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GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON HOUSE BILL 452 H.D. 1
RELATING TO STATEWIDE SEXUAL ASSAULT SERVICES

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Judiciary and Labor
Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

Monday, March 23, 2015; 9:30 AM
State Capitol, Conference Room 016

Good afternoon Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of HB 452 H.D. 1, relating to statewide sexual assault services, with amendment to include funding in the amount of \$380,000 annually for FY 16 and FY17.

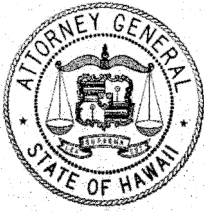
The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

A network of sexual assault centers in every county provides the following direct services to sexual assault victims: crisis intervention, mental health therapy, coordination of care and advocacy, and prevention and education services. The Sex Abuse Treatment Center on Oahu

oversees and administers this network and provides technical assistance such as an uniform set of practice standards, procedures, and materials as well as a strong training program of compliance monitoring. Despite rising costs throughout the medical provider industry, the Sex Abuse Treatment Center continues to ensure the delivery of high quality direct services and technical services on an annual budget of \$2,000,000 since 2006. This bill would, if amended to include annual funding of \$380,000, provide the Sex Abuse Treatment Center with the ability to use the entire \$2,000,000 for direct services and provide \$380,000 for technical assistance.

This bill would ensure that victims of sexual assault continue to receive the highest level of care and would allow the sexual assault centers to expand services statewide in rural areas and to other fragile/underserved populations.

Thank you for providing the Commission with the opportunity to testify in strong support of HB 452 H.D. 1 with amendment to include funding in the amount of \$380,000 annually for FY 16 and FY 17.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 452, H.D. 1, RELATING TO STATEWIDE SEXUAL ASSAULT SERVICES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Monday, March 23, 2015 **TIME:** 9:35 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General
Randall S. Nishiyama, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General (Department) supports the intent of this bill and provides the following comments.

Section 1 of this bill appropriates an unspecified amount of general funds to the Department for fiscal years 2015-2016 and 2016-2017, provided that the moneys appropriated shall be used to increase the amount of moneys budgeted by the Department for statewide sexual assault services to an unspecified amount per fiscal year.

In addition, section 2 of this bill provides that, beginning with fiscal year 2017-2018, the Department shall budget an unspecified amount per fiscal year for statewide sexual assault services.

While we support the intent of this bill to appropriate more funds for statewide sexual assault services, we believe that the additional funds should not be conditioned on mandatory levels of funding. We believe that such mandates infringe on the discretion needed by the Attorney General to address the competing fiscal requirements in executing the Department's operations.

In particular, section 1 of this bill conditions the general fund appropriation on the Department using such moneys to increase the amount budgeted for statewide sexual assault services to an unspecified amount per fiscal year. While the Department has expended in the neighborhood of \$2,000,000 for the past several years for statewide sexual assault services, there is no assurance that the Department will continue to receive funding at the \$2,000,000 level or

choose to budget the services at the bill's prescribed level given the moneys available to the Department.

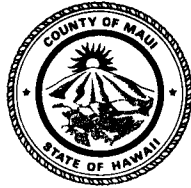
Further, section 2 of this bill violates the separation of powers between the executive and legislative branches of government because the spending of an appropriation is an inherently executive function. "[T]he exercise of discretion in determining when and how to distribute funds is an executive function." McInnish v. Riley, 925 So. 2d 174, 182 (Ala. 2005) (internal quotation marks and bracket submitted).

We note that a \$380,000 increase in the statewide sexual assault services program is currently proposed in the biennium budget request for the Department for fiscal year 2015-2016, but not for fiscal year 2016-2017.

We asked that this bill be passed with the \$380,000 general fund appropriation to the Department for statewide sexual assault services for fiscal years 2016-2016 and 2016-2017, but that the mandatory conditions relating to budgeting be deleted from this bill.

