

HB 2226, HD2

RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM .

Establishes an automated victim information and notification system to notify victims or members of the community of certain status updates of an offender. Establishes the automated victim information and notification special fund. Effective July 1, 2030.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director
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JOE W. BOOKER, JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

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

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

Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, March 13, 2012, 02:50 p.m.
State Capitol, Conference Room 224

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

The Department of Public Safety (PSD) strongly supports House Bill (HB) 2226 HD2 to assist crime victims through an automated information and notification system.

PSD believes that an automated victim notification system safeguards victim's rights and issues. We believe that the objectives for victim's rights are best served through strength in diversity, multi-faceted goals, and coordination to achieve the best approach for assisting victims of crimes. The Department also believes in using a partnership approach in the implementation of SAVIN. As Hawaii rises to its own challenges with inmate reentry, opportunities for coordinating victim's notification also draws attention to an overarching, more integrated and coordinated response. Hence, the implementation of a Statewide Automated Victim Information and

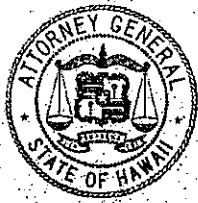
HB 2226 HD2
March 13, 2012
Page 2

Notification (SAVIN) system would best be served through PSD in partnership with the Crime Victim Compensation Commission and the Statewide Governance Committee.

Our Department currently provides victims and agency staff with a technologically enhanced system providing continuous access to vital information regarding offenders and their custody status through SAVIN. This service is available day or night and around-the-clock to provide an extra peace of mind to victims.

For this reason, I humbly request support for SAVIN through HB 2226 HD2.

Thank you for the opportunity to testify on this matter.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM.

BEFORE THE:

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

DATE: Tuesday, March 13, 2012 **TIME:** 2:50 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): David M. Louie, Attorney General, or
Julie Ebato, Crime Prevention and Justice Assistance Division Administrator

Chair Espero and Members of the Committee:

The Department of the Attorney General (the "Department") supports this bill to continue and sustain the Statewide Automated Victim Information and Notification System (SAVIN) that is administered by the Department of Public Safety.

The bill creates a single point of shared services for victims to learn about the status of an offender convicted in Hawaii, from the point of arrest and incarceration, through disposition, release, and community supervision. This bill has elements consistent with other state SAVIN programs. The anticipated impact of the program is that SAVIN increases the safety of the victim and provides them with timely and accurate information that both enhances the victims' ability to protect themselves and ensures that they are able to fully participate in the criminal justice process if they so choose.

The Department provided the initial start-up funds for Hawaii's SAVIN program with a \$390,000 grant from the U.S. Department of Justice, Victim of Crime Grant, which the Department administers. We feel that SAVIN provides a critical service to victims and their families.

We respectfully ask the Committee to pass this bill.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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MARI McCAIG
Chair

L. DEW KANESHIRO
Commissioner

THOMAS T. WATTS
Commissioner

PAMELA FERGUSON-BREY
Executive Director

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

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Public Safety, Government Operations, and Military Affairs

Senator Will Espero, Chair

Senator Michelle N. Kidani, Vice Chair

Tuesday, March 13, 2012; 2:50 PM
State Capitol, Conference Room 224

Good morning Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs. 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.

This bill 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.

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

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON PUBLIC SAFETY,
GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
ON
HOUSE BILL NO. 2226, H.D. 2

March 13, 2012

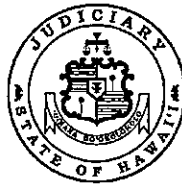
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

House Bill No. 2226, H.D. 2, 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, 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, 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.



The Judiciary, State of Hawaii

**Testimony to the Senate Committee on Public Safety,
Government Operations and Military Affairs**
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, March 13, 2012 at 2:50 p.m.
State Capitol, Conference Room 224

by

R. Mark Browning
Deputy Chief Judge/Senior Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 2226, H.D.2, Relating to Automated Victim Notification System

Purpose: Establishes an automated victim information and notification system to notify victims or members of the community of certain status updates of an offender. Establishes the automated victim information and notification special fund.

