

# SB 2581

## **RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM**

### *Description:*

Establishes the crime victim notification special fund. Requires a 4% surcharge on all inmate commissary purchases, to be deposited into the fund. Requires commission revenue on inmate telephone usage to be deposited into the fund.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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Executive Director

TESTIMONY ON SENATE BILL 2581  
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, January 31, 2012; 3:15 PM  
State Capitol, Conference Room 224

Good afternoon Chair Espero, Vice Chair Kidani and Members of the Senate Committee on Public Safety. 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 Senate Bill 2581.

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 Senate Bill 2581.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON Senate Bill 2581  
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 Kidani, Vice Chair

Tuesday, January 31, 2012, 3:15 p.m.  
State Capitol, Conference Room 224

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

The Department of Public Safety (PSD) supports Senate Bill (SB) 2581 and its intent to assist crime victims through an automated information and notification system.

PSD believes that an automated victim notification system is already incorporated in SB 2776, which would safeguards victim's rights and issues through Hawaii's Justice Reinvestment Initiatives.

The issues associated with victims of crimes is the source of numerous and diverse opinions, solutions, and strategies. Regardless, we believe that the objectives for victim's rights are best serviced through strength in diversity, focused on multi-faceted goals, and integrated together to achieve the best approach for assisting victims of crimes. The goal is to hold offender accountable for not only the

crime committed, fulfilling restitution obligations, and the needs of the victim through an automated victim notification system. 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 to corrections based victim services. The implementation of a Statewide Automated Victim Information and Notification (SAVIN) system would best be served through the Crime Victim Compensation Commission working with PSD.

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, around-the-clock to provide an extra peace of mind to victims that a particular offender is in custody.

For this reason, I humbly request support for SAVIN through SB 2776.

Thank you for the opportunity to testify on this matter.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
HAWAII PAROLING AUTHORITY  
1177 ALAKEA STREET, GROUND FLOOR  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2581  
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, January 31, 2011; 3:15p.m.  
State Capitol, Conference Room 224

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

The Hawaii Paroling Authority (HPA) appreciates the legislature's interest in requiring the Department of Public Safety to establish an automated victim notification system and support SB 2581.

The HPA believes that such a 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 developed and implemented 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.

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

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  
SENATE BILL NO. 2581

January 31, 2012

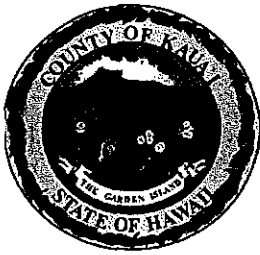
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM

Senate Bill No. 2581 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. Senate Bill No. 2581 creates the Automated Victim 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

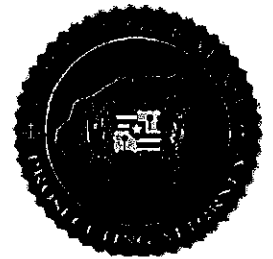


between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to Senate Bill No. 2581, it is difficult to determine if 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.



## OFFICE OF THE PROSECUTING ATTORNEY

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**TESTIMONY FOR S.B. 2581  
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM  
County of Kauai  
Office of the Prosecuting Attorney  
Victim/Witness Program**

**Senate Committee on Public Safety, Government Operations, and Military Affairs  
The Honorable Will Espero, Chair  
The Honorable Michelle N. Kidani, Vice Chair  
January 31, 2012, 3:15 p.m.**

Dear Senators Espero, Kidani, and Members:

I have been employed with the Kauai Victim/Witness Program since 1992. I understand fully how vital the Statewide Automated Victim Information Notification (SAVIN) program is to our community.

Information is power and SAVIN is a vital component of safety plans for numerous victims. SAVIN enables victims to choose the manner in which to be notified of changes in an inmate's whereabouts as well as custody status and to do so anonymously. I am an advocate and prior to SAVIN, I was responsible for tracking cases for victims and prosecutors. Having an automated system means I no longer have the constant worry of overlooking or missing a name among hundreds listed on a monthly calendar. SAVIN helps victims and prosecutors participate in the post-conviction process. I believe the parole board appreciates input from victims and welcomes information from prosecutors. Since its inception, more victims and prosecutors have attended minimum terms hearings as well as provided written testimony at subsequent parole hearings. A person who is not directly involved in the case has no statutory right to be notified of hearings and releases. SAVIN allows anyone to register in order to stay informed.

I use SAVIN regularly. I also help victims and witnesses register. Since I talk to many of them over the phone, I find the easiest way is for us to be on the website together and to "walk" them through the registration process. SAVIN's brochure is informative and user-friendly for those who want to register on their own.

**Deputy Prosecuting Attorneys:**

Lisa R. Arin  
Jared Auna  
Lance Kobashigawa

Melinda K. Mendes  
Tracy Murakami

John H. Murphy  
Ramsey Ross  
Rebecca A. Vogt

"An Equal Opportunity Employer"

SAVIN has a profound and far reaching impact. One real life example involves a victim of a misdemeanor theft. She mentioned her ex-husband was serving time at Halawa Correctional Facility on some drug charges. He had been abusive and she was still afraid of him although they had been divorced for years. She said she wished there was a way she could know when he's released. I explained SAVIN and helped her register.

Like most victim-oriented organizations, procedures, and legislation such as MADD, Maile Amber Alert, and Megan's Law, it's my understanding that automated notification was developed after a young woman in Kentucky was murdered by an abusive ex-boyfriend who unbeknownst to her was released from police custody. Our state has had its own share of tragedies that could have been prevented if we had SAVIN at the time. It took a tremendous amount of commitment, cooperation, time, and money to establish SAVIN. Eliminating it would have life threatening consequences. I represented the criminal justice system when I informed victims of SAVIN, and I feel a responsibility in helping them continue to be safe. We need to find the will to do what's right.

