

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William F. Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1133, HD1
RELATING TO PUBLIC SAFETY.

By
Tommy Johnson, Director

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Takayama, Vice Chair

Wednesday, February 15, 2023; 2:00 p.m.
State Capitol, Conference Room 325 and via Video Conference

Chair Tarnas, Vice Chair Takayama, and Members of the Committees:

The Department of Public Safety (PSD) strongly opposes House Bill (HB) 1133 HD1, which requires and appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities and the Hawai'i Statewide Automated Victim Information and Notification (SAVIN) system.

Providing communication between offenders and their loved ones is a very important factor in maintaining family relationships and reducing recidivism. However, unlike residential telephone service, prison telephone communication is monitored and recorded (with the exception of identified legal calls) for the safety and security of the statewide correctional facilities and our communities.

PSD has identified numerous court-ordered violations of no-contact victim orders and temporary restraining orders between offenders and their victims. These identified telephone conversations have resulted in statewide facilities issuing Cease/Desist orders to offenders that knowingly violate court orders that lead to the issuance of subpoenas for PSD staff to testify in revocation of bail orders, probation violation hearings, and other court actions that protect the victim's safety in the community. Monitoring these identified telephone conversations has also resulted in identifying

details of illegal contraband drop-offs before it enters the facility and other known criminal activity protecting staff safety.

Section 353-136, Hawai'i Revised Statutes (HRS) establishes a special fund to receive commissions from PSD's inmate phone system to pay for the SAVIN system, its development, and its salaries/benefits of positions. The prohibition of receiving commissions from the inmate phone system and relying on the limited availability of State general funds threaten the State's statutory obligation to notify crime victims of offender transfers and parole (or release) status. Victims would be unable to exercise their rights or engage in safety planning if they did not receive statutorily mandated notification about offender escape/release/transfer/movement or parole hearings on a consistent basis. This important program protects crime victims and the community.

Under PSD's current contract to provide inmate phone service in statewide facilities, it costs \$.07 per minute for local, interstate, and international calls, far below the Federal Communications Commission (FCC) rate cap order that was issued in May 2021. A 15-minute direct call costs \$1.05.

Currently, there is no cost to State/PSD to maintain and operate the inmate phone system. However, providing committed persons with free telephone calls forces PSD to rely on the limited availability of State general funds to pay for inmate phone calls and the overall maintenance of the entire inmate phone system. Using a projected 50% increase in free phone calls, and maintaining accessible and functional voice communication services, the Legislature will have to provide funding to PSD that equals approximately \$2,016,000.00 annually.

In addition, with the prohibition of receiving commissions, the Legislature will have to fund an additional \$300,000 to \$400,000 annually.

Should HB 1133, HD1 pass prohibiting PSD from receiving commissions for SAVIN, PSD will be required to provide free inmate phone calls, which is not fully funded by State general funds, and will be forced to shut down all prisoner

Testimony on HB 1133, HD1
House Committee on Judiciary
and Hawaiian Affairs
February 15, 2023
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communication services. Inmate communication with their loved ones and attorneys will be limited to written correspondence only.

It is for these reasons that the Department strongly opposes HB 1133, HD1, and respectfully request that it be deferred.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

TO: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1133, House Draft 1, Relating to Public Safety
Hearing: Wednesday, February 15, 2023; 2:00 p.m.
State Capitol, Room 325

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (the Commission) **supports** House Bill 1133, House Draft 1, Relating to Public Safety, to require and appropriate moneys for the provision of free voice communication services in the State's youth and adult correctional facilities. Maintaining meaningful contact with families and significant others is essential to the successful re-entry of persons exiting incarceration. Often, inmates and their families are poor and cannot afford the cost of the calls.

The exorbitant cost of inmate phone calls across the United States rose to the level of the Federal Communications Commission (FCC) amending its rules to address at least part of this problem:

As part of the FCC's efforts to ensure that rates for interstate and international phone calls are just and reasonable for all Americans, the agency is working to rein in the excess rates and egregious fees on phone calls paid by some of society's most vulnerable people: families trying to stay in touch with loved ones serving time in jail or prison.