We respectfully ask the Committee to pass this bill with the recommended amendments.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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COUNTY OF MAUI
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CONTACT: ROBERT D. RIVERA
First Deputy Prosecuting Attorney

TESTIMONY
IN SUPPORT OF
H.B. 452 - STATEWIDE SEXUAL ASSAULT SERVICES

March 20, 2015

The Honorable Gilbert S.C. Keith-Agaran
Chair
The Honorable Maile S.L. Shimabukuro
Vice Chair
and Members
Senate Committee on Judiciary and Labor
Hearing on March 23, 2015
9:35 a.m., Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** H.B. 452 - Relating to Statewide Sexual Assault Treatment Services. It is our understanding that the bill will, through the Department of the Attorney General will support and fund the development, delivery and maintenance of quality, sustainable programs to provide sexual assault services Statewide.

The Maui Prosecutor's Office works closely with the SATC and Child and Family Service for Maui County. This multi-disciplinary approach greatly enhances our ability to ensure that our child and adult victims of sexual assault receive the necessary services and treatment. This is especially important for our victims and survivors who are located in Maui County's rural areas such as Moloka'i, Lana'i and Hana.

Page 2 of 2
March 20, 2015

Recently, our office has made a renewed commitment to the above rural areas that they would be able to receive the same attention and services that are being afforded to our victims and their families on Maui.

Your support of H.B. 452 will greatly help to ensure that victims/survivors and their families, throughout the various Hawaiian islands and its' rural communities will receive the medical-legal care and therapeutic services that are crucial to their recovery and facilitate the effective prosecution against those who commit the crime of sexual assault.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** the passage of this bill. We ask that the committee **PASS** H.B. 452.

Thank you very much for the opportunity to provide testimony on this bill.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

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TESTIMONY IN STRONG SUPPORT OF
HB452, HD1 – RELATING TO STATEWIDE SEXUAL ASSAULT SERVICES

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Judiciary & Labor
March 23, 2015, 9:35 a.m., Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The County of Kauai, Office of the Prosecuting Attorney, STRONGLY SUPPORTS HB452, HD1 – Statewide Sexual Assault Services. This Bill would appropriate funds to the Department of the Attorney General for statewide sexual assault services for the fiscal biennium 2016-2017 and beginning with the following year set a minimum base budget for statewide sexual assault services.

This Office supports the position adopted by the Sex Abuse Treatment Center. The SATC administers vital state funding for sexual assault services provided by the SATC and, here on Kaua'i, the YWCA of Kaua'i. These services cover direct crisis intervention, mental health therapy services, coordination of care and advocacy and prevention and education services. These services are vital to assisting survivors and victims of sex assault to rebuild their lives and find the safety and support they need, in their hour of need. The SATC's partnership has been vital in ensuring a coordinated, standardized and systematic method of administering these services on a statewide basis. We join in their request that you appropriate funds as set forth in the SATC's testimony dated March 23, 2015.

Based on the foregoing, the County of Kauai, Office of the Prosecuting Attorney, STRONGLY SUPPORTS this Bill. We ask that the Committee PASS HB452, HD1.

Thank you very much for the opportunity to provide testimony on this bill.

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ywca

YWCA of Kauai
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DATE: March 23, 2015

TO: The Honorable Gilbert Keith-Agaran, Chair
The Honorable Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

FROM: Renae Hamilton, Executive Director
YWCA of Kaua'i

RE: Testimony in Support of House Bill 452, House Draft 1
Relating to Statewide Sexual Assault Services

Aloha Honorable Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee. My name is Renae Hamilton and I am the Executive Director for the YWCA of Kauai and I would like to thank the committee to provide testimony on behalf of the Sexual Assault Treatment Program, which has been a program at the YWCA for over 20 years.

The YWCA of Kaua'i strongly supports House Bill 452, House Draft 1, requesting funding to restore the full amount allocated for direct service delivery and maintain technical support. This past fiscal year, sexual assault services suffered from a 10% budget reduction which reduced direct services available to the Kauai community by severely cutting prevention education services, and the creation of a wait list for counseling services. The passage of H.B. 452 H.D. 1 would ensure the restoration of the complete array of essential crisis, counseling, and prevention services as well as maintaining the necessary technical support that has been so beneficial to all the sexual assault service providers.