Judiciary's Position:

The Judiciary takes no position regarding this bill and the Statewide Automated Victim Information and Notification System (SAVIN). However, we strongly request that an amendment be made that avoids the unintentional inclusion of juveniles under jurisdiction of the family courts of our state.

House Standing Committee Report No. 736-12 lists changes made by H.D. 2, including defining "offender" and by referencing HRS §801D-2, which states: "'Crime' means an act or omission committed by an adult *or juvenile* that would constitute an offense against the person under the Penal Code of this State." (italics added)



House Bill No. 2226, H.D.2, Relating to Automated Victim Notification System
Senate Committee on Public Safety, Government Operations, and Military Affairs
March 13, 2012 at 2:50 p.m.
Page 2

H.D. 2 defines "offender" as: "... a person who commits a crime, as defined in section 801D-2, against a victim."

This change was not made until H.D. 2. Prior to that change, the Judiciary had no reason to state any concerns about this bill. We respectfully request that the definition of "offender" include only those persons under the jurisdiction of the Department of Public Safety, Corrections Division.

Accordingly, we respectfully suggest the following language on page 1, lines 5-12 regarding the definitions of "offender" and "victim":

§353-A Definitions. For purposes of this part:

"Offender" means a [person who commits a crime, as defined in section 801D-2, against a victim] committed person, as defined in section 353-1.

...

"Victim" means [the same as defined in section 801D-2] a person against whom a crime has been committed by the offender, and includes, in homicide cases, surviving immediate family members.

(suggested amendments are in Ramseyer format)

After reviewing all the testimony submitted regarding this bill as well as the committee reports, we believe that our suggested additional language fully comports with the intent of this bill, that is, to assure continued funding to the SAVIN program set in place by means of a federal "start-up" grant. Our suggested language avoids any unintentional inclusion of juveniles in the SAVIN system. H.D. 2 was designed to define "offender." It did so by referring to section 801D-2, which in turn defines not "offender" but "crime" and includes juveniles within the definition. We are concerned that, by ignoring statutory intent, it might be possible to use this current H.D. 2 definition to advocate for inclusion of juveniles in SAVIN.

Furthermore, with our suggested language, all the relevant definitions would be contained in the same statutory section regarding Corrections, thereby avoiding ambiguity as well as possible future complications if HRS Chapter 801D is amended in the future without regard to this section in Corrections.

Thank you for your consideration.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MEMBER

MICHAEL A. TOWN
MEMBER

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 2226, HD2 (HSCR 736-12)
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

BY

HAWAII PAROLING AUTHORITY
Bert Y. Matsuoka, Chairman

Senate Committee on Public Safety, Government Operations, and Military Affairs

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, March 13, 2012; 2:50 p.m.
State Capitol, Conference Room 224

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

The Hawaii Paroling Authority (HPA) supports HB 2226, HD2.

The HPA believes that an automated victim notification system already exists and was established by the Department of Public Safety using federal funding from both, the Violence of Crime Act (VOCA) and the Victim Information and Notification Everyday (VINE) grants. The system is known as the Hawaii Statewide Automated Victim Information and Notification (Hawaii SAVIN) system.

This measure seeks to establish a special fund that would provide the necessary funding and required staffing to continue the Hawaii SAVIN system. The HPA fully supports this measure and request the effective date be amended to July 1, 2012.

Thank you for this opportunity to provide testimony on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR

**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.

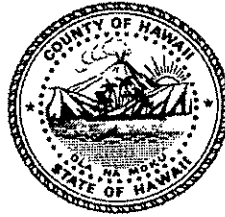
One critical piece of this bill is the provision in Section 1 (on pages 5-7) that establishes an Automated Victim Notification System Governance Committee. This committee, made up of a cross section of representatives from victim services agencies, victim witness assistance programs, and a victim or 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

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
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THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

