

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE WAYS AND MEANS
ON
HOUSE BILL NO. 2226, H.D. 2, S.D. 1

March 28, 2012

RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

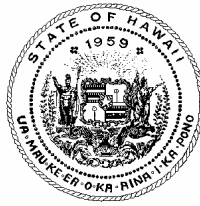
House Bill No. 2226, H.D. 2, S.D. 1, requires the Department of Public Safety to establish a statewide automated victim information and notification system. The system will automatically notify a registered victim or concerned member of the community when there are certain changes in the status of an offender in the Department of Public Safety's custody. House Bill No. 2226, H.D. 2, S.D. 1, creates the Automated Victim Information and Notification System special fund to defray costs associated with operating the system. The fund would be exempt from central service assessments and generate revenues through a 4% surcharge on items purchased by inmates at a correctional facility commissary, revenue from the provision of inmate telephone services, and interest/investment earnings. The bill appropriates an unspecified sum from the special fund for FY 13 to develop the new system.

The Department of Budget and Finance takes no position on the rational validity of developing an automated victim information and notification system. However, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the

Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 2226, H.D. 2, S.D. 1, it is difficult to determine if the new fund will be self-sustaining. The department also further recommends against any exemption from the central services assessment as a matter of financial consistency to administrate and cover the cost of managing the financial accounting required of such an undertaking.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, Hawaii Revised Statutes.

NEIL ABERCROMBIE
GOVERNOR



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TESTIMONY ON HOUSE BILL 2226 HD2, SD1
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

by

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

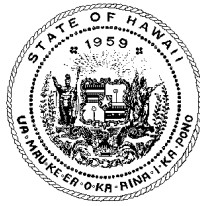
Wednesday, March 28, 2012, 9:30 AM
State Capitol, Conference Room 211

Chair Ige, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) strongly supports House Bill (HB) 2226 HD2, SD1, and its amendment as proposed by the Crime Victims Compensation Commission. Changes to the language establishing the revenue source for the automated victim notification system special fund inadvertently eliminated more than half of the revenue source for the special fund. Without this revenue, there will be insufficient funding to continue the Statewide Automated Victim Notification System (SAVIN) as Federal funding for SAVIN will expire at the end of 2012.

Thank you for the opportunity to testify on this matter.

NEIL ABERCROMBIE
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**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON HOUSE BILL 2226 HD2 SD1
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM
by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, March 28, 2012; 9:30 AM
State Capitol, Conference Room 211

Good morning Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly supports the passage of House Bill 2226 HD2 SD1 with amendments to more clearly define the revenue source for the special fund. Changes to the language in the original bill draft that established the revenue source for the automated victim notification system special fund inadvertently eliminated more than half of the revenue source for the special fund. Without this revenue there will be insufficient funding to continue the Statewide Automated Victim Notification System because federal funding for the system will run out by the end of 2012.

House Bill 2226 HD2 SD1 amends Chapter 353, Hawai'i Revised Statutes, by creating a new part establishing a permanent statewide victim notification system in the Department of Public Safety (PSD), a governance committee to advise PSD on the implementation of the statewide victim notification system, and a special fund to underwrite the cost of the statewide victim notification system.

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.

Hawai'i Revised Statutes, Section 801D, provides crime victims and witnesses with the right, upon request, to be notified by PSD of changes in the custody status of the offender. Prior to 2008, PSD provided a manual notification through the county victim assistance programs. This manual notification system was not uniformly applied in each of the counties, was only available during

regular business hours, and resulted, in some cases, with untimely notification made to victims and witnesses.

Numerous crime victims were unable to exercise their right to speak at the offender's parole hearing, were traumatized when they were not notified timely in advance about the offender's release, or were endangered and unable to plan for their safety when they did not receive timely advance notification of the offender's release or escape.

In order to address these concerns, PSD applied for federal grant funds to establish a statewide automated victim notification system (SAVIN). In 2008, PSD received federal funds to establish a SAVIN Program in Hawai'i. Since the SAVIN Program was established in Hawai'i, thousands of crime victims, witnesses, survivors, victim service providers, law enforcement agencies, and concerned members of the public have automatically received timely information in advance of changes in an offender's custody status. Without a continuing funding source, the SAVIN Program in Hawai'i is in danger of ending when federal funding runs out in 2012.