The statewide technical support is provided by a master contract between the Department of the Attorney General and KMCWC/SATC for sexual assault services provided by SATC, the YWCA Kaua'i, Child & Family Services Maui (including Moloka'i & Lana'i), and the YWCA Hawai'i. These sexual assault centers partner to ensure a high standard of care across the entire for all victims of sexual assault. SATC provides the necessary oversight, consultation, and technical assistance to support the delivery of 24/7 crisis response, counseling, and education services throughout the state. This continued oversight benefits all the service providers and strengthens the system of care statewide. Since the 2007 fiscal year, the State appropriation for statewide sexual assault services has been \$2,000,000. While operational costs to deliver much needed services, including technical support have steadily increased, the funding amount has remained static.

The combination of the funding amount being static and the Office of the Attorney General reduced the allocation last year by 10%, has forced the YWCA to reduce services and we are not able to meet all the needs of sex assault victims, their families and loved ones, and of our larger community.

The YWCA is the sole provider of these crucial services on Kaua'i, and to this day we continue with our efforts to keep expenses down such as; frozen salaries and long delays in hiring. However, these practices cannot continue indefinitely without compromising the quality of services provided. The Prevention Education program has a severely reduced service capacity and we are unable to fulfill all requests for education services which make our community safer. Schools, government agencies, community organizations, businesses and churches request help for educating the populations they serve, but the agency has limited personnel and resources to meet the demands. Without increased funding for the growing cost of this limited service, complete elimination of prevention education services will be necessary and the Kaua'i community will be at a greater risk of increasing the number of sexual assaults instead of progressing to reducing and eliminating this violent crime and the wait list for counseling services will remain in place.



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ywca

The additional resources made available by H.B. 452 H.D. 1 will allow the entire \$2,000,000 to be used for direct services, while still fully funding the technical assistance that supports the high quality of services across the sex assault providers across the state. Fully funded direct services and technical services go hand in hand to ensure the highest standards and quality service delivery that is essential for victims to heal and to make every community in Hawaii safer.

I humbly urge you to support H.B. 452 H.D. 1.

Thank you for this opportunity to testify.





THE SEX ABUSE TREATMENT CENTER

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

Executive Director
Adriana Ramelli

DATE: March 23, 2015

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TO: The Honorable Gilbert Keith-Agaran, Chair
The Honorable Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

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

RE: Testimony in Support of House Bill 452, House Draft 1
Relating to Statewide Sexual Assault Services

I would like to thank the Committee for this opportunity to provide testimony on behalf of The Sex Abuse Treatment Center (SATC), a program of Kapi'olani Medical Center for Women & Children (KMCWC), in strong support of House Bill 452, House Draft 1 (H.B. 452, H.D. 1).

H.B. 452, H.D. 1 requests funds to update the base operating budget of the Department of the Attorney General (the AG) in support of the development, delivery and maintenance of quality, sustainable programs to provide sexual assault services Statewide.

The SATC respectfully asks that the Senate Committee on Judiciary and Labor please support that the measure reflect a request for \$380,000 annually in FY16 and FY17.

The SATC administers state funding through a master contract between the AG and KMCWC for sexual assault services provided by the SATC, the YWCA of Kaua'i, Child & Family Service Maui (including Moloka'i and Lana'i), and the YWCA of Hawai'i Island. These sexual assault centers partner to provide statewide master contract direct services, covering:

- 24/7 crisis intervention, including immediate help following a sexual assault and crisis counseling and support;
- Mental health therapy services;
- Coordination of care and advocacy;
- Prevention and education services.

The SATC, as the master contractor, further provides technical assistance in the form of ongoing planning, oversight, and consultation of this network of sexual assault centers in order to support the delivery of these statewide direct services.

Through this close, collaborative partnership, efficiency is attained by having an integrated, statewide network of centers sharing a uniform set of practice standards, procedures, and materials, and a strong program of training and compliance monitoring. Additionally, each center is able to benefit from the skill, wisdom, and experience possessed by its sister organizations, which would not be possible if each were acting in isolation and without sufficient coordination.

Presently, base operating funds for statewide sexual assault services in the amount of \$2,000,000 per year – which has remained unchanged since 2006 – are divided between statewide direct services and technical assistance. We respectfully request that an additional \$380,000 be made available annually by H.B. 452, H.D. 1, in order to permit the entire \$2,000,000 to be used for direct services, while sufficiently funding the technical assistance provided by the SATC that is necessary to support them.