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

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

**RE: H.B. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION
SYSTEM**

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

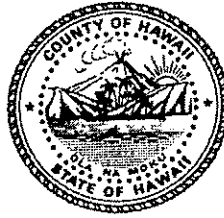
I am a career prosecutor, currently the First Deputy Prosecutor for Hawai'i County. In the past, the notification system was unreliable and poor. It depended on a manual system of sending a request for notification then receiving a call. The system worked poorly and often, we would be the last to know that a defendant was released from jail. Vinelink was revolutionary. It allows us to obtain consistent timely information regarding a change in status for the jailed defendant. I personally check the system or have signed up for notification on several occasions. In addition to being able to let vulnerable victims know, we now have a reliable method of knowing whether or not witnesses or other persons of interest are incarcerated, without having to call the jail and speak to personnel. This is important when, for example, there is an outstanding bench warrant or subpoena for a person who is in custody for unrelated reasons. In the past, I would have to call the jail, speak to an officer, who would then look up the individual and tell me whether or not the person was in their facility. Vinelink can check all Department of Public Safety facilities at the same time.

Please continue funding this important service.

Very truly yours,
Dale Yamada Ross
First Deputy Prosecuting Attorney
Hawai'i County

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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**THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

**Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i**

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

**RE: H.B. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION
SYSTEM**

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

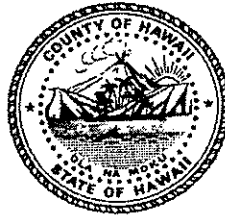
I am a Victim/Witness Counselor for the Office of the Prosecuting Attorney in Hilo, Hawaii, and I am writing in support of House Bill 2226. I am a current user and supporter of VINELink, the automated victim notification system. I currently use VINELink anywhere between 2 – 10 times a week. It is a user friendly system that allows me to quickly access offender status information. Not only do I use it personally, but I refer most of my victims to this system as well. As a victim counselor, one of the most frequently asked questions from victims is "will I be informed if the defendant is released". I can't tell you how rewarding it is to tell them "yes!", and then to share with them how easy it is for them to access this system. Knowing that there is a system in place to provide them with this information helps relieve a lot of anxiety for the victim.

It is important to remember why this system was created – to create a safety net for victims. We have come along way to support victim rights in this nation, and VINELink is one of the highlights. It is important that we continue to fund this program and to give victims the right to access information regarding an offender's status while incarcerated.

Thank you for your consideration,
Deborah Chai
Victim/Witness Counselor

CHARLENE Y. IBOSHI
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**THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
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**Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i**

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

RE: H.B. 2226, RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

I am a Victim Assistance Counselor with Hawaii Island's Office of the Prosecuting Attorney. My job largely entails working with victims of felony violent crimes.

I am writing in support of funding for the Victim Information Notification System.

Since the inception of VINE / SAVIN, I have utilized this service on numerous occasions and find it to be an extremely valuable tool. The victims and their families whom I deal with are immensely grateful that such a service is available and at no cost to them.

When a person is victimized, no matter what the crime, that person loses control of a part of his or her life. A victim often feels helpless, terrorized and fearful, mainly fear of the "unknown". There are so many unknowns: when will the Defendant be released from incarceration, will the Defendant and his/her family retaliate, will the Defendant remember who they are, where they live, etc.

VINE provides knowledge, thereby giving some measure of control back to victims and their families. More importantly, VINE gives victims peace of mind. Until notification is received of a Defendant's release, victims can sleep knowing that the Defendant is incarcerated and will not be coming to kill or hurt them, can live in their community without having to constantly look over their shoulder, can live their lives for a while without FEAR. Being able to relax is a tremendous opportunity for the healing process to begin.

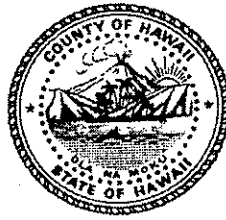
VINE also tells victims that they are important and worthy of remembrance. Although it may be years after the crime has occurred and the notifications are automated, these notifications acknowledge and validate their victimization. The crimes perpetrated against innocent people shape and change their lives. Victims and their families never forget what happened to them. Victims should not be forgotten.

Thank you for taking the time to read and consider my input.

