

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

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**ON THE FOLLOWING MEASURE:**

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

**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

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Chair Tokuda 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.

**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  
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### 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 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** 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 Unit<sup>1</sup> and Victim Witness Assistance Program<sup>2</sup> are vital, state-mandated programs that address the most serious career criminals and provide direct services to victims of crime.

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<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).

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.

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
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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 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

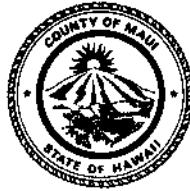
Honorable Chair Tokuda, Vice-Chair Kouchi, and Members of the Committee on Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 1305.

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.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
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CONTACT: RICHARD K. MINATOYA  
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 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 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.

**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  
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 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** 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 Unit<sup>1</sup> and Victim Witness Assistance Program<sup>2</sup> are vital, state-mandated programs that address the most serious career criminals and provide direct services to victims of crime.

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“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).

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.



DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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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 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 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.