

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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Executive Director

TESTIMONY ON HOUSE BILL 414
RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING
ATTORNEY OF THE COUNTY OF KAUAI

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Karl, Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, February 6, 2015; 2:00 PM
State Capitol, Conference Room 325

Good afternoon Chair Rhoads, Vice Chair San Buenaventura 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 414. House Bill 414 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 House Bill 414.



BERNARD P. CARVALHO, JR.
Mayor

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Managing Director

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February 3, 2015

Honorable Karl Rhoads, Chair
Honorable Joy A. San Buenaventura, Vice Chair
Honorable Committee Members
Committee On Judiciary
Hawaii State Capitol

SUBJECT: H.B. 414 APPROPRIATIONS FOR KAUAI OFFICE OF THE PROSECUTING ATTORNEY

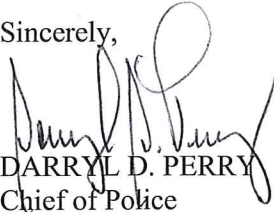
The Kauai Police Department strongly supports House Bill No. 414 regarding funding appropriations to the County of Kauai Office of the Prosecuting Attorney specifically to fund the Career Criminal Prosecution Unit and the Victim Witness Assistance Program.

While the population on Kauai has more than double and visitor count on a daily basis exceeds 23,000, staffing for both the Kauai Police Department and the Office of the Prosecuting Attorney has showed negligible increases to adequately address victimization issues related to our community members and visitors.

Studies have also produced evidence that approximately 90-95 percent of crimes are committed by repeat offenders who could be classified as career criminals.

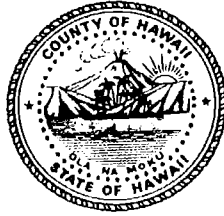
With the passage of this bill, the Office of the Prosecuting Attorney would be able to take a more proactive stance toward incapacitating career criminals while bring much needed assistance to the victims of crime.

Again, the Kauai Police Department supports the passage of this bill, and would want to thank you for supporting our law enforcement efforts in making not only our community, but the entire State of Hawaii a safer place in which to live and raise our keiki.

Sincerely,

DARRYL D. PERRY
Chief of Police

MITCHELL D. ROTH
PROSECUTING ATTORNEY

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FIRST DEPUTY
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 414

A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO
THE COUNTY OF KAUAI OFFICE OF THE
PROSECUTING ATTORNEY

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Friday, February 6, 2015, 2:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 414.

This measure appropriates funds to the County of Kauai, Office of the Prosecuting Attorney, for the Career Criminal Prosecution Unit and Victim Witness Assistance Program.

The funding of these programs are essential for Kauai prosecutors and will ensure the career criminal prosecution unit and victim witness assistance program continue to make a positive effect on the citizens of Kauai. We also request Hawai'i county's Bill, HB 1404, is funded and passed.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 414. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Roth".

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

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
HB414 – MAKING APPROPRIATIONS TO THE COUNTY OF KAUAI OFFICE OF
THE PROSECUTING ATTORNEY.

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

House Committee on Judiciary
February 6, 2015, 2:00 p.m., Conference Room 325

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

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** HB414 – Making Appropriations to the County of Kaua'i Office of the Prosecuting Attorney.

In supporting these Appropriations, we note that the Career Criminal Prosecution Unit¹ and Victim Witness Assistance Program² are vital, state-mandated programs that address the most serious career criminals and provide direct services to victims of crime.

¹ 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).

² 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).

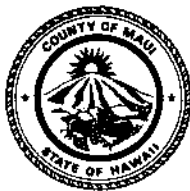
Historically, the funding for these programs has been provided by the Department of the Attorney General to all four Counties for the statewide efforts to maintain vital and effective CCP and VWA programs. Although funding has somewhat lessened in recent years, these programs have always been regarded 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 HB414. We request that your Committee **PASS** these Appropriations.

Thank you very much for the opportunity to provide testimony on these Appropriations.

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
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
HB 414 - MAKING APPROPRIATIONS TO THE
DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE COUNTY OF KAUAI

February 6, 2015

The Honorable Karl Rhoads
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members
House Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 414 - Making Appropriations to the Department of the Prosecuting Attorney of the County of Kauai. HB 414 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 HB 414.

Thank you very much for the opportunity to provide testimony on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai'i**

February 6, 2014

RE: H.B. 414; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.

Chair Rhoads, Vice Chair Buenaventura 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 414.

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, our deputy prosecuting attorneys will have the tools necessary to protect our public from chronic 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.

In conclusion, the Honolulu Prosecuting Attorney strongly supports the passage of H.B. 414, which will provide the funding needed to maximize our service to our community in the fields of Career Criminal and Victim Witness Assistance. Also, as the legislative session progresses, we kindly request that our funding in this bill is inserted into the State Budget. Thank you for the opportunity to testify on this matter.