Edythe Maeda

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
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THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

**Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i**

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

**RE: H.B. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION
SYSTEM**

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

As a Victim/Witness Counselor dealing primarily with victims of domestic violence, VINE is practically a daily ritual. I am able to assist victims by walking them through the registration process at the website online or I am able to sign them up using their telephone number. Both work very well as some victims are not comfortable with a computer or may have to be careful with the websites they access online if and when the offender gets out. Knowing that the abuser is locked away for some time and that they will be alerted when any kind of movement occurs with him, is a huge relief. This is a comfort and sense of security for many victims who may need it even just one day to get away.

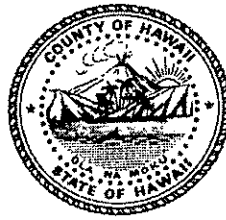
Just recently, I had a victim who had a ticket to fly away to freedom. She needed to make a clean and legal break. Though this abuser was no longer with her and had moved on to his next victim, he still had some control over her due to the fact that they had a child together. He used the system to his advantage and maintained his hold on her. He had abused her many times and violated the protective order on countless occasions; he served his time and was released. When she signed up for VINE, she was informed each time he was released on bail or otherwise, including the last case she had with him. Her mother, a champion advocate for her, signed up for notifications as well, and so did the foster mother of one of the perpetrator's children. When he abused his new girlfriend and was placed in custody, VINE informed them before I got to work that morning; consequently before I got a chance to tell her myself. She knew then that she had a few days to get her things packed and not run the risk of having the

4 yr old slip about how come mommy is giving her toys to Goodwill. For her, it was a matter of life and death and VINE kept her emotionally sound knowing that she would know the minute he was released. She left town on January 11, 2012. I can only imagine the big smile on her face when she heard the automated voice at the other end of her phone saying he "was released due to sentence served." The date was January 12, 2012. She was in another state...

Ilona Rolack
Victim Assistance Counselor
Hawai'i County Prosecutor's Office

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

**THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

**Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i**

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

**RE: H.B. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION
SYSTEM**

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

My name is Irene Bender and I have been a Victim Assistance Counselor at the Hawaii County Office of the Prosecuting Attorney for over seventeen years. One of my duties is to inform victims of crime about the status of their cases. This is especially important with regard to safety issues in violent crimes. Frequently a victim of a violent crime has valid concerns for their safety given the volatile nature of the incident and relationship to the offender. It is difficult for a person who has been harmed to regain a sense of equilibrium given that their life has been turned upside down. It can be especially helpful to know the whereabouts of the person who has hurt them so they can begin to piece their life back together again. Should the victim be notified that the offender is to be released into the community he or she can take precautionary measures to ensure their safety. Knowing the status of the offender allows the victim to regain a sense of justice and peace of mind.

Prior to the Vinelink system available I rarely got timely information. For offenders who were in prison my office would receive a letter from the Department of Public Safety some time prior to the inmate's release. The letter did not provide the actual date of release. It was not addressed to me or the assigned deputy prosecutor; rather it was addressed to my office where it would be circulated grouped with many other similar letters for other inmates. If somehow I missed it, if I was on vacation or simply overlooked it, I would be unaware that the inmate was to be released.

For offenders in jail on the island of Hawaii, victim counselors would fax requests to the jail asking that the victim and assigned victim counselor be informed of an inmate's release from custody. Whether they were able to contact us would depend on the availability of staff. Frankly, in my early years as a victim counselor the personnel at the jail were not consistent in providing notification. They were understaffed and many of the corrections officers were working overtime to cover the workload. Notification was not a priority. As I was not available on weekends or holidays I would refer victims to call the jail based on their level of concern to ask whether an inmate was in or out of custody. This may have caused the jail staff to have to field numerous additional phone calls added to their already stretched resources. It was a frustrating and frightening system with pitfalls and disappointments.

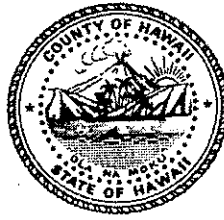
The Vinelink system has changed all of that. Victims can register to be notified by phone or email. This gives them a sense of security needed for psychological well-being and a safe life. I am able to register for all of the offenders on my case load and to refer victims and their families to Vinelink with confidence that the information they are entitled to will be provided to them in a timely manner. We no longer have to worry about a hit and miss approach to victim notification thanks to Vinelink.

