

HB1800, HD2



TO: Chair Hee
Vice Chair Shimabukuro
Members of the Committee on Judiciary

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 1800 HD2

Good morning. We thought it important to offer for consideration budget information related to the Domestic Violence Action Center (DVAC). The Domestic Violence Action Center provides specialized, unduplicated services to victims of domestic violence. The agency is the only one of its kind, exclusively dedicated to domestic violence, with the needs of victims in sharp focus.

This fiscal year (FY 2012), DVAC is thriving with Rainy Day Funds (\$390,000), appropriated to offset the enormous budget cuts the agency sustained in 2009. The loss of these funds are imminent – June 30, 2011, and catapults the agency and its services into a spin. The original loss of funding, \$570,000 was devastating.

More staff will be laid off and additional services will be eliminated.

At fiscal year end 2011, DVAC had 11,155 callers on its Helpline, with victims on our caseload and the community. We received 399 requests for legal representation, opened legal 215 cases, with attorneys making 366 appearances in court. Advocates opened an additional 189 cases, and staff completed 4,500 safety plans, as well as 3,514 risk assessments. At the half year point for FY 2012, domestic violence shows no signs of abating. Staff has had 2,635 contacts with agency clients, answered 741 Helpline calls, accepted 74 complex and potentially lethal cases, and closed an additional 61 cases.

It is our greatest hope for the community, that these unique program services can be maintained with an appropriation to the Judiciary for contracting with the Domestic Violence Action Center.

Thank you for allowing this comment and giving consideration to the importance of preserving these key services, bringing peace to island families.



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

The Honorable Clayton Hee, Chair

The Honorable Maile S.L. Shimabukuro, Vice Chair

Tuesday, March 20, 2012, 10:15 a.m.

State Capitol, Conference Room 016

By

W. Tom Mick

Policy and Planning Department Head

Bill No. and Title: House Bill No. 1800, H.D. 2, Relating to the Judiciary

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2013.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 1800, H.D. 2, which reflects the Judiciary's resource requirements for the FY 2013 supplemental budget year.

The Judiciary is extremely grateful for the House Finance Committee's approval of our supplemental budget requests of: \$100,000 for on-call nursing services for our Detention Home at Kapolei and our Shelter Facility on Alder Street; \$696,446 and \$78,209 to cover expiring maintenance/warranty contracts and two contract security guards, respectively, at the Ronald T.Y. Moon Judiciary Complex in Kapolei; and \$234,728 to expand court interpreter services for civil and administrative proceedings. We are also pleased that House Finance Committee provided two positions and \$80,000 to support the Community Service Sentencing Program (CSSP) on Kaua'i that was discontinued by the Department of Public Safety (PSD). And we are supportive of the two unrequested social worker positions provided for First Circuit by the House Finance Committee – one with \$40,000 in funding to assist with victim services at Kapolei and the other for Veterans Court (although without any funding being provided, this position may be problematic).



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However, the Judiciary is very concerned over the deletion of three of the six juvenile detention worker (JDW) positions and related funding of \$115,812 requested for the Detention Home at Kapolei, and two of four positions and related funding of \$83,766 requested to assume the CSSP intake function from PSD on Maui. Without the three additional JDW positions, the Judiciary will continue to have less than its computed staffing levels needed to operate two male modules 24 hours per day/7 days per week, and likely will be unable to significantly reduce overtime costs incurred at the Detention Home in FY 2011. Further, the safety of our juveniles and the well-being and health of our staff personnel could be at risk as staff work double shifts, fight fatigue and sickness, and take more time off which exacerbates the overtime problem. The loss of two of the four CSSP positions requested for Maui means that the Second Circuit will only be able to accommodate Circuit Court referrals and not District Court referrals. This will leave our judges without an important and effective sentencing option that decreases the use of incarceration and provides an opportunity for non-violent offenders to perhaps avoid prison in the future, and will result in a disparity between the Circuit and District Courts on Maui in the administration of justice. It should also be noted that the community service sentencing alternative to incarceration results in significant savings to the criminal justice system.

The Judiciary is also concerned that funds for two supplemental budget requests were deleted in their entirety - \$186,000 applicable to the Maui/Moloka'i Drug Court's (MDC) in-custody substance abuse treatment program at the Maui Community Correctional Center (MCCC), and \$200,000 to cover unemployment insurance benefits no longer paid by the Executive Branch for Judiciary employees. Without funding to support this successful 10-year substance abuse treatment program at MCCC, the Second Circuit will be faced with the following options: terminate the program completely or divert funds from elsewhere to pay for it such as terminating the Drug Court program on Moloka'i, reducing other purchase of service (POS) contract amounts, and/or reducing the number of inmates in the program. If it is decided to terminate the program, this will expand the already more than one-year wait list for the MDC, and it could compromise public safety and increase recidivism as these offenders will be released from MCCC without any substance abuse/chemical dependency treatment and will not have the skills to remain clean and sober while residing in the community. Not funding the costs for unemployment insurance benefits is equivalent to a budget cut as these costs must be paid and cannot be deferred, and as such, affected programs will have to make cuts elsewhere to pay for this. This could ultimately affect court services and court operations as programs already have major financial concerns because of the significant cuts to the Judiciary budget base the past few years, and because of the increasing unbudgeted utility costs and vacation leave payouts for retiring employees.

With regard to the Judiciary's one special fund request to increase the ceiling of the Indigent Legal Assistance Fund (ILAF) by \$1.35 million from \$550,000 to \$1.9 million, the



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Judiciary is pleased that the House Finance Committee increased the ceiling by \$675,000 but is also concerned. Our concern is that if revenues exceed the ceiling amount, then the excess amount cannot be paid out to support indigent legal services, which is the purpose of the fund. In essence, the funds will become inaccessible, go to waste, and serve no purpose at all, and the intended beneficiaries will not receive the legal assistance they require.

Relative to the CIP budget included in House Bill 1800, HD 2, the Judiciary is very appreciative of the \$6,492,000 provided from the \$7,282,000 requested for seven new projects in the supplemental budget year. Our only concerns are the \$540,000 reduction in our \$3,040,000 request for Ali‘iōlani Hale Exterior Improvements and the deletion of \$250,000 for an environmental analysis on our status offender shelter and juvenile services center site on Alder Street. Unless bids come in lower than the total costs projected in the Exterior Alterations and Improvements Report prepared by Mason Architects, Inc. in October 2010, the reduced funding for Ali‘iōlani Hale means that work for some items shown as needing replacement or repair cannot be done. Without funding for an environmental analysis at Alder Street, the Judiciary cannot move forward on redeveloping that site to provide for a continuum of care for juveniles in our system and using that site to provide juveniles with programs that serve as an alternative to incarceration.

The Judiciary understands the economic realities and the budget conditions faced by the State yet at the same time believes that its proposed supplemental budget is very conservative in its requests, and is the Judiciary’s best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill 1800, HD 2, which includes the Judiciary’s supplemental budget request, and that you strongly consider restoring positions and funds for the Detention Home at Kapolei and for the CSSP on Maui, as well as funding for substance abuse treatment on Maui and to cover unemployment insurance benefits in the Judiciary. The Judiciary also respectfully requests increasing the ILAF ceiling to \$1.9 million, and restoration of CIP funding of \$540,000 for Ali‘iōlani Hale and \$250,000 for an environmental analysis at Alder Street.

I hope that the information provided today will assist your committee in its deliberations relating to this bill. Thank you for your consideration and the opportunity to testify on this measure.