

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE CLARANCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS
Thirty-First State Legislature
Regular Session of 2021
State of Hawai'i**

February 16, 2020

**RE: S.B. 417; MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Chair Nishihara, Vice Chair English, and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 417. This bill is part of the Department's 2021 legislative package.

Since 1983, the Legislature has provided support for the Victim Witness Assistance Program. In 1986, the Legislature enacted section 28-111, Hawaii Revised Statutes (H.R.S.), that established the Victim Witness Assistance Program on a statewide basis. This statute establishes the program in the Department of Attorney General, with the purpose of providing information, assistance, and support services to the victims and witnesses of crimes committed in Hawaii. The Attorney General is mandated to allocate and award funds to the counties whose Victim Witness Assistance programs are in substantial compliance with policies and criteria established by the Attorney General in cooperation with the county prosecutors.

The Honolulu Victim Witness Kokua Services, with the support of the Legislature, and even greater funding from the City and County of Honolulu, has developed into one of the finest services of its kind in the country. In 2010 alone, this Division helped over 4,000 crime victims.

Victims are usually the key witnesses in a case. Without their testimony, criminals cannot be held responsible for their actions and remain free to hurt others in the community. Victims need assistance to face testifying in court and they require help in recovering from the trauma criminal victimization. The Victim/Witness Kokua Services provides this support.

The mission of the Prosecuting Attorney of the City and County of Honolulu is to seek justice, which must be equally available to both victims and defendants. Legislators had this in

mind when they created Chapter 801D, H.R.S., Rights of Victims and Witnesses in Criminal Proceedings. Those very rights established by law are significantly diminished when our funding base erodes, as it has in recent years. Crime victims' right to information, which is the very cornerstone of Chapter 801D, H.R.S., is severely jeopardized by the staffing vacancies (7) that have been the consequence of the continual budget cuts.

We note that the City & County of Honolulu now pays far more proportionately (over \$1,000,000) for its victim/assistance program than state law requires. Section 28-111, H.R.S., which created the State Victim/Witness Assistance Program, requires counties to match 25 percent of the program funding. Honolulu now provides the program almost forty times the matching requirement. By paying for the largest percentage of the program costs, Honolulu has already proved its commitment to helping victims. While the county has been able to fill the gaps created by State funding reductions in the past, it is no longer able to do so. For example, six county funded positions also remain vacant due to the shortage of funds.

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. 417, 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.