



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1404, MAKING AN APPROPRIATION TO THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Friday, February 27, 2015

**TIME:** 1:30 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** WRITTEN COMMENTS ONLY. For more information, call Randall S. Nishiyama, Deputy Attorney General, (808) 586-1267

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Chair Luke and Members of the Committee:

The Department of the Attorney General ("Department") supports this bill.

This bill appropriates funds to the County of Hawaii 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 Hawaii Office of the Prosecuting Attorney to fulfill the requirements of chapter 845, Career Criminals, and section 28-111, Hawaii Revised Statutes (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  
Honolulu, Hawai'i 96813  
Telephone: 808 587-1143  
FAX 808 587-1146

**MARI McCAIG**  
Chair

**MARTHA ROSS**  
Interim Commissioner

**ABELINA M. SHAW**  
Commissioner

**PAMELA FERGUSON-BREY**  
Executive Director

TESTIMONY ON HOUSE BILL 1404  
RELATING TO MAKING AN APPROPRIATION TO THE HAWAII COUNTY OFFICE  
OF THE PROSECUTING ATTORNEY

by

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair

Friday, February 27, 2015; 1:30 PM  
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and members of the House Committee on Finance:

Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of House Bill 1404. House Bill 1404 appropriates funds for grants-in-aid to the Department of the Prosecuting Attorney of the County of Hawai'i for the career criminal prosecution unit and for the victim witness assistance program.

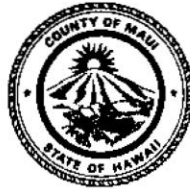
The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health 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 witness 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 Hawai'i for the victim witness assistance program. Thank you for providing the Commission with the opportunity to testify in support of House Bill 1404.

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Acting Prosecuting Attorney  
ROBERT D. RIVERA  
Acting First Deputy Prosecuting Attorney

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Deputy Prosecuting Attorney  
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TESTIMONY  
ON  
HB 1404 -MAKING AN APPROPRIATION TO THE  
HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY

February 27, 2015

The Honorable Sylvia Luke  
Chair  
The Honorable Scott Y. Nishimoto  
Vice Chair  
and Members  
House Committee on Judiciary

Chair Luke, Vice Chair Nishimoto and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1404 - Making an Appropriation to the Hawaii County Office of the Prosecuting Attorney. HB 1404 appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu 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 HB 1404.

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

**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

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TESTIMONY IN SUPPORT OF  
HB1404 – MAKING APPROPRIATIONS TO THE HAWAI'I COUNTY OFFICE OF  
THE PROSECUTING ATTORNEY.

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

House Committee on Judiciary  
February 10, 2015, 2:00 p.m., Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committees:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** HB1404 – Making Appropriations to the Hawai'i County 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.

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 HB1404. 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**  
FIRST DEPUTY  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HOUSE BILL 1404

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

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair

Friday, February 27, 2015, 1:30 p.m.  
State Capitol, Conference Room 308

Honorable Chair Luke, Vice-Chair Nishimoto, and Members of the Committee on Finance, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1404.

This measure appropriates funds to the County of Hawai'i Office of the Prosecuting Attorney for the Career Criminal Prosecution Unit (CCP) and Victim Witness Assistance Program (VWAP).

The CCP 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." Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and by reducing heavy caseloads and long court delays.

Since 1983, the Legislature has provided support for the VWAP, and in 1986, the Legislature established the VWAP 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 Hawai'i.

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.

This bill will provide funding as follows:

|                        | CCP                | VWAP               |
|------------------------|--------------------|--------------------|
| Fiscal Year 2015-2016: | \$87,631.00        | \$59,956.00        |
| Fiscal Year 2016-2017: | <u>\$99,487.00</u> | <u>\$76,183.00</u> |
| Total:                 | \$187,118.00       | \$136,139.00       |

Although the funding will allow us to plan and prioritize for the next two fiscal years, if the Legislation is not inclined to fund these programs for both fiscal years, we ask that funds are at least appropriated for FY 2015-2016.

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of House Bill No. 1404, 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  
**CITY AND COUNTY OF HONOLULU**

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PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SYLVIA LUKE, CHAIR  
HOUSE COMMITTEE ON FINANCE  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawai'i**

February 27, 2015

**RE: H.B. 1404; MAKING APPROPRIATIONS TO THE COUNTY OF HAWAII  
COUNTY OFFICE OF THE PROSECUTING ATTORNEY.**

Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finances, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of H.B. 1404.

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 H.B. 1404, 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.

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 26, 2015 6:12 PM  
To: FINTestimony  
Cc: breaking-the-silence@hotmail.com  
Subject: \*Submitted testimony for HB1404 on Feb 27, 2015 13:30PM\*



**HB1404**

Submitted on: 2/26/2015

Testimony for FIN on Feb 27, 2015 13:30PM in Conference Room 308

| <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 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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