[fcc.gov/consumers/guides/telephone-service-incarcerated-individuals]

The FCC has also significantly reduced industry consolidation, which was limiting competition and further driving up the cost of inmate phone calls.

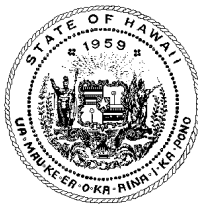
House Draft 1 also includes an appropriation for the Hawaii Statewide Automated Victim Information and Notification (SAVIN) system which we strongly support. At previous hearings on this and a similar measure in both the House and the Senate the majority of the testimony concerned the importance of the SAVIN system rather than the intent of HB 1133 to limit the cost of inmate phone calls. SAVIN is currently financially support by the State's commission share of inmate phones calls to family and friends. The Commission fully supports SAVIN as a very valuable and necessary service to victims of crime and the community in general, but does not support its means of financing.

In the February 3rd by the House Committee on Corrections, Military & Veterans, Chair Mark Hashem noted that he did not see a nexus between inmate calls and the SAVIN, and stated his belief that SAVIN should be supported by general funds. House Standing Committee Report No. 190 addresses this issue. We strongly agree with that assessment.

House Bill 1133, House Draft 1
House Committee on Judiciary and Hawaiian Affairs
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Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

JOSH B. GREEN, M.D.
GOVERNOR



MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII – KA MOKU`ĀINA `O HAWAII`I
**CRIME VICTIM COMPENSATION
COMMISSION**

Ke Komikina Uku Luaahi Kalaima

1164 Bishop Street, Suite 1530
Honolulu, Hawaii`i 96813
Telephone: 808 587-1143
Fax: 808 587-1146

TESTIMONY ON HOUSE BILL 1133, HD1
RELATING TO PUBLIC SAFETY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Wednesday, February 15, 2023; 2:00 PM
Via Videoconference; State Capitol, Conference Room 430

Good afternoon Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs. Thank you for providing the Crime Victim Compensation Commission (the “Commission”) with the opportunity to testify before you today. The Commission strongly opposes the passage of House Bill 1133, HD1, because it takes away the dedicated source of funding for the Statewide Automated Victim Information and Notification (SAVIN) Program. The SAVIN Special Fund was created to ensure a stable, designated funding source for the SAVIN Program that ensures the safety of crime victims and the community by ensuring that crime victims have the ability to exercise their right to be informed about the movement of offenders, and to be notified and heard during the parole process.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. 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. In addition, the Commission serves on and currently chairs 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.

If the Legislature decides to move the funding source for the SAVIN Program from special to general funds, it is important, in order to ensure that funding remains dedicated to and available for the SAVIN Program, that the Legislature include a budget proviso designating that the general funds be used solely for the SAVIN Program.

The current inmate telephone system also allows the Department of Public Safety (PSD) to block inmates from threatening or harassing their victims, survivors, and witnesses. It is uncertain whether a free telephone system would provide the same protection. The Committee must ensure that these functions of the current system remain intact to protect the safety of victims, survivors, and witnesses.

Thank you for providing the Commission with the opportunity to testify in strong opposition of House Bill 1133, HD1.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

February 14, 2023

TO: Representative David A. Tarnas, Chair
Representative Greg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Leanne Gillespie, Executive Director

SUBJECT: HB 1133 HD1 – RELATING TO PUBLIC SAFETY
Hearing: February 15, 2023, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) offers comments and defers to the Department of Public Safety (PSD).

PURPOSE: The purpose of this bill is to require corrections facilities to provide free voice communication services to confined persons and appropriates monies.

The Office of Youth Services (OYS) operates the only corrections facility for youth committed by the courts. One of the primary goals for youth committed to HYCF is to reconnect and strengthen family and community relationships. The OYS does not charge, impose, or pass on any costs or fees related to voice communication services to youth or their families.

The OYS appreciates the magnitude of defers to the Department of Public Safety on how this measure relates to, and effects, their operations.

