

SB 2898

MAKING AN APPROPRIATION TO THE OFFICE OF THE PROSECUTING ATTORNEY, COUNTY OF HAWAII

Description:

Makes a grant-in-aid to the county of Hawaii office of prosecuting attorney for career criminal prosecution program.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai'i

Tuesday, February 1, 2012

RE: S.B. 2898; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE COUNTY OF HAWAII.

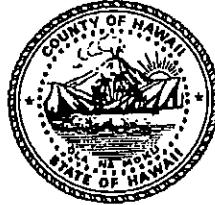
Chair Espero, Vice Chair Kidani, and members of the Senate Committee on Public Safety, Government Operations, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 2898, allocating funds for the Department of the Prosecuting Attorney of the County of Hawaii to provide services for its state mandated Career Criminal Prosecution Unit.

Pursuant to legislation passed in 1979, and codified as Hawaii Revised Statutes sections 845-1, 845-2, and 845-3, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes were committed against the people by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. The legislature directed the Attorney General to support prosecuting attorney's offices with funds and technical assistance. The Department of the Prosecuting Attorney of the County of Hawaii created the Career Criminal Prosecution Unit. Money spent on this unit is an efficient use of resources, especially when we are trying to provide our citizens with swift and effective justice, and reduce heavy caseloads and long court delays. With your support, deputy prosecuting attorneys will have the tools necessary to make our community better by removing chronic criminals from the public.

For these reasons, please support S.B. 2898 for our colleagues in the Department of the Prosecuting Attorney of the County of Hawaii. Thank you for the opportunity to testify.

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



OFFICE OF THE PROSECUTING ATTORNEY

655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 981-0466
FAX: (808) 981-8908
(808) 934-3403
(808) 934-3503

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

TESTIMONY IN SUPPORT OF SENATE BILL 2898
AS AMENDED

A BILL FOR AN ACT
MAKING AN APPROPRIATION TO THE OFFICE OF THE
PROSECUTING ATTORNEY, COUNTY OF HAWAII.

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT
OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, February 7, 2012, 2:45 PM
State Capitol, Room 224

Senators KAHELE, GREEN, Espero, Gabbard, Galuteria, Kidani,
Kouchi, Senators and Members of the Committees:

The Office of the Prosecuting Attorney for Hawaii County supports Senate Bill 2898. This Bill makes a grant-in-aid to the county of Hawaii office of prosecuting attorney for career criminal prosecution program. The Office of Prosecuting Attorney for Hawaii County requests an appropriation to our Office for the state mandated Career Criminal Prosecution ("CCP") program. The CCP program is mandated by Chapter 845, Hawai'i Revised Statutes ("HRS"). The CCP program is based upon the Legislature's recognition that "finds that a substantial and disproportionate amount of serious crime is committed against the people by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. In enacting this chapter, the legislature intends to support increased efforts by the prosecuting attorneys' offices to prosecute career criminals through organizational and operational techniques that have proven effect..."

The state Attorney General, as the Chief Law Enforcement Officer for the State, administers the program through funding received through the Legislature. The CCP program has shown its effectiveness over the years since its inception in 1979.

The current funding provided by the Attorney General will be inadequate to support the experienced staff funded through this state mandated program. Over the years, Hawaii County has not been able to absorb all the CCP positions into the regular Office, unlike the wealthier counties. We have reduced the CCP program by two attorneys and clerical staff already.

We are asking for \$150,000 for the next fiscal year's funding. The Attorney General has been challenged by the difficult fiscal times, as all departments and other state and government agencies have been. He has acknowledged that he will have the CCP program at levels that will require releasing almost the entire CCP staff.

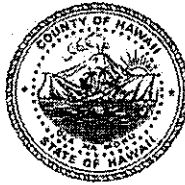
With the help of the State Legislature, we will be able to maintain our staff until the beginning of the 2014 fiscal year. Luckily, Our Office has federal funds that can be used for the next year to assist maintaining this important program until the Attorney General works with the other Prosecuting Attorneys to identify additional funding sources to continue this important program.

The State Legislature used the Grant-in Aid process in the 1990s to keep the CCP program "floating" until the state economic times improved. Because the CCP program is mandated by Chapter 845, HRS, the provision prohibiting unfunded mandates in Article VIII, Section 5 of the State Constitution applies.

We humbly ask that the State Legislature again help to preserve this effective program by passing SB as amended by inserting the amount of \$150,000.

Thank you for the opportunity to serve the community and provide testimony on this bill.

William P. Kenoī
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 6, 2012

Senator Will Espero
Chairperson and Committee Members
Committee On Public Safety, Government Operations, and Military Affairs
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Re: Senate Bill 2898 Making an Appropriation to the Office of the Prosecuting Attorney, County of Hawai'i.

Dear Senator Espero:

The Hawai'i Police Department strongly supports the passage of Senate Bill 2898, relating to an appropriation to the Office of the Prosecuting Attorney of the County of Hawai'i. The intent of the appropriation is to use the funding to support and continue that office's Career Criminal Prosecution (CCP) Program.

This program has been a very useful tool in our County's efforts to ensure that those persons who are consistently involved in the commission of major crimes are dealt with in a manner that ensures their cases are expeditiously handled. The defendants are categorized as "Career" Criminals, at a juncture where the best recourse is swift justice and enhanced sentencing. The categorizing of individuals as CCP defendants occurs in response to their criminal actions.

Indeed, the collaboration with the Prosecutor's Office and the Hawai'i Police Department in the identification and utilization of resources towards the CCP Program has resulted in major prosecutions over the years of Organized Crime members and Major Drug Traffickers. We firmly believe the CCP Program is vital for the continued protection of the Community that both the Hawai'i Police Department and Hawai'i County Prosecutor's Office is entrusted with serving.

For these reasons, we urge this Committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2898.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry S. Kubojiri".
HARRY S. KUBOJIRI
POLICE CHIEF

From: mailinglist@capitol.hawaii.gov
[mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 06, 2012 3:37 PM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB2898 on 2/7/2012 2:45:00 PM

Testimony for PGM 2/7/2012 2:45:00 PM SB2898

Conference room: 224
Testifier position: Support
Testifier will be present: Yes
Submitted by: Randall Winston Albright
Organization: Office of the Prosecuting Attonrey, Hawaii County
E-mail: [REDACTED]
Submitted on: 2/6/2012