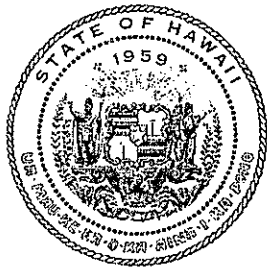
In closing, SAVIN needs a separate funding base that is independent of the General Fund to make sure this essential service remains available to victims and witnesses. I respectfully ask for your support of this bill. Thank you for your time and consideration.

Sincerely,

*Diana Gausepohl-White, LCSW*

Diana Gausepohl-White, LCSW  
Kauai Victim/Witness Program

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
ADRIENNE KING  
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January 30, 2012

**Testimony in Support of SB 2581, Relating to an Automated Victim Notification System**

**To:** Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice-Chair  
Members of the Senate Committee on Public Safety, Government Operations and Military Affairs

**From:** Catherine Betts, Esq., Executive Director, Hawai'i State Commission on the Status of Women

**Re:** Testimony in Support of SB 2581

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on such an important issue. I would like to express my strong support for SB 2581, which would establish a permanent statewide victim notification system in the Department of Public Safety.

Since the statewide automated victim notification system ("SAVIN") was established in 2008, victims, witnesses, advocates, and service providers have been able to receive timely information about offenders' custody status via telephone or computer. This system has given victims a sense of empowerment that they do not often obtain from the criminal justice system. Additionally, this system allows for current and up to date information about offenders that victims would otherwise not find readily accessible.

This program is especially important to victims of domestic violence and sexual assault, who rightfully believe that their perpetrators will seek to hurt them. Access to this program allows victims of intimate partner violence to create safety plans for themselves and their children. Notifications by other means, whether it be from probation officers or direct contact with prisons, is not nearly as timely or readily accessible. Without continued funding, this vital program is in danger of ending when federal funding runs out in 2012. However, through the establishment of a special fund in this bill, the SAVIN program would be able to continue assisting countless individuals and organizations in Hawaii.

The Commission respectfully asks that this Committee pass SB 2581.

Thank you for this opportunity to testify.

Catherine Betts, Esq.  
Executive Director, Hawaii State Commission on the Status of Women



# 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*  
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Senator  
SSuzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Senator  
Carol Fukunaga

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David L. Haverly

Linda Jameson

Roland Lagareta

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Paul B.K. Wong

DATE: January 30, 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: In support of S.B. 2581  
Relating to an Automated Victim Notification System

Good afternoon Chair Espero, Vice Chair Kidani and members of the Senate 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 S.B. 2581 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 if 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 S.B. 2581. 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.



Mothers Against Drunk Driving HAWAII  
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January 31, 2012

To: Senator Will Espero, Chair –Senate Committee on Public Safety, Government Operations, and Military Affairs; Senator Michelle N. Kidani, Vice Chair and members of the Committee

From: Carol McNamee - Co-chairman, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2581 – Relating to an Automated Victim Notification System

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I am Carol McNamee, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of Senate Bill 2581, relating to an automated victim notification system.

MADD, as one of the largest victim organizations in the country, not only provides an understanding and comforting environment for victims, the organization is a strong advocate for the rights of individual victims of highway crashes and for the rights of the entire universe of victims of violent crime across the country. Senate bill 2581 helps to ensure that victims of violent crime in the state of Hawaii will have the ability to be quickly notified about the current 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.

SB 2581 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 (MADD Hawaii will have one seat on this committee), 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 strongly encourages the passage of this bill to support victims in our state.

Thank you for this opportunity to testify.



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: SB2581 - SUPPORT

Hearing Date and Time: Tuesday, January 31, 3:15 pm

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Good afternoon Chair Espero, Vice Chair Kidani and Members of the Senate Committee on Public Safety, the Hawai'i State Coalition Against Domestic Violence (HSCADV) submits the following testimony in support of SB2581. 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. SAVIN 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 SAVIN is a user-friendly tool that they use often; some advocates use it one to 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."

As stated, without a continuing funding source the SAVIN Program 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 SAVIN, 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 SAVIN Program will work hand-in-hand with other JRI proposals to increase victim and public safety.

We respectfully request that the committee passes SB2581. Thank you for your consideration.



TESTIMONY ON SENATE BILL 2581  
RELATING TO AN AUTOMATED VICTIM  
NOTIFICATION SYSTEM

By  
Theresa Paulette  
Victim/Survivor

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

Tuesday, January 31, 2012; 3:15 PM  
State Capitol, Conference Room 224

Good afternoon Chair Espero, Vice Chair Kidani and Members of the Senate Committee on Public Safety. Thank you for providing me the opportunity to testify before you today. As a victim/survivor I strongly support the passage of Senate Bill 2581.

The SAVIN Program automatically and timely informs countless crime victims, witnesses, survivors, victim service providers and law enforcement agencies in advance of any changes in an offender's custody status. For victim/survivors the SAVIN Program brings some comfort and peace of mind, as opposed to not being informed, which would cause victims/survivors and witnesses undue fear and stress.

SB 2581 will enable the SAVIN Program to continue in Hawaii by providing a dedicated funding source through the establishment of a special fund. It will establish a SAVIN Governance Committee which will include community stakeholders, of which victims and survivors are the most important.

Thank you for providing me the opportunity to testify in strong support of Senate Bill 2581.