Thank you for the opportunity to provide comments.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

February 15, 2023

Members of the House Committee on Judiciary & Hawaiian Affairs

Chair David A. Tarnas

Vice Chair Gregg Takayama

Rep. Sonny Ganaden

Rep. Troy N. Hashimoto

Rep. Daniel Holt

Rep. Linda Ichiyama

Rep. Greggor Ilagan

Rep. Sam Satoru Kong

Rep. John M. Mizuno

Rep. Kanani Souza

Re: HB1133 HD1 Relating to Public Safety

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses domestic violence's social, political, and economic impacts on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony opposing HB1133 HD1.

This bill eliminates the primary funding source (telephone tax) for the SAVIN system by prohibiting state agencies from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities.

The SAVIN special fund receives no general funds. SAVIN is funded by:

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

The bill proposes to appropriate general funds to the SAVIN system. The prohibition of receiving commissions from the inmate phone system and relying on the limited availability of State general funds threaten the State's statutory obligation to notify crime victims of offender transfers and parole (or release) status. If the legislature decides to move the funding source



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

for the SAVIN Program to be general funded, it is important, in order to ensure that funding remains available for the SAVIN Program, that the legislature includes a budget proviso designating that the general funds be used only for the SAVIN Program.

Additionally, the current inmate telephone system allows PSD to block inmates from threatening or harassing their victims, survivors, and witnesses. It is uncertain whether a free telephone system would provide the same protection. The Committee must ensure that these functions of the current system remain intact to protect the safety of victims, survivors, and witnesses. **Without these functions, the effects could be very detrimental to survivors of domestic violence, especially those who experience PTSD, anxiety, depression, or other psychological effects from the abuse.**

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



Date: February 13, 2022

To: Rep David A Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Committee on Judiciary and Hawaiian Affairs

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Opposition of HB 1133, HD 1,
Relating to Public Safety

Hearing: February 15, 2023, 2:00pm, State Capitol Room 325

Good morning, Chair David Tarnas, Vice Chair Gregg Takayama and Members of the House Committee on Judiciary and Hawaiian Affairs.

The Sex Abuse Treatment Center, (SATC) submits this testimony in opposition of HB 1133, HD1 as it relates to the defunding of the SAVIN program. SAVIN is a vital notification program funded by the State to provide notification to victims of the release of their offenders from custody. Without consistent and specifically earmarked state funding, the program could leave victims of sexual assault, sex trafficking and other violent crimes, vulnerable by compromising their ability to timely implement safety plans.

Sexual assault and sex trafficking victims are particularly at risk, insofar as sex offenders have a higher likelihood of receiving some term of incarceration. Notification of an offender's release provides a victim an element of control over their own personal safety and that of their family and allows for further engagement with the criminal justice system, an important choice for many. The SAVIN program offers victims some peace of mind that notification of their offender's release will be provided before the release occurs.

Similarly, the SATC would ask, that any new telephonic system used by the Department of Public Safety, have some capability to limit/block otherwise inappropriate calls whether to victims or the SATC hotline. SATC's hotline is available to all inmates needing sexual assault services under PREA mandates, but is at times, used improperly by inmates to engage in conversation that is, inappropriate with hotline staff members. We ask that any changes in the current inmate telephone system have similar safeguards to address the improper use of phone calls.

We respectfully oppose HB 1133 as it relates to the potential defunding or general funding of the SAVIN program and respectfully ask for your continued support to protect victims of sexual violence and other violent crimes.

Thank you for your consideration.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



EXTREMELY LATE TESTIMONY

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

February 15, 2023

Room 325

2:00 PM

STRONG SUPPORT FOR HB 1133 HD1 - PUNISHING FAMILIES

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 4,043 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Public Safety/Corrections and Rehabilitation on any given day. We are always mindful that 918 of Hawai'i's imprisoned people are serving their sentences abroad - thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to submit VERY LATE TESTIMONY on HB 1133 HD1 that requires and appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities; prohibits state agencies from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities; and appropriates funds for the Hawai'i state automated victim information and notification program.