Thank you for reviewing this letter and for making the right decision to continue financial support of this essential service.

J. Irene Bender
Victim Assistance Counselor

CHARLENE Y. IBOSHI
PROSECUTING ATTORNEY

DALE A. ROSS
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OFFICE OF THE PROSECUTING ATTORNEY

**THE HONORABLE WILL ESPERO, CHAIR
THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

**Twenty-sixth State Legislature
Regular Session of 2012**

Hearing on Tuesday, March 13, 2012
2:50 p.m., Conference Room 224

**RE: H.B. 2226, H.D. 2, RELATING TO AN AUTOMATED VICTIM NOTIFICATION
SYSTEM**

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs:

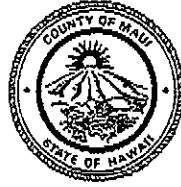
I have been with the Victim Assistance Unit in the Hawai'i County Office of the Prosecuting Attorney for 28 years. Our unit receives many desperate requests from crime victims for information about the person who caused them harm. Notification has evolved from a haphazard, informal system to a legislatively mandated process that required the Department of Public Safety to respond to requests from victims. During that era, it was common for our office to get calls from DPS after an inmate was released, or after hours or on weekends when the office was closed. Despite written requests from the victim specifying direct notification, all too often no effort was made by DPS to notify the victim directly. The burden for timely notice fell on the Prosecutor's Office, but having to rely on people as a source of information proved time consuming and inconsistent.

A few years ago, the State of Hawai'i finally implemented the Statewide Automated Victim Information Notification (SAVIN) system, thanks to the Department of the Attorney General's guidance, a grant from the Victims of Crime Act, and key people in different departments who understood that this system is a valuable tool for victim and public safety. From our perspective, there is no downside to continuing SAVIN in our state and we sincerely hope that the Legislature will find a way to support its continued existence and availability to the people of Hawai'i.

Yours truly,

Phyllis Shinno
Program Coordinator

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT O. RIVERA
First Deputy Prosecuting Attorney
LENA LORENZO
Director
Counselors
PAULA HEISKELL
RUTH MORI
GERALD POBLETE
CINDY LEE

DEPARTMENT OF THE PROSECUTING ATTORNEY
VICTIM/WITNESS ASSISTANCE DIVISION
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793
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THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

Senator Will Espero, Chair

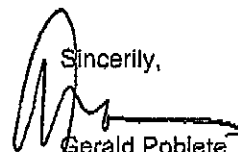
Senator Michelle N. Kidani, Vice Chair

NOTICE OF HEARING

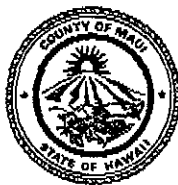
DATE: Tuesday, March 13, 2012
TIME: 2:50 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

To Whom It May Concern,

I'm writing in support of the Automated Victim Notification bill (HB2226,HD2). I have been a Victim/Witness Counselor for nearly fifteen years. My experience is that programs supported by this bill such as www.vinelink.com, makes the biggest difference for many of our victims' lives, especially those who have been assaulted, seriously threatened, or have been stalked. Knowing that one would be notified by the Department of Public Safety in the event that their offender is released, escapes, or transferred brings some peace and empowerment to the victims of our community.

Sincerely,

Gerald Poblete
Victim/Witness Counselor

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

LENA LORENZO
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THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, March 13, 2012
TIME: 2:50 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

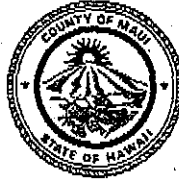
To Whom It May Concern,

I am writing in support of the Automated Victim Notification Bill (HB2226,HD2). I have been a Victim/Witness Counselor for eight years. In my experience, the www.vinelink.com program which is funded by this bill has had a tremendous impact on the lives of crime victims. In particular, those citizens who have suffered abuse, physical assault, sexual assault, terroristic threatening, and stalking by criminal perpetrators are provided with invaluable information regarding the custody status of these offenders. Notification by the Department of Public Safety in the event of an offender's release, escape, or transfer to a new jurisdiction brings some peace of mind and empowerment to the victims of our community. Perhaps the reality that such notification is often times critical to victim safety is the most important reason to continue the funding of this important program.

