

SB 1305

MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI OFFICE OF THE PROSECUTING ATTORNEY

Appropriates funds to the County of Kauai, 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. 1305, MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI 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 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
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Telephone: 808 587-1143
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MARI McCAIG
Chair

MARTHA ROSS
Interim Commissioner

ABELINA M. SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 1305
RELATING TO MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI 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 1305. Senate Bill 1305 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.

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CITY AND COUNTY OF HONOLULU

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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. 1305; MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI 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. 1305.

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, 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

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Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
SB1305 – MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI OFFICE OF
THE PROSECUTING ATTORNEY.

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

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senate Committee on 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** SB1305 – 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.

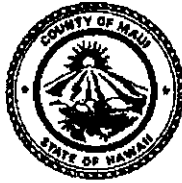
Historically, the funding for these programs has been provided by the Department of the Attorney General to all four Counties for the statewide efforts to maintain vital and effective CCP and VWA programs. Although funding has somewhat lessened in recent years, these programs have always been regarded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

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

TESTIMONY
ON
SB 1305 - MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI
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 1305 - Making Appropriations to the County of Kauai Office of the Prosecuting Attorney. SB 1305 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

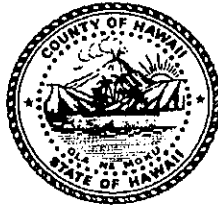
mandate prohibition provided by the Hawaii State Constitution, it was the practice for the State to provide funding for these services. This bill will provide the necessary funding required for these programs that are required by state law.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 1305.

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



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 1305

A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE
COUNTY OF KAUAI 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. 1305.

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, 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.



BERNARD P. CARVALHO, JR.
Mayor

NADINE K. NAKAMURA
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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DARRYL D. PERRY
Chief of Police
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February 9, 2015

Honorable Will Espero and Honorable Keith-Agaran, Chairs
Honorable Bake and Shimbukuro, Vice Chairs
Honorable Committee Members
Committee On Public Safety, Intergovernmental and Military Affairs
Committee On Judiciary and Labor

**SUBJECT: S.B. 1305 APPROPRIATIONS FOR KAUAI OFFICE OF THE PROSECUTING
ATTORNEY**

Dear Senators,

The Kauai Police Department strongly supports Senate Bill No. 1305 regarding funding appropriations to the County of Kauai Office of the Prosecuting Attorney specifically to fund the Career Criminal Prosecution Unit and the Victim Witness Assistance Program.

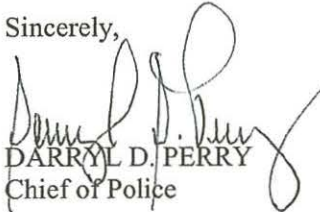
While the population on Kauai has more than double and visitor count on a daily basis exceeds 23,000, staffing for both the Kauai Police Department and the Office of the Prosecuting Attorney has showed negligible increases to adequately address victimization issues related to our community members and visitors.

Studies have also produced evidence that approximately 90-95 percent of crimes are committed by repeat offenders who could be classified as career criminals.

With the passage of this bill, the Office of the Prosecuting Attorney would be able to take a more proactive stance toward incapacitating career criminals while bringing much needed assistance to the victims of crime.

Again, the Kauai Police Department supports the passage of this bill, and would want to thank you for supporting our law enforcement efforts in making not only our community, but the entire State of Hawaii a safer place in which to live and raise our keiki.

Sincerely,


DARRYL D. PERRY
Chief of Police