



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1946, RELATING TO THE CAREER CRIMINAL PROSECUTION PROGRAM.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, January 25, 2018                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Russell A. Suzuki, First Deputy Attorney General, or  
Shaleigh Tice, Branch Chief, Crime Prevention Justice Assistance  
Division

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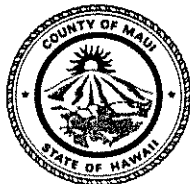
Chair Nishimoto and Members of the Committee:

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 Maui Department of the Prosecuting Attorney 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 Committee to pass this bill. Thank you for the opportunity to provide testimony.





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CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
HB 1946 - RELATING TO THE  
CAREER CRIMINAL PROSECUTION PROGRAM

January 25, 2018

The Honorable Scott Y. Nishimoto  
Chair  
The Honorable Joy A. San Buenaventura  
Vice Chair  
and Members  
House Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui **STRONGLY SUPPORTS** SB 26, SD 1. This measure makes an appropriation in the amount of \$ 43,119 to the Department of the Prosecuting Attorney, County of Maui, for the Career Criminal Prosecution (CCP) Program.

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.

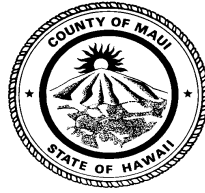
This bill will address the issue of shrinking funding from the State, while personnel expenses have increased. As with all counties, experienced deputy prosecutors and staff are assigned to the CCP Program because of the serious nature of the offenses.

The amount sought to be appropriated is the difference between the amount in the State Budget and the actual personnel costs.

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.

ALAN M. ARAKAWA  
MAYOR



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**OFFICE OF THE MAYOR**  
Ke`ena O Ka Meia  
COUNTY OF MAUI – Kalana O Maui

January 25, 2018

TESTIMONY OF ALAN M ARAKAWA  
MAYOR  
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

Thursday, January 25, 2018  
2:00 pm - Conference Room 325

HB1946 RELATING TO THE CAREER CRIMINAL PROSECUTION PROGRAM.

Honorable Scott Y. Nishimoto, Chair  
Honorable Joy A. San Buenaventura, Vice Chair  
Honorable Members of the House Committee on Judiciary

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Thank you for this opportunity to testify in **SUPPORT** of HB1946

This measure makes an appropriation in the amount of \$43,119 to the Department of the Prosecuting Attorney, County of Maui, for the Career Criminal Prosecution (CCP) Program.

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.

The amount sought to be appropriated is the difference between the amount in the State Budget and the actual personnel costs.

Therefore, I strongly urge the passage of this bill.

Sincerely,

Alan M. Arakawa  
Mayor, County of Maui

**Justin F. Kollar**  
Prosecuting Attorney



**Rebecca Vogt Like**  
Second Deputy

**Jennifer S. Winn**  
First 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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THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawai'i

January 25, 2018

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

The Office of the Prosecuting Attorney, County of Kaua'i **STRONGLY SUPPORTS** HB 1946. This measure makes an appropriation in the amount of \$ 43,119 to the Department of the Prosecuting Attorney, County of Maui, for the Career Criminal Prosecution (CCP) Program.

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.

The amount sought to be appropriated is the difference between the amount in the State Budget and the actual personnel costs.

Accordingly, the Office of the Prosecuting Attorney, County of Kaua'i, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



CHASID M. SAPOLU  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2018**  
**State of Hawai`i**

January 25, 2018

**RE: H.B. 1946; RELATING TO THE CAREER CRIMINAL PROSECUTION PROGRAM.**

Chair Nishimoto, Vice Chair San 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 support of H.B. 1946.

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.

For all of the foregoing reasons, the Department strongly supports the passage of H.B. 1946, which will provide the funding needed to maximize service to the community in Maui County, in the area of Career Criminal Prosecution. Thank you for the opportunity to testify on this matter.



Council Chair  
Mike White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
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[www.MauiCounty.us](http://www.MauiCounty.us)

January 24, 2018

TO: The Honorable Scott Y. Nishimoto, Chair  
House Committee on Judiciary

FROM: Mike White  
Council Chair

A handwritten signature in black ink, appearing to read "Mike White".

SUBJECT: **HEARING OF JANUARY 25, 2018; TESTIMONY IN SUPPORT OF  
HB 1946, RELATING TO THE CAREER CRIMINAL PROSECUTION  
PROGRAM**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to appropriate \$43,119 to the Department of the Prosecuting Attorney, County of Maui, for the Career Criminal Prosecution Program ("CCP").