Sincerely,

Cindy Lee
Victim/Witness Counselor

ALAN M. ARAKAWA
Mayor



**DEPARTMENT OF THE PROSECUTING ATTORNEY
VICTIM/WITNESS ASSISTANCE DIVISION
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First Deputy Prosecuting Attorney
LENA LORENZO
Director
Counselors
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RUTH MORI
GERALD POBLETE
CINDY LEE
SALLY ENGLERT

FAX TRANSMITTAL SHEET

Date: March 12, 2012

To: Public Safety, Government Operations, and Military Affairs (PGM)

Fax: 586-6361

From: Lena Lorenzo
Department of the Prosecuting Attorney
Victim/Witness Assistance Division
150 South High Street
Wailuku, HI 96793

Phone: (808) 270-7695

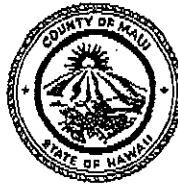
Fax: (808) 270-6188

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

Pages: 4 (Including this transmittal page)

Comments: To: The Honorable Will Espero, Chair
Date: Tuesday, March 13, 2012
Time: 2:50 p.m.
Place: Conference Room 224

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney
LENA LORENZO
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Counselors
PAULA HEISKELL
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SALLY ENGLERT

March 12, 2012

THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012
Tuesday, March 13, 2012, 2:50 p.m.
State Capitol, Conference Room 224

RE: HB 2226, HD2
Relating to an Automated Victim Notification System

We are providing testimony in support of HB 2226, HD 2, Relating to an Automated Victim Notification System. This bill is designed to establish the VINE/SAVIN as a permanent provision in the Hawaii Revised Statutes and would insure that the Department of Public Safety continues to fund the program.

As victim service providers, we have discussed the need of an automated victim notification with my colleagues for about a decade before the Statewide Automated Victim Information Notification (SAVIN) became a reality in February 2009. At the Maui Victim/Witness Assistance Division, we assist our victims register or check on inmates' status. Victims are very grateful they are able to register and check on inmates status on their own time. Oftentimes, victims think they are a bother to the criminal justice system staff assisting them if they keep calling for information. Victims are already missing a sense of safety that have been stolen from them so in registering and checking electronically and confidentially on their own, automated notification brings back a sense of control and empowerment.

Timely notification of victims also alleviates unnecessary fear and anxiety. In the past, Department of Public Safety personnel would notify the county victim/witness assistance programs who in turn would notify the victims. This is not a reliable method as there were cases when no notification were made. There were occasions when the victims would see the inmate out in the community without prior notification. Therefore, timely notification is a must so the victim can have the time to safety plan when an inmate is released.

To not provide funding or discontinue SAVIN would be a major setback for the strides that have been made involving victim safety. How do we put a value to the peace of mind and a sense of safety to the victims and also to the community? We respectfully urge you to support SB 2581.

Thank you for your time and consideration.



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Jake Delaplane
First Deputy Prosecuting Attorney

Shaylene Iseri-Carvalho
Prosecuting Attorney

Sam Jajich
Second Deputy Prosecuting Attorney

February 16, 2012

TO: HOUSE REPRESENTATIVES; COMMITTEE ON JUDICIARY
FR: SHAYLENE ISERI-CARVALHO, COUNTY OF KAUAI PROSECUTING ATTORNEY
RE: HB 2226 HD1, RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

Aloha,

The County of Kaua'i Office of the Prosecuting Attorney strongly supports HB 2226 HD1, which would amend Chapter 353, Section 36-27, and Section 36-30 of the Hawai'i Revised Statutes.