An article published today in The Nation² talks about the Martha Wright-Reed Just and Reasonable Communications Act that empowers the Federal Communications Commission to rein in the rates that companies charge incarcerated people

¹ Department of Public Safety, Weekly Population Report, February 6, 2023.

https://dps.hawaii.gov/wp-content/uploads/2023/02/Pop-Reports-Weekly-2023-02-06_George-King.pdf

² *Even After a Landmark Bill, the Fight for Prison Phone Justice Isn't Over - The FCC needs to understand its landmark mission*, by [Wanda Bertram](#), February 15, 2023.

<https://www.thenation.com/article/society/even-after-a-landmark-bill-the-fight-for-prison-justice-isnt-over/>

and their families to stay in contact. The hard-won law will mean a fairer market for phone and video calling services in jails and prisons. It requires the FCC to promulgate regulations, sometime in the latter half of 2024, ensuring that the costs these individuals and their families pay for phone and video calls are “just and reasonable.”

But the fight to spare families from exploitation isn't done yet.

The prices of phone calls differ across correctional facilities because they are completely arbitrary, set by the whims of companies and governments looking to make easy money off people in terrible situations.

*By law, states can set much tighter caps on phone rates than the FCC does and the companies must obey whichever applicable cap is lower. So far, three states – Illinois, New Jersey, and California – have shown the potential of this action. **Illinois capped rates at seven cents per minute; New Jersey set caps at 11 cents, while prohibiting jails and prisons from taking kickbacks from the companies. California capped rates at seven cents for both prisons and jails, and last year, it went even further: It made calls from prisons free, funded by a small portion of the state budget.***

Meanwhile, in 2020, Connecticut not only made phone calls from correctional facilities free—it passed a law ensuring that all other prison and jail communications services must be free as well. With this law, Connecticut ensured that its reforms would not be undermined and that people in prison, like everyone else who uses a phone, would receive some consumer protection.

Keeping families and loved ones connected is a crucial part of reentry, therefore, Community Alliance on Prisons urges the committee to pass this legislation onto Finance with a strong recommendation to adequately fund the Office of Youth Services and the Department of Corrections and Rehabilitation to accomplish the purposes of this bill.

Let's follow Connecticut's lead and do everything we can to make reentry more robust by keeping families and loved ones connected without bankrupting them.

TESTIMONY ON H.B. 1133, H.D. 1
RELATING TO PUBLIC SAFETY

by

Randi U. Barretto, Chairperson
SAVIN Governance Committee

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Wednesday, February 15, 2023, 2:00 PM
State Capitol Conference Room 325 and Via Videoconference

Good afternoon, Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs. Thank you for the opportunity to provide written testimony **opposing** this measure.

As a representative of the Crime Victim Compensation Commission on the State Automated Victim Information and Notification Governance Committee (SAVIN GC), I also serve as the Chairperson.

The SGC was established by H.R.S. Section 353-137 to make recommendations to the Department of Public Safety (PSD) on the implementation, operation, management, and evaluation of the SAVIN Program. The SGC works closely with PSD to increase public safety by ensuring that crime victims are given timely and accurate information and notifications about the offender that both enhances the victim's ability to protect themselves and ensures they can fully participate in the criminal justice process.

In 2012, the Legislature established the SAVIN Program and created a dedicated funding source, the SAVIN Special Fund. This funds the SAVIN system, which offers crime victims and the community free, anonymous, and confidential access to timely information and notifications 24-hours a day, 365 days a year on the custody and parole status of offenders under the jurisdiction of PSD.

The SAVIN Special Fund receives no general funds, and per H.R.S. 353-136, funding is derived from 1) a four percent (4%) assessment against inmate commissary purchases; and 2) revenue from proceeds derived from commission on inmate phone usage.

House Bill (HB) 1133, D1, prohibits state agencies from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities.

The SAVIN Governance Committee strongly opposes HB113, HD1 because it eliminates the dedicated source of funding for the SAVIN Program. The SAVIN Special Fund was created to ensure a stable, designated funding source for the SAVIN Program.

If the legislature decides to move the funding source for the SAVIN Program to be general funded, it is important, in order to ensure that funding remains available for the SAVIN Program, that the legislature include a budget proviso designating that the general funds be used only for the SAVIN Program.