The Commission serves on the SAVIN Governance Committee, which guides the SAVIN Program in Hawai'i. The Governance Committee is comprised of county victim service providers and advocates, crime victims, technology experts, and members of the criminal justice community. In FY 2011, the Commission requested technical assistance from the National SAVIN Training and Technical Assistance Project to assist the Governance Committee and other stakeholders with developing a strategic plan to address two critical issues facing SAVIN in Hawai'i:

1. Sustainability of the SAVIN program in Hawai'i in light of current State budget constraints and the pending expiration of federal grant funds in 2012; and
2. Appropriate placement of SAVIN within the State government. Various Governance Committee members had concerns about which State agency should house the SAVIN Program.

A series of Hawai'i strategic planning sessions were conducted in March 2011 by Anne Seymour from the National SAVIN Project Team. The resulting report and recommendations acknowledged the importance of the SAVIN Program to victims and public safety in Hawai'i, and included recommendations to draft legislation to ensure that the SAVIN Program in Hawai'i continues after federal funding expires, and to place the permanent SAVIN Program in Hawai'i with PSD.

The proposed bill will enable the SAVIN Program to continue in Hawai'i by providing a dedicated funding source through the establishment of a special fund. The bill provides a funding source from inmate phone usage revenue and a surcharge against inmate commissary purchases. Revenue from these funds is exempted from the assessments in Section 36-27 and 36-30, which will help to ensure sufficient funding for the SAVIN Program to protect victims and witnesses.

Another important aspect of the bill is the establishment of a SAVIN Governance Committee. The establishment of a SAVIN Governance Committee is an essential element of a successful Program because of the high degree of cooperation in decision-making required by, and among, SAVIN providers. The Bureau of Justice Assistance (BJA) guidelines and standards for planning, implementing and operating effective SAVIN Programs, recommend that SAVIN Programs be based on victim-focused principles of victim/survivor safety, confidentiality, and autonomy. The BJA guidelines note that:

Governance is the key to a successful SAVIN Program and provides the environment for collaboration among the many different stakeholders who must work together to create and operate a SAVIN Program. By using these governance standards, each state will maintain the balance between agency-level decision-making and broad-based input from the participants and users of the SAVIN Program, including the most important stakeholders which are crime victims and survivors.

The SAVIN Program in Hawai'i is also an essential element of the proposed Justice Reinvestment Initiative (JRI). The ability of crime victims to have input in decision making about the appropriateness of an offender's release, and the impact of the offender's release on the victim's safety, as well as on the safety of the public, is dependent on timely notification to the crime victim. The SAVIN Program will work hand-in-hand with other JRI proposals to increase victim and public safety.

PROPOSED AMENDMENTS

Changes to the language establishing the revenue source for the automated victim notification system special fund inadvertently eliminated more than half of the revenue source for the special fund.

House Bill 2226, as originally drafted, provided that revenue for the special fund is generated from:

- 1- a four percent (4%) assessment against inmate commissary purchases; and
- 2- revenue from proceeds derived from commissions on inmate phone usage.

Assessment against Commissary Purchases

House Bill 2226 HD2 SD1 may eliminate half of the revenue from the assessment on inmate purchases by not specifically including language directing that the assessment be made against purchases by inmates at an out-of-state correctional facility. In order to address this issue, the bill should be amended to specifically reference purchases made by inmates at an out-of-state facility.

Proposed Amendment to HB 2226 HD2 SD1, Page 5, and line 4 to 8:

(b) Any item purchased by an **in-state, or out-of-state**, inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from the surcharge shall be deposited into the automated victim information and notification system special fund.

Revenue from Inmate Phone Commissions

As currently written, HB 2226 HD2 SD1 provides that revenue derived from inmate phone commission "that are realized by the department" (PSD) shall be deposited into the special fund. Because this revenue is not realized by the department (the revenue is currently deposited directly into the general fund), revenue from this source will not be deposited into the special fund, eliminating almost half of the revenue for the special fund (approximately \$100,000). In order to address this issue, the bill should be amended to delete reference to the "revenue realized by the department".

Proposed Amendment to HB 2226 HD2 SD1, Page 5, lines 9 - 14

(c) All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates shall be deposited into the automated victim information and notification system special fund.

Pamela Ferguson-Brey

HB 2226 HD2 SD1

March 28, 2012

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Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 2226 HD2 SD1 with amendments.

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THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR

SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai`i

Wednesday, March 28, 2012

RE: HOUSE BILL 2226, H.D. 2, S.D. 1; RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

Good morning Chair Ige, and members of the Ways and Means Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 2226, H.D. 2, S.D. 1, with amendments**, which proposes to establish a statewide automated victim notification system.

As provided for in H.R.S CHAPTER 801D our Department currently participates through a series of cooperative agreements with the Department of Public Safety in the process of notifying victims of changes in the custody status of inmates whose victims have submitted a written request for notification. The process, at times inefficient and complex, does function to fulfill the basic purposes of H.R.S. 801D. However, this bill represents a commitment to an automated victim notification system, which although we already have an operational system in place, provides hope that this system can now become a permanent foundation upon which we can build.

Initially the Department of the Attorney General committed federal VOCA funds to help underwrite the start up costs for a notification system. And in a fashion all too uncommon in government today, the Department of Public Safety bravely volunteered their resources and commitment to making this system a reality in February of 2009. They have sought and successfully received U.S. Department of Justice grants, which have underwritten the costs of the system since its inception. Unfortunately federal funding for Automated Victim Notification Systems was designed to serve as start up funding to get the program of the ground. While this funding has been effective in the development of a very effective system, the time has come for a State funding commitment.

Although the anticipated implementation of our statewide notification system is an incredibly

important accomplishment, the continuing availability of funding to cover the ongoing operational cost of this system is, however, uncertain. This uncertainty remains one of the major obstacles to providing Hawaii's crime victims with the commitment to victims' rights and services that is sorely needed. The passage of this measure can lay the foundation for a sustainable program that will insure that the future notification needs of crime victims can be met. H.B. 2226, H.D. 2, S.D 1 provides both an appropriate funding mechanism (an inmate commissary surcharge) and a formal statutory framework that offers to victims a current and future reliable source of information that can contribute significantly to victim safety and piece of mind.

One critical piece of this bill is the provision in Section 1 (on pages 5-7) that establishes an Automated Victim Notification System Governance Committee. This committee, made up of a cross section of representatives from victim services agencies, victim witness assistance programs, and a victim or surviving family member will insure that the Notification System is accessible and user friendly for victims. It should also insure that the Department of Public Safety will receive ongoing victim centered guidance in the operation of the system. Properly implemented this program will become a cornerstone for victims' rights and services in Hawaii and a model for other states to emulate.

The appropriation for future funding, in Section 4 of the bill, is an important piece of this proposal, as we face rapidly dwindling Federal funding. This funding mechanism can ensure that this resource becomes a permanent fixture in our expanding gallery of crime victim services. A failure to establish a sustainable fiscal foundation may result in the hopes of victims who have received the benefits of this program being dashed and will leave a legacy of cruel disappointment rather than of a great accomplishment.

In reference to the funding mechanism proposed by the bill, we support the amendments proposed by the Crime Victim Compensation Commission, as outlined below:

“The Crime Victim Compensation Commission respectfully requests your assistance in amending House Bill 2226 HD2 SD1. Changes to the language establishing the revenue source for the automated victim notification system special fund inadvertently eliminated more than half of the revenue source for the special fund. Without this revenue there will be insufficient funding to continue the Statewide Automated Victim Notification System (SAVIN). The SAVIN program provides statutory notification about an offender's custody status to crime victims. Federal funding for SAVIN will run out by the end of 2012.

House Bill 2226, as originally drafted, provided that revenue for the special fund is generated from:

- 1- a four percent (4%) assessment against inmate commissary purchases; and*
- 2- revenue from proceeds derived from commissions on inmate phone usage.*

Assessment against Commissary Purchases

House Bill 2226 HD2 SD1 may eliminate half of the revenue from the assessment on inmate purchases by not specifically including language directing that the assessment be made against purchases by inmates at an out-of-state correctional facility. In order to address this issue, the bill should be amended to specifically reference purchases made by inmates at an out-of-state facility.

Proposed Amendment to HB 2226 HD2 SD1, Page 5, line 4 to 8:

(b) Any item purchased by an in-state, or out-of-state, inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from the surcharge shall be deposited into the automated victim information and notification system special fund.

Revenue from Inmate Phone Commissions

As currently written, HB 2226 HD2 SD1 provides that revenue derived from inmate phone commission “that are realized by the department “ (PSD) shall be deposited into the special fund. Because this revenue is not realized by the department (the revenue is currently deposited directly into the general fund), revenue from this source will not be deposited into the special fund, eliminating almost half of the revenue for the special fund (approximately \$100,000). In order to address this issue, the bill should be amended to delete reference to the “revenue realized by the department”.

Proposed Amendment to HB 2226 HD2 SD1, Page 5, lines 9 - 14

(c) All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates shall be deposited into the automated victim information and notification system special fund.”

In conclusion, we urge your strong support for H.B. 2226, H.D. 2, S.D 1, with the proposed amendments outlined above. Thank you for your time and consideration

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**SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai'i

Tuesday, March 13, 2012

RE: HOUSE BILL 2226, H.D. 2; RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

Good morning Chair Espero, and members of the Public Safety, Government Operations, and Military Affairs Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 2226, H.D. 2**, which proposes to establish a statewide automated victim notification system.