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. The CCP Program was mandated to be implemented by the counties with the enactment of Chapter 845, Hawaii Revised Statutes, in 1979. The enabling legislation recognized that "a substantial and disproportionate amount of serious crime is committed against the people by a relatively small number of multiple and repeat offenders."
2. Similar to the State, the County faces the tough decision to fund many competing interests. Therefore, designated State funding for this mandate ensures the CCP will be fully implemented.
3. The funding sought to be appropriated is the difference between the amount in the State Budget and the actual personnel costs. However, the impact to the community is invaluable. The funding will assist the prosecuting attorney's office to prosecute career criminals through organizational and operational techniques that have been proven effective in many counties in other states.

For the foregoing reasons, I strongly **support** this measure.

*Georgette Anne Yaindl*  
Attorney and Counselor at Law \_\_\_\_\_

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January 24, 2018

Committee on Judiciary  
House of Representatives  
State of Hawai'i  
Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, vice Chair

Via email to: <http://www.capitol.hawaii.gov/submittestimony.aspx>

Dear Chair Nishimoto, Vice Chair San Buenaventura, and members of the committee,

RE: Hearing Date: January 25, 2018  
Hearing Time: 2:00 P.M.  
Location: Conference Room 325, State Capitol, 415 South Beretania St.

**RE: Opposition to HB 1946**

1. The proposed bill makes no statement of need.
2. There is no need.

The Maui county office of the prosecuting attorney does not need any supplemental appropriation from the state legislature, but the State Office of the Public Defender sure does.

This bill proposes to provide an additional \$43,119 state dollars to Maui County's Office the Prosecutor whose FY 2018 budget funded by county and federal dollars exceeds \$6,762,932.00. Compare that to the FY 2018 budget for the State Office of the Public Defender, with responsibility for funding public defenders serving in courts in every county, that totals \$11,000,000.00. Maui's population (est. 180,000) is only 12% state population (1.49 m), yet its budget for prosecution is more than half the entire budget for the state office of the public defender. The budget document submitted in support of the Public Defender's budget by its administrator, Dept. of Budget and Finance, indicates that each Hawai'i public defender's caseload in FY 2018 is projected to exceed the minimum standard for misdemeanors by 481% and family court cases by 197%, which is projected to increase to 481% in FY 2019 and thereafter.

3. The career criminal program should be audited.

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The career criminal program mandates, se Chapter 845, Hawai`i Revised Statutes, that local law enforcement must designate certain individuals as career criminals, and affords local law enforcement discretion to make the designation in several other instances, including when an individual charged with a first offense is awaiting trial released on bond. The designation “CAREER CRIMINAL” appears in all caps, large font, in red, on the top page of an accused’s rap sheet. Before appropriating any additional funds to this program, the legislature should determine whether the career criminal program serves its statutory purpose of bringing to bear enhanced investigation and prosecution efforts against individuals that are career criminals, in fact.

4. Pursuant to statute, the career criminal program is administered by the Office of the State Attorney General, not the counties.

If the legislature wants to increase funding for the program, it is appropriate to do so through an appropriation to the Office of the Attorney General, not a county office of the prosecuting attorney. See Chapter 845, Hawai`i Revised Statutes.

Thank you for the opportunity to comment on this proposed legislation. Respectfully, I wish to comment additionally that the bill does not make clear by whom it was introduced. The signature is illegible and unattributed, notwithstanding the clear representation that it was “submitted by request”. Mahalo.

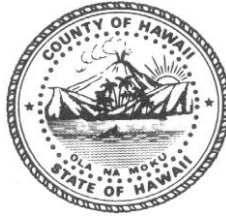
Sincerely,

/s/ Georgette Yaindl  
Georgette Anne Yaindl



**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 HOUSE BILL 1946

A BILL FOR AN ACT MAKING AN APPROPRIATION TO  
THE DEPARTMENT OF THE PROSECUTING ATTORNEY  
FOR THE COUNTY OF MAUI



COMMITTEE ON JUDICIARY  
Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair  
Thursday January 25, 2018, 2:00 P.M.  
State Capitol, Conference Room 325

Honorable Chair Nishimoto, 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. 1946.

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

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.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). 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. Having this funding will enable, equip and enhance staff with the necessary tools and skills needed to effectively deal with complex situations of CCP.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 1946. Thank you for the opportunity to testify on this matter.