Additionally, the current inmate telephone system also allows PSD to block inmates from threatening or harassing their victims, survivors, and witnesses. It is uncertain whether a free telephone system would provide the same protection. The Committee must ensure that these functions of the current system remain intact to protect the safety of victims, survivors, and witnesses.

Thank you for the opportunity to provide written testimony **strongly opposing** HB 1133, HD1.

HB-1133-HD-1

Submitted on: 2/14/2023 12:33:33 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bianca Tylek	Worth Rises	Support	Remotely Via Zoom

Comments:

Testifying live remotely in support of HB1133.

It is your responsibility to protect our children, families, and communities, as well as the staff inside correctional facilities. But prison telecom corporations are charging Hawaii families exorbitant rates to stay connected with their incarcerated loved ones, and it's hurting public safety.

This exploitation is not just separating families, including children and their parents, but negatively impacting correctional staff too. Incarcerated people who are in contact with their community are more likely to have hope, participate in rehabilitative programs, engage in positive behaviors while inside, and reenter society successfully upon release. Making communication free is the most cost-effective, evidence-based program a prison could institute.

House Bill 1133 provides people incarcerated in Hawaii prisons and their families communication at no-cost, and I urge you to support it. We should be encouraging communication and connecting families, not exploiting it and tearing them apart and jeopardizing our public safety in doing so. It's neither humane nor smart.

Please act now to protect our families and public safety. It's time to stop overcharging families and their incarcerated loved ones to stay in touch, when these connections have such clear benefits for us all. Several states and counties nationwide have already taken this important step, and many others are currently considering it because the benefits are clear. I urge you to support HB 1133, on behalf of our neighbors and community today.

HB-1133-HD-1

Submitted on: 2/14/2023 6:08:28 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorenn Walker	Hawai'i Friends of Restorative Justice	Support	Written Testimony Only

Comments:

We STRONGLY support this. The state should be providing free communication on its own without a law requiring it to. It is unquestionable from research and common sense that positive relationships with family and loved ones are vital to a person's [criminal desistance](#). It is also helpful and healing for families and children with incarcerated loved ones to have phone and video communication with them. It is also clear that incarcerated people are from the most economically disadvantaged families in our community. To charge them money, and enough that corporations and our state enjoy significant profit, is a sad testament to our state's ignorance about how people desist from crime. Please pass this measure to help create a more peaceful community with less people repeating crime and instead desisting from it.

Please contact Lorenn Walker for more information about our STRONGEST support for this bill: lorenn@hawaiiifriends.org

Mahalo for your service.

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep.David Tarnas, Chair Rep.Greg Takayama ,Vice Chair

Wednesday, February 15, 2023

2PM

Conference room 325 ,Via Videoconference

Hawaii State Capitol Building

STRONG SUPPORT FOR HB1133 RELATING TO PUBLIC SAFETY

Women's Prison Project strongly supports HB1133 which proposes free telephone communication for youth and adults in State of Hawaii correctional facilities.

At a time when Hawaii has stated an intent to move toward a more rehabilitative approach to corrections, providing free phone communication to incarcerated persons and their families, is a step in the right direction. Research has shown that maintaining family and community connections increases the chances of successful reentry and decreases the risk of recidivism. As acknowledged in HB1133, this benefits public safety. Many states have instituted free phone service to facilitate communication between incarcerated persons and their loved ones.

Unfortunately, there is a long history of predatory practices by communications companies that charge excessively high fees. This creates barriers to maintaining communication and places heavy financial burdens on families. Corrections facilities have too often been complicit, gaining commissions or "kickbacks" from the corporations as incentives to maintain the high-cost phone systems. Women are especially affected by the high phone costs since they were most often the custodial parent of children prior to their incarceration. Families already feeling the strain of having a family member in prison are further stressed by the high cost of maintaining their connectedness

Women's Prison Project urges that HB1133 be passed by the legislature so that family ties can be maintained without heavy financial burdens on families with incarcerated loved ones. Creating this law will help prevent recidivism, and reflects Hawaii's emphasis on family as part of our state's culture.

Mahalo for this opportunity to testify in strong support of HB1133.