The Statewide Automated Victim Information and Notification system (SAVIN) is an invaluable resource for victims of crimes and for those tasked with giving aid to such victims. It provides victims and concerned citizens with around the clock security by giving them requested notifications of important events relating to persons who have committed crimes and who are incarcerated.

Here at the Prosecutor's Office, we stay closely involved in the lives of the victims of the crimes occurring here in our County. SAVIN has been an enormous help in this work. Specifically, as one member of our office put it, information is power, and SAVIN provides victims of crimes with vital information pertaining to the wrongdoers of the crimes they have been the victims of. Oftentimes, these victims are still afraid of those who committed crimes against them. This program keeps the victim automatically notified, on a 24/7 basis, of release dates of offenders, incarceration information, hearing dates, etc. With this information, victims who would otherwise feel powerless or worried when offenders are released from incarceration now have some measure of control over the situation as they can feel secure knowing that they will be notified of important events related to the offender's incarceration.

Furthermore, in our office we have seen SAVIN as an enormous help to our staff. Before SAVIN, our staff members often received calls from victims requesting information as to offenders' release and hearing dates. Our staff was under a vast amount of pressure to ensure that they did not overlook or miss an important date when searching among lists of hundreds of

Deputy Prosecuting Attorneys:

Lisa R. Arin
Jared Auna
Lance Kobashigawa

Melinda K. Mendes
Tracy Murakami
Gary Nelson

John H. Murphy
Ramsey Ross
Rebecca A. Vogt

"An Equal Opportunity Employer"

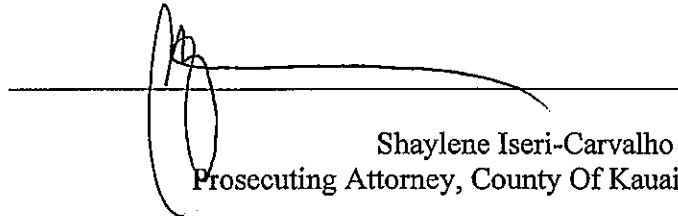
offenders. Additionally, as SAVIN is a 24/7 service, victims can rest assured knowing that they are protected around the clock. This is much more than we can offer as our staff is only available to distribute information during regular business hours.

Additionally, SAVIN helps victims and prosecutors participate in the post-conviction process. The Parole Board appreciates input from victims and welcomes information from prosecutors as they make decisions regarding offenders. Since SAVIN began, there has been an increase in the number of victims and prosecutors that have attended minimum terms hearings as well as an increase in the number of those who have provided written testimony at subsequent parole hearings.

Hawai'i, just as many other states, has had its fair share of tragedies involving released offenders committing crimes against their past victims. These crimes can be and often are prevented because of the information SAVIN provides.

Finally, as you likely are aware, it has taken a tremendous amount of commitment, cooperation, time, and money to establish SAVIN. Allowing SAVIN to die because of a lack of funding would have life threatening consequences. We therefore strongly support the above Bill as it creates a special fund to keep SAVIN financially backed, and we ask that you pass this bill as written, and continue to support law enforcement's efforts in protecting those who have been the victims of crimes.

Mahalo,



Shaylene Iseri-Carvalho
Prosecuting Attorney, County Of Kauai



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Vice President
Peter Van Zile

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Marilyn Carlsmith

Senator
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Senator
Carol Fukunaga

Frank Haas

David I. Haverly

Linda Jameson

Roland Lagareta

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Paul B.K. Wong

DATE: March 13, 2012

TO: The Honorable Will Espero, Chair
The Honorable Michelle N. Kidani, Vice Chair
Committee on Public Safety, Government Operations, and Military Affairs

FROM: Adriana Ramelli, Executive Director
The Sex Abuse Treatment Center

RE: H.B. 2226, H.D. 2
Relating to An Automated Victim Notification System

Good afternoon Chair Espero, Vice Chair Kidani and members of the Committee on Public Safety, Government Operations, and Military Affairs. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

The SATC strongly supports H.B. 2226, H.D.2 to ensure crime victims benefit from a comprehensive, effective victim notification system through adequate state funding. Without a reliable source of funding, Hawai'i cannot live up to its important commitment to victims and their loved ones to maintain and sustain a notification system on which many of them rely.

