19, 2015; 2:00 PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the House Committee on
Judiciary:

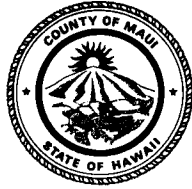
Thank you for providing the Crime Victim Compensation Commission (the "Commission")
with the opportunity to testify in support of Senate Bill 1305, SD1. Senate Bill 1305, SD1,
appropriates funds for grants-in-aid to the Department of the Prosecuting Attorney of the
County of Kauai for the career criminal 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 County of Kauai for the victim witness assistance program. Thank you for providing the Commission with the opportunity to testify in support of Senate Bill 1305, SD1.



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: RICHARD K. MINATOYA
Deputy Prosecuting Attorney
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
SB 1305, SD 1 - MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI
OFFICE OF THE PROSECUTING ATTORNEY

March 19, 2015

The Honorable Karl Rhoads
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members of the House Committee on Judiciary

Chair Rhoads, Vice Chair San Buenaventura and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 1305, SD 1 - Making Appropriations to the County of Kauai Office of the Prosecuting Attorney. SB 1305, SD 1 appropriates funds to the Department of the Prosecuting Attorney of the County of Kauai 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 1305, SD 1.

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 1305, SD1

A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE
COUNTY OF KAUAI OFFICE OF THE PROSECUTING
ATTORNEY

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Reb. Joy A. San Buenaventura, Vice Chair

Thursday, March 19, 2015, 2:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 1305, SD1.

This measure appropriates funds to the County of Kauai, Office of the Prosecuting Attorney, for the Career Criminal Prosecution Unit (CCP) and Victim Witness Assistance Program (VWAP).

The funding of these programs are essential for Kauai 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. 1305, SD1, 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.

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
SB1305, SD1 – MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI
OFFICE OF THE PROSECUTING ATTORNEY.

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

House Committee on Judiciary
March 19, 2015, 2:00 p.m., Conference Room 325

Chair Rhoads, Vice Chair Buenaventura, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB1305, SD1 – Making Appropriations to the County of Kaua'i Office of the Prosecuting Attorney.

In supporting these Appropriations, we note that the Career Criminal Prosecution Unit¹ and Victim Witness Assistance Program² are vital, state-

¹ 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).

² 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. In the 2013-2014 Fiscal Year, our Office received \$31,168 in VWA funding and \$92,755 in CCP funding from the State via the Department of the Attorney General. The best year for funding was the 2008-2009 Fiscal Year, in which our Office was provided with \$66,889 in VWA funding and \$205,306 in CCP funding. Regardless of the amounts, these funds support vital criminal justice programs in every one of Hawai'i's communities.

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 SB1305, SD1. We request that your Committee **PASS** these Appropriations.

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

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 KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai'i

March 19, 2015

**RE: S.B. 1305, S.D. 1; MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI
OFFICE OF THE PROSECUTING ATTORNEY.**

Chair Rhoads, Vice Chair San Buenaventura and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of S.B. 1305, S.D. 1.

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. 1305, S.D. 1, 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 prosecutor. Thank you for the opportunity to testify on this matter.

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: