



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 491, MAKING AN APPROPRIATION 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:** Tuesday, February 14, 2017 **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Branch Chief Shaleigh Tice, CPJAD

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Chairs Nishihara, Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this measure, provided that its passage does not replace or adversely impact priorities as indicated in our Executive budget. This bill would provide funds for services that are provided by the Department of the Prosecuting Attorney of the City and County of Honolulu to help fulfill the requirements of chapter 845, "Career Criminals," Hawaii Revised Statutes.

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 fiscal year 2007-2008, funding for the CCP program has been reduced, which has resulted in positions being held vacant. This funding request is needed to staff the CCP program so that the prosecution of career criminals can be pursued to the greatest extent.

We respectfully ask the Committees to pass this bill. Thank you for the opportunity to provide testimony.

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



CHRISTOPHER D.W. YOUNG  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS**

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawai'i**

February 14, 2017

**RE: S.B. 491; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE  
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Chair Nishihara, Chair Keith-Agaran, Vice Chair Wakai, Vice Chair Rhoads, 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 S.B. 491.

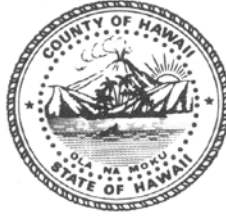
Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." In response, the State created the Career Criminal Prosecution program, which it originally funded annually. Money spent on this unit is an efficient use of resources, as it provides citizens with swift and effective justice, reducing heavy caseloads and long court delays. With your support, the Department will have the tools necessary to protect our public from career criminals. The current balance needed to maintain this program at its current level of operation within our Department is \$492,125.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 491, which will provide the funding needed to provide this important state-mandated service to our community. Thank you for the opportunity to testify on this matter.



**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY IN SUPPORT OF SENATE BILL 491

#### A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
Sen. Clarence K. Nishihara, Chair  
Sen. Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Sen. Gilbert S.C. Keith-Agaran, Chair  
Sen. Karl Rhoads, Vice Chair

Tuesday, February 14, 2017, 8:30 A.M.  
State Capitol, Conference Room 016

Honorable Chairs Nishihara and Keith-Agaran, Vice-Chairs Wakai and Rhoads, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 491.

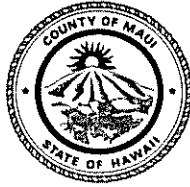
This measure appropriates moneys to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution (CCP) Unit.

Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed 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 program, which it originally 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, the Department will have the tools necessary to protect our public from career criminals. The current balance needed to maintain this program at its current level of operation within the Department of the Prosecuting Attorney, City and County of Honolulu is **\$492,125**.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 491. Thank you for the opportunity to testify on this matter.

ALAN M. ARAKAWA  
Mayor



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

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
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CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 491 - MAKING AN APPROPRIATION TO THE  
DEPARTMENT OF THE PROSECUTING ATTORNEY  
OF THE CITY AND COUNTY OF HONOLULU

February 14, 2017

The Honorable Clarence K. Nishihara  
Chair  
The Honorable Glenn Wakai  
Vice Chair  
and Members  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Gilbert S.C. Keith-Agaran  
Chair  
The Honorable Karl Rhoads  
Vice Chair  
and Members  
Senate Committee on Judiciary and Labor

Chair Nishihara, Vice Chair Wakai, Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui strongly supports SB 491. The purpose of this measure is to make an appropriation to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution (CCP) Unit.

The CCP program was mandated to the counties with the enactment of Chapter 845, Hawaii Revised Statutes, back in 1979. The CCP program was created because the Legislature found 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.” Further, the Legislature “intends to support increased efforts by prosecuting attorneys’ offices to prosecute career criminals through organizational and operational techniques that have been proven effective in selected counties in other states.”

In order to avoid the unfunded mandate prohibition under the Constitution of the State of Hawaii, it has long been the practice of the Legislature to provide funding for the CCP program. This bill will address the issue of shrinking funding from the State, while personnel expenses have increased. As with all counties, experienced deputy prosecutors and staff are assigned to the CCP program because of the serious nature of the offenses.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy

**Amu I. Reali** First Deputy



**Rebecca Vogt Like**  
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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808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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TESTIMONY IN SUPPORT OF SENATE BILL 491

A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE  
DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY  
AND COUNTY OF HONOLULU

COMMITTEE ON PUBLIC SAFETY  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
Sen. Clarence K. Nishihara, Chair  
Sen. Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair

Tuesday, February 14, 2017, 8:30 A.M.  
State Capitol, Conference Room 016

Honorable Chairs Nishihara and Keith-Agaran, Vice-Chairs Wakai and Rhoads, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs and the Committee on Judiciary and Labor. The Office of the Prosecuting Attorney, County of Kaua'i submits the following testimony in support of Senate Bill No. 491.

This measure appropriates moneys to the Department of the Prosecuting Attorney of the City and County of Honolulu for the Career Criminal Prosecution (CCP) Unit.

Pursuant to legislation passed in 1979, and codified as Sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes, the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed 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 program, which it originally 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, the Department will have the tools necessary to protect our public from career criminals. The current balance needed to maintain this program at its current level of operation within the Department of the Prosecuting Attorney, City and County of Honolulu is **\$492,125.**

The Office of the Prosecuting Attorney, County of Kaua'i supports the passage of Senate Bill No. 491. Thank you for the opportunity to testify on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 10:55 AM  
**To:** PSMTTestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for SB491 on Feb 14, 2017 08:30AM

**SB491**

Submitted on: 2/12/2017

Testimony for PSM/JDL on Feb 14, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	Yes

Comments: We STRONGLY OPPOSE this bill. In these tough budgetary times, wasteful spending is abhorrent. The Prosecutors office has many problems, from the refusal to fully cooperate with the Federal Investigation of former Honolulu Police Chief Kealoha, to their repeated refusal to prosecute officers, former officers & wives of officers, as in the cases of Peyton Valiente(who nearly died of his injuries), & Kaulana Werner(who died in a hit & run incident in Nanakuli), both of which has HPD Officers connected to the cases. However, it is the blatant waste of more than SIX MILLION dollars of TAXPAYER dollars for the Family Justice Center in 2014. To date there is only one person in the center. There were three, but two people left the center. According to a source, here's what I have learned about the center: "This is so sad! Terrible really... Regarding the Family Justice Center... The main issue with the center is that there is no professional/ paraprofessional staffing. Right now the investigators from the Prosecutors office are assigned to provide "security" to the few (1-2) clients who are there. Investigators are not trained in DV issues. Why use untrained investigators instead of Victim advocates? Investigators are providing transportation, cleaning services, they go grocery shopping and take clients to appointments. Investigators at the DPA are upset about their newly assigned roles because they are not comfortable doing this! According to my source the facility is more like a prison and therefore not attracting clients. Even the DV community providers had doubts about this facility and have questions about staffing and training. There's no professional staffing on site and last I heard, only 1 client. There were 3, but two left!!" The Prosecutor's office already has money, it just needs to account for the six million dollars for the Family Justice Center & re-direct that money to other endeavors that are of a priority. We need to end WASTEFUL SPENDING. Mahalo.

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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 3:49 PM  
**To:** PSMTestimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** \*Submitted testimony for SB491 on Feb 14, 2017 08:30AM\*

**SB491**

Submitted on: 2/11/2017

Testimony for PSM/JDL on Feb 14, 2017 08:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:

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