Sexual assault and other violent crimes shatter lives and can lead to a profound sense of vulnerability and lack of control. Through a victim notification system, victims have the opportunity to reclaim some of the control they have lost by using the real-time information they receive to protect and prepare themselves for new developments or changes in the disposition of the offender, particularly when it involves their release from custody. In addition, adequate notification provides victims the option of further involvement in the criminal justice system, an important choice for many.

I urge you to support H.B. 2226, H.D.2. This important victim-centered bill will help strengthen the rights of those traumatized by sexual assault and other serious crimes.

Thank you for the opportunity to testify.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Will Espero, Chair
The Honorable Michelle Kidani, Vice Chair
Senate Committee on Public Safety, Government Operations, and
Military Affairs

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: HB2226 – SUPPORT

Hearing Date and Time: Tuesday, March 13, 2012 @ 2:50 p.m.

Good afternoon Chair Espero, Vice-Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs. The Hawai'i State Coalition Against Domestic Violence submits the following testimony in support of HB2226. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

This bill amends Chapter 353, Hawaii 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.

Domestic violence survivors are terribly frightened when their perpetrator is released from custody. Perpetrators often see the survivor as being directly responsible for their incarceration and may seek retaliation when released. The victim notification system is a valuable tool which survivors of domestic violence, their family members and advocates can use to receive timely information about changes in an offender's custody status. Knowing when offenders are to be released gives survivors and service providers a life-saving mechanism that keeps them informed and gives them time to plan for their safety.

HSCADV's membership, which is made up of domestic violence programs and shelters, report that the victim-notification system is a user-friendly tool that they use often; some advocates use it as often as three times a week. According to one service provider, "Sometimes it is the only thing that allows a victim to sleep at night, knowing that she/I will be alerted if he is released/escaped."

Without a continuing funding source, the victim notification system in Hawaii is in danger of ending when federal funding runs out in 2012. If the program was eliminated, it would compromise the safety of survivors and their families. Prior to this system, survivors and service providers had to call the probation officers, the prison, or both, to find out when an offender would be released. That was a time consuming process that jeopardized victim safety.

Finally, the need for this program is even more critical in light of the Justice Reinvestment Initiative's (JRI) proposals to increase supervised release of felons. The victim notification system will work hand-in-hand with other JRI proposals to increase victim and public safety.

Thank you for your consideration.

March 13, 2012

To: Senator Will Espero, Chair

Senator Michelle N. Kidani, Vice Chair

Committee on Public Safety, Government Operations and Military Affairs

From: Lori Paro, Graduate Student

University of Hawaii at Manoa, School of Social Work

Re: Testimony on House Bill 2226

Relating to an Automatic Victim Notification System

Tuesday, March 13, 2012, 2:20pm

State Capitol, Conference Room 224

Good afternoon Chair Espero, Vice Chair Kidani and Members of the House Committee on Public Safety Government Operations, and Military Affairs. My name is Lori Paro and I am a graduate student attending the University of Hawaii at Manoa. I would like to thank you for providing me the opportunity to testify today. I am in support of House Bill 2226.

This bill would allow those who are survivors of a crime that was committed against them to know their perpetrator's status. Having several means of communication, such as phone, e-mail, or text messages help to empower the survivor. The survivor would be able to figure out what their next step needs to be. For example, those who are involved with an abusive partner can plan for their safety and seek shelter or other means of protection, such as filing for a TRO.

Employing a special funding system to continue having the statewide automated victim information and notification (SAVIN) system means that survivors will continue to be supported. Having this system is comforting to survivors, as well as those who assist them. It will decrease one's anxiety about their perpetrator's whereabouts and they will be able to focus more on what their next step will be.

By the continuing this system to be funded shows support of those who were victims of a crime. It shows the survivors that they are not alone. They are able to regain their self-esteem and can look toward their future in a more positive light, knowing that their community is supportive of their safety. I again thank you for your time and allowing me to testify this afternoon.

Lori Paro