Linda Rich

On Behalf of Women's Prison Project

HB-1133-HD-1

Submitted on: 2/14/2023 10:51:11 AM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Juanita Kawamoto Brown	Individual	Support	In Person

Comments:

Please support this important legislation and as Government Representatives of your individual House Districts please fulfill the missions to improve the many challenges and historical trauma we continue to suffer from due to the multi-generational ambivalence towards an entire Native Hawaiian Nation!

ALL NATIVE HAWAIIAN LIVES MATTER!

Respectfully

Mrs. Juanita Mahienaena Brown Kawamoto - 6th Generation Native Hawaiian

Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

Re: HB 1133, HD 1, Relating to Public Safety

Date: February 15, 2023, 2:00 p.m.

To: House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Good afternoon, Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs. My name is Dennis Dunn, and I recently retired as Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. It is through the lens of my many years of assisting crime victims that I am testifying in **strong opposition to HB 1133**, HD1, Relating to Public Safety.

The provisions of HB 1133, HD 1 would eliminate a critical funding source for SAVIN, the State's Automated Victim Notification System. The establishment of SAVIN by the Legislature in 2012 was a monumental accomplishment for crime victims in Hawaii as it insured automated notifications about the custody status of individuals in the custody of the Department of Public Safety on a 24/7 basis. The SAVIN system ensures that critical information relating to victim safety is available to victims on a timely basis, allowing them to make important decisions and take timely actions to protect themselves from offenders. To ensure that the SAVIN system was reliable and sustainable the Legislature established several funding streams derived from offenders as illustrated in the excerpted language from HRS Section 353-16 below.

[§353-136] Automated victim information and notification system special fund; authorization of payment. (a) There is established a special fund to be known as the automated victim information and notification system special fund, to be administered by the department. Interest and investment earnings credited to the assets of the fund shall become part of the fund. Any remaining balance in the fund at the end of any fiscal year shall be carried over to the next fiscal year.

(b) Any item purchased by an in-state or out-of-state inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from

the surcharge shall be deposited into the automated victim information and notification system special fund.

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

(d) Moneys received pursuant to subsections (b) and (c) shall be used for the development and operating expenses, including salaries and benefits of positions as authorized by the legislature, of the system.

(e) The sum total of all moneys expended for development and operating expenses, including salaries and benefits of positions as authorized by the legislature, shall not exceed the special fund ceiling related to the fund established by the legislature; provided that the total moneys expended for these purposes shall not exceed \$600,000 in any one fiscal year.

(f) Federal funds shall not be transferred to, or deposited into, the automated victim information and notification system special fund. [L 2012, c 190, pt of §1]

Totally eliminating or significantly reducing commissions, without creating an alternative funding source, could ultimately mean fiscal insolvency for SAVIN. What that would translate to in terms of impact on victims would be the elimination of a critical informational lifeline and safety planning tool. Thousands of crime victims depend daily on SAVIN notifications to prepare themselves to seek safety options when an offender is released from custody. Victim advocates also depend on this system to alert them that victims will need immediate safety planning assistance, crisis counseling, and emotional support. Elimination of funding for this critical victim service for crime victims would be a disaster. Therefore we asked that you not pass this measure unless commensurate alternative funding sources are established to support the SAVIN system. Alternatives do exist, such as increasing the commissary surcharge, but such a measure would have to be enacted in concert with the enactment of H.B. 1133, HD1, should it become law.

Without these dedicated funding streams victims and their families would not be assured of receiving important custody updates that they have signed up for, thus creating additional anxiety and trauma. Please do not eliminate or weaken this important statutory provision. SAVIN must have a dedicated funding source or its existence will not be assured for the many individuals who depend upon it. Crime victims and their families are counting on you. **Please defer or properly amend HB 1133, HD 1.**

Mahalo!

HB-1133-HD-1

Submitted on: 2/13/2023 7:54:16 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Communication between incarcerated and committed individuals and their families is an important factor in the healing process, and therefore in reducing recidivism. At present, the cost of a 15-minute call from within a Hawai'i institution can be as much as \$13.30. This absurdly high cost is borne by the families of committed individuals, who often live in conditions of financial hardship. Meanwhile, the Department of Public Safety received some \$500,000 in commission payments between 2010–15 from its contracts with private telecommunication services. There is no place within the criminal-legal system that profit motive does not cause harm, and this is just one example. Criminal justice should be about justice and healing, not profiteering. Please pass HB1133 HD1 and end this injustice within the system.