As provided for in H.R.S CHAPTER 801D our Department currently participates through a series of cooperative agreements with the Department of Public Safety in the process of notifying victims of changes in the custody status of inmates whose victims have submitted a written request for notification. The process, at times inefficient and complex, does function to fulfill the basic purposes of H.R.S. 801D. However, this bill represents a commitment to an automated victim notification system, which although we already have an operational system in place, provides hope that this system can now become a permanent foundation upon which we can build.

Initially the Department of the Attorney General committed federal VOCA funds to help underwrite the start up costs for a notification system. And in a fashion all too uncommon in government today, the Department of Public Safety bravely volunteered their resources and commitment to making this system a reality in February of 2009. They have sought and successfully received U.S. Department of Justice grants, which have underwritten the costs of the system since its inception. Unfortunately federal funding for Automated Victim Notification Systems was designed to serve as start up funding to get the program of the ground. While this funding has been effective in the development of a very effective system, the time has come for a State funding commitment.

Although the anticipated implementation of our statewide notification system is an incredibly important accomplishment, the continuing availability of funding to cover the ongoing operational cost of this system is, however, uncertain. This uncertainty remains one of the major obstacles to providing Hawaii's crime victims with the commitment to victims' rights and services that is sorely needed. The passage of this measure can lay the foundation for a sustainable program that will insure that the future notification needs of crime victims can be met. H.B. 2226, H.D. 2 provides both an appropriate funding mechanism (an inmate commissary surcharge) and a formal statutory framework that offers to victims a current and future reliable source of information that can contribute significantly to victim safety and piece of mind.

One critical piece of this bill is the provision in Section 1 (on pages 5-7) that establishes an Automated Victim Notification System Governance Committee. This committee, made up of a cross section of representatives from victim services agencies, victim witness assistance programs, and a victim or surviving family member will insure that the Notification System is accessible and user friendly for victims. It should also insure that the Department of Public Safety will receive ongoing victim centered guidance in the operation of the system. Properly implemented this program will become a cornerstone for victims' rights and services in Hawaii and a model for other states to emulate.

The appropriation for future funding, in Section 4 of the bill, is an important piece of this proposal, as we face rapidly dwindling Federal funding. This funding mechanism can ensure that this resource becomes a permanent fixture in our expanding gallery of crime victim services. A failure to establish a sustainable fiscal foundation may result in the hopes of victims who have received the benefits of this program being dashed and will leave a legacy of cruel disappointment rather than of a great accomplishment.

In conclusion, we urge your strong support for H.B. 2226, H.D. 2. Thank you for your time and consideration



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March 28, 2012

To: Senator David Y. Ige, Chair –Senate Committee on Ways and Means;
Senator Michelle N. Kidani, Vice Chair and members of the Committee

From: Carol McNamee/Arkie Koehl — Co-chairmen, Public Policy Committee - MADD
Hawaii

Re: House Bill 2226, HD 2, SD1, Relating to an Automated Victim Notification System

I am Carol McNamee, offering testimony on behalf of the Hawaii organization of Mothers Against Drunk Driving in strong support of House Bill 2226, HD 2, SD1.

MADD, as one of the largest victim organizations in the country, not only provides an understanding and supportive environment for victims of vehicular related manslaughter, negligent homicide, and negligent injury, but MADD in Hawaii also serves all types of homicide victims. MADD advocates for both the rights of individual victims and for the rights of the general population of victims of violent crime across the country. House bill 2226 helps to ensure that victims of violent crime in the state of Hawaii will have the ability to be quickly notified about any changes in the situation of the offenders in their cases.

Since the state automated victim notification system (SAVIN) was established in Hawaii in 2008, thousands of crime victims, witnesses, survivors, victim service providers, law enforcement agencies, and concerned members of the public, have automatically received timely information in advance about changes in an offender's custody status. Without a continuing funding source, the SAVIN Program in Hawaii is in danger of ending when federal funding runs out in 2012.

HB 2226 amends Chapter 353, Hawaii Revised Statutes, by establishing a permanent statewide victim notification system in the Department of Public Safety (PSD), a governance committee to advise PSD on the implementation of the statewide victim notification system, and a special fund to underwrite the cost of the statewide victim notification system.

The special fund will be derived from inmate phone usage revenue and a surcharge against inmate commissary purchases. Revenue from these funds will help to ensure sufficient funding for the SAVIN Program to protect victims and witnesses.

MADD respectfully encourages the passage of this bill to support victims in our state.

Thank you for this opportunity to testify.

