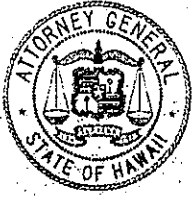


HB 1647 HD2

RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF
THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY
OF HONOLULU.

Appropriates funds for the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution Unit, Victim Witness Assistance Program, Veterans Court, Drug Court, and Hawaii's Opportunity Probation with Enforcement Program. Effective July 1, 2030. (HB1647 HD2)



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

H.B. NO. 1647, H.D. 2, RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS AND ON JUDICIARY AND LABOR

DATE: Monday, March 17, 2014 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Julie Ebato, Division Administrator, Crime Prevention and Justice
Administration Division

Chairs Espero and Hee and Members of the Committees:

The Department of the Attorney General provides the following comments and recommendation.

This bill appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution Unit, Victim Witness Assistance Program, Veterans Court unit, Drug Court unit, and Hawaii's Opportunity Probation with Enforcement (HOPE) unit, and names the Department of the Attorney General as the expending agency.

During the regular session of 2012, the Legislature passed a comparable bill that was enacted on July 10, 2012 as Act 322. Act 322 allocated \$1,445,883 in state funding to support staffing for the Honolulu Prosecutor's Career Criminal Prosecution Unit, Victim Witness Assistance Program, Drug Court unit, and HOPE unit. The expending agency in Act 322 was the Department of the Prosecuting Attorney of the City and County of Honolulu. The Department of the Attorney General does not administer state funding for the HOPE, Veterans Court, or Drug Court programs.

We would recommend that section 6, on page 2, lines 16-18, of this bill be amended to name the Department of the Prosecuting Attorney of the City and County of Honolulu as the expending agency.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Plaza, Suite 600
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI McCAIG
Chair

THOMAS T. WATTS
Commissioner

ABELINA M. SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE BILL 1647 HOUSE DRAFT 2
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 Public Safety, Intergovernmental and Military Affairs

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Monday, March 17, 2014; 10:00 AM
State Capitol, Conference Room 016

Good morning Chairs Espero and Hee, Vice Chairs Baker and Shimabukuro, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs and 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 House Bill 1647, HD2. House Bill 1647, HD2, appropriates funds for a grant-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit, victim witness assistance program, veterans court, drug court, and Hawai'i's opportunity probation with enforcement 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 House Bill 1647, HD2.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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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 CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i**

March 17, 2014

**RE: H.B. 1647, H.D. 2; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF
THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Chair Espero, Chair Hee, 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 and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of House Bill 1647, H.D. 2.

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 Department created the Career Criminal Prosecution Unit, which the State 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, our deputy prosecuting attorneys will have the tools necessary to remove chronic criminals from the public. For the Career Criminal Prosecution Unit, we are asking for \$344,015.00.

To provide specialized support for victims and/or witnesses of crime, the Legislature also established the Victim Witness Assistance Program on Oahu in 1983. In 1986, the Legislature enacted HRS §28-111, which expanded this program statewide, under the administration of the Department of the Attorney General. The purpose of this program is to provide information, assistance, and support services to the victims and/or witnesses of crimes committed in Hawaii. To

maintain the current level of services to victims and witnesses, the Department of the Prosecuting Attorney is requesting **\$183,651.00** for the Victim Witness Assistance program.

In 2013, the Judiciary initiated a new specialty court program known as Veterans Treatment Court. This program provides a dedicated environment and specialized services for veterans who commit offenses, as many of these veterans suffer from depression, post traumatic stress disorder, and other mental challenges stemming from their military service. Through Veterans Treatment Court, appropriate services are coordinated with the assistance of the federal Veterans Administration, providing these veterans with the care they need, while also addressing their offenses and minimizing recidivism. The Department requests **\$50,799.00** for purposes of Veterans Court.

Aside from incarcerating or fining those who violate Hawai'i's laws, the Department strongly supports rehabilitation efforts for those who are on probation or released from prison, to help them be productive and law-abiding citizens. Programs such as Drug Court and Hawai'i's Opportunity Probation with Enforcement ("HOPE") reportedly reduce recidivism and save the State millions of dollars annually, and the Department has played a significant role in furthering these programs.

Since Hawai'i's first Drug Court Program was incepted on Oahu in 1996, Drug Court has expanded to the islands of Hawai'i, Kaua'i, Maui, and Moloka'i, serving offenders within those criminal court and Family Court systems. Because the design and structure of each Drug Court is developed locally, these programs are unique and sensitive to the cultural population of each island, while remaining consistent with the benefits of drug court programs nationwide. Our deputy prosecuting attorneys play an important role in Drug Court, ensuring that this program is a success. To meet our responsibilities for Drug Court in the First Circuit, the Department is requesting **\$107,788.22**.

In addition to Drug Court, the Department also continues to play an important role in the Judiciary's HOPE program, as noted above. The Department requests **\$337,244.00** for purposes of meeting its duties in HOPE. This level of funding is needed as HOPE currently includes over 3,000 participating probationers, which places a significant strain on the Department's resources.

In conclusion, the Department of the Prosecuting Attorney strongly supports the passage of H.B. 1647, H.D. 2, which will provide the funding needed to maximize our service to our community in the various fields of Career Criminal, Victim Witness Assistance, Veterans Court, Drug Court, and HOPE. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 14, 2014 11:12 AM
To: PSMTestimony
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for HB1647 on Mar 17, 2014 10:00AM

HB1647

Submitted on: 3/14/2014

Testimony for PSM/JDL on Mar 17, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments: This bill will provide significant help to us in our work to prevent property crime in our community. Please adopt.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Sent: Wednesday, March 12, 2014 11:11 AM
To: PSMTestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB1647 on Mar 17, 2014 10:00AM*

HB1647

Submitted on: 3/12/2014

Testimony for PSM/JDL on Mar 17, 2014 10:00AM in Conference Room 016

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

Comments:

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Cc: lisacates@hawaii.rr.com
Subject: Submitted testimony for HB1647 on Mar 17, 2014 10:00AM

HB1647

Submitted on: 3/14/2014

Testimony for PSM/JDL on Mar 17, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Cates	Individual	Support	No

Comments: Please support appropriating funds for these valuable and important programs.

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Cc: jlbyron@hawaii.rr.com
Subject: *Submitted testimony for HB1647 on Mar 17, 2014 10:00AM*

HB1647

Submitted on: 3/14/2014

Testimony for PSM/JDL on Mar 17, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Skip Byron	Individual	Support	No

Comments:

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Cc: msmichael2@hawaii.rr.com
Subject: Submitted testimony for HB1647 on Mar 17, 2014 10:00AM

HB1647

Submitted on: 3/14/2014

Testimony for PSM/JDL on Mar 17, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Michael McKenna	Individual	Comments Only	No

Comments: Support

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