HB-1133-HD-1

Submitted on: 2/14/2023 12:51:28 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Toby KMS Wilson	Individual	Oppose	Written Testimony Only

Comments:

Good afternoon, Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs.

Thank you for the opportunity to provide written testimony strongly opposing House Bill 1133, HD1.

I understand the importance and value of communication between offenders and family members not only for mental well-being but also to promote growth & rehabilitation as well as to reduce recidivism. I'm also an advocate for restorative justice, but not at the expense of victims and survivors.

The commission revenue generated by the existing inmate phone system arrangement & contract is deposited into a Special Fund that supports the Statewide Automated Victim Information Notification System (SAVIN). This funding source and the SAVIN program are a statutory obligation per HRS Section 353-136.

The Hawaii SAVIN program provides free, anonymous, and confidential access to timely information and notification 24/7 365 days a year on the custody and parole status of offenders under the jurisdiction of the State of Hawaii's Department of Public Safety (PSD). It is an invaluable resource for victims and survivors such as me. It is the only system in Hawaii providing automated notifications that are important to the safety and security of victims, survivors, witnesses, and the community.

The telephone commission revenue received by PSD is solely used for the SAVIN program. It is one of only two funding sources, and it is the primary source of funding for the Hawaii SAVIN program. These funds are essential to keep the SAVIN program operational ensuring that victims and survivors of crime are promptly notified of any changes in their perpetrator's custody. Without these funds there will be a disruption in the notifications, communication and connection to victims, survivors, community service providers, witnesses, and other concerned citizens as well as a loss of the ability to do system queries, follow-up on victim/survivor inquiries and other related services. This will result in additional victimization of victims and survivors plus the reduced safety of our community.

The prohibition of receiving commissions from the inmate phone system and relying on the limited availability of State general funds threaten the State's statutory obligation to notify crime

victims of offender transfers and parole (or release) status. Victims would be unable to exercise their rights or engage in safety planning if they did not receive statutorily mandated notification about offender escape/release/transfer/movement or parole hearings on a consistent basis.

Finally, the current inmate phone system allows PSD to monitor and record communications (except for identified legal calls) thereby allowing the pinpointing and addressing of numerous court-ordered violations of no-contact victim orders and temporary restraining orders between offenders and their victims. Also, inmates can be blocked from making harassing or threatening calls to victims, survivors, and witnesses.

Thank you for providing me the opportunity to present this testimony in opposition to House Bill 1133, HD1.

HB-1133-HD-1

Submitted on: 2/14/2023 3:46:00 PM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB1133 would require and appropriate funding for free voice communication services in all Hawaii's youth and adult correctional facilities. It prohibits any state agencies from benefiting monetarily from the provision of communication services to persons confined in state correctional facilities. It also appropriates funds for the Hawaii state automated victim information and notification program.

Maintaining a strong social support network is one of the most important factors in reducing recidivism and should be a first priority. It is unconscionable for the state to impose communication service costs on people in our correctional facilities, especially when prisons benefit from their labor and only pay a pittance for their work, and also charge such high prices for concessions items.

Please pass HB1133 HD1.

Mahalo,

Diana Bethel

HB-1133-HD-1

Submitted on: 2/15/2023 9:40:23 AM

Testimony for JHA on 2/15/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Youngren	Individual	Support	Written Testimony Only

Comments:

Prison telecom companies are charging Hawaii families exorbitant rates to stay connected with their incarcerated loved ones. This practice deprives local families from contact with their loved ones and discourages those who are incarcerated from maintaining stable relationships outside of prison. These relationships are the foundation of successful reentry into society after incarceration.

House Bill 1133 provides people incarcerated in Hawaii prisons and their families with communication at no-cost, and the benefits are clear. I strongly urge you to support this Bill. Mahalo.