This will translate into the SATC and the neighbor island sexual assault centers being able to fill current critical gaps in the provision of direct services, with a focus on rural areas and fragile/underserved populations.

Funding needs include, but are not limited to:

- Prevention and education services for rural communities on the neighbor islands. Specific examples include the islands of Moloka'i, Lana'i and Kaua'i, where these services have been limited, and Hawai'i Island, where there is currently no available capacity for this type of service.
- Full time crisis counselor staffing for Hawai'i Island dedicated to fulfilling the immediate needs of sexual assault survivors in Hilo and Kona.
- Crisis counseling and support services for the adult community correctional facility on Kaua'i, and for high risk youth at the detention home on O'ahu.
- Mental health therapy services for survivors and their loved ones on Maui and Moloka'i, and for outlying areas of Kaua'i such as Waimea.

By guaranteeing the sustainability of our programs, your support of H.B. 452, H.D. 1 assures that survivors and their loved ones across the islands will receive the care that is crucial to recovery from the effects of sexual assault, and empowers communities statewide with the services needed to prevent acts of sexual violence.

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DATE: March 23, 2015

TO: The Honorable Gibert Keith-Agaran Chair
The Honorable Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

FROM: Nicole Hokoana, Director of Maui County Programs
Child & Family Service

RE: Testimony in Support of H. B. 452, Draft 1
Relating to Statewide Sexual Assault Services

Good morning Chair Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor. My name is Nicole Hokoana and I am the Director of Maui County Programs for Child & Family Service. I am writing on behalf of the Maui Sexual Assault Center, a program of Child & Family Service, and recipient of consultation and support offered by Oahu's Sex Abuse Treatment Center, also known as the SATC.

Child & Family Service strongly supports updating the base operating budget of the Department of the Attorney General. The increase proposed by HB 452, H.D. 1 provides funding to support the cost of consultation, coordination, technical assistance, and assures program integrity and consistency throughout the state.

SATC frequently assists its sister sexual assault centers to ensure a high standard of quality care across Hawai'i. SATC provides oversight as we, the local sex assault center, deliver 24/7 crisis response, counseling, and education services throughout Maui County. Since the 2007 fiscal year, the State appropriation for statewide sexual assault services has been \$2,000,000. The \$380,000 increase proposed in this bill will allow the base operating budget to remain for the provision of direct services, adding monies to the SATC to focus solely on statewide coordination efforts. Previously, resources needed to provide adequate and necessary technical assistance were allocated from the \$2,000,000 operating budget; however, this results in a diversion from much needed direct services funding at the county level.

As a new Director in 2012, the support offered by the SATC was critical to my understanding and administration of the Maui Sexual Assault Center. Through quarterly face-to-face meetings, training and countless phone calls between SATC staff and myself, I was able to understand my role as director; furthermore, I am able to advocate for the needs of the Maui County community. The dialogue and collaboration that takes place between the SATC and its sister agencies is unlike all other contracts I oversee. Without question, our relationships are respectful and collaborative; we truly partner to provide the best possible services for victims statewide, always mindful of the unique needs of our different island communities.

Should HB 452 receive support, the Maui Sexual Assault Center will benefit from an increased direct services budget. With an increased budget, the Maui Sexual Assault Center will fund prevention and education services on the islands of Molokai and Lanai. Currently, funding restricts service provision in these highly rural communities of Maui County. We would also increase much needed clinical therapy services for survivors and loved ones; since this service requires master's level and/or licensed professionals, its high cost limits our provision. With more monies we will provide clinical therapy on Maui and Molokai, and work closely with service providers on Lanai to ensure victims on all islands of Maui County have treatment options.

I urge you to support the base operating budget increase as written in HB 452, Draft 1, as it will not only provide the SATC with funding it needs to provide consultation and critical support to the local sex assault centers, but will increase the amount of monies each county receives to provide direct services.

Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB452 on Mar 23, 2015 09:35AM*
Date: Friday, March 20, 2015 12:23:25 PM

HB452

Submitted on: 3/20/2015

Testimony for JDL on Mar 23, 2015 09:35AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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HB452

Submitted on: 3/20/2015

Testimony for JDL on Mar 23, 2015 09:35AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Amber Corrales	Individual	Support	No

Comments:

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