

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  
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

House Committee on Judiciary  
Representative Karl, Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, February 6, 2014; 2:00 PM  
State Capitol, Conference Room 325

Good afternoon Chair Rhoads, Vice Chair Har 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 House Bill 1647. House Bill 1647 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.

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

February 6, 2014

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

Chair Rhoads, Vice-Chair Har and members of the House 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 House Bill 1647.

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.

Aside from incarcerating or fining individuals who violate our laws, the Department strongly supports rehabilitation efforts for those who are on probation or released from prison, helping them to become productive and law-abiding citizens. Programs such as Drug Court and Hawaii's Opportunity Probation with Enforcement ("HOPE") reportedly reduce recidivism to as low as 3%, and save the State multi-millions of dollars annually, and the Department is dedicated to furthering these programs.

Since Hawaii'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. These programs are also an efficient use of State resources, with Adult Drug Court costing about \$137/day in comparison to incarceration that costs seven times more, and Juvenile Drug Court costing \$227/day in comparison to incarceration that costs six times more.

Our deputy prosecuting attorneys play an important role in Drug Court, ensuring that this program is a success. They are highly aware that many individuals who use drugs are undergoing depression, post traumatic stress disorder, and other mental challenges, as many have been victims of abuse from domestic violence, sexual assault violence, or other types of violence. Our deputy prosecuting attorneys are dedicated individuals who want to see offenders turn their lives around, which also decreases criminal activity in our community.

In the Fall of 2004, the Judiciary started the HOPE program, and Judge Steven S. Alm has played a huge role in this program. In an article written for “The Champion” in August 2010, Judge Alm explained how some offenders are violent and dangerous and need to be in prison, whereas other offenders do not belong in prison and can be safely supervised in our community. HOPE targets high-risk offenders on probation and has done a tremendous job assisting them. According to an October 2007 - October 2008 study of felony probationers in Honolulu, conducted by Pepperdine University professor, Dr. Angela Hawkin, probationers in the HOPE study group were:

- 55% less likely to be arrested for new crimes (21% vs. 47%);
- 72% less likely to use drugs (13% vs. 46%);
- 61% less likely to skip appointments with their probation officers (9% vs. 23%); and
- 53% less likely to have their probation revoked (7% vs. 15%).

The Department will continue to play a role in this successful program.

In 2013, the Judiciary implemented a new specialty court program known as Veterans Court. This program provides a dedicated environment and specialized services for veterans who commit offenses, as many of these veterans also suffer from depression, post traumatic stress disorder, and other mental challenges stemming from their military service. Through Veterans 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.

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, and support services to the victims and witnesses of crimes committed in Hawaii.

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

**HB1647**

Submitted on: 2/4/2014

Testimony for JUD on Feb 6, 2014 14:00PM in Conference Room 325

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

Comments: Please support!!!

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)