

OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair David Tarnas
Vice Chair Gregg Takayama
Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for S.B. 1527 – Relating to Address Confidentiality

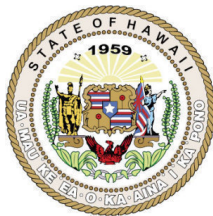
DATE: March 15, 2023

Thank you for the opportunity to provide testimony in **strong support of S.B. 1527** which changes the administration of the address confidentiality program from the Office of the Lieutenant Governor to the Department of Law Enforcement and appropriates funds for positions, operating costs, and equipment to support administering the address confidentiality program.

The Legislature passed Act 115, Session Laws of Hawaii 2018 and Act 274, Session Laws of Hawaii 2019 which protects the confidentiality of the actual address of survivors of domestic abuse, sexual offenses, or stalking from public record. Working together with domestic violence non-profit organizations, the State will assign a substitute address that receives first-class, certified, or registered mail and forward that mail to the survivor's actual address. While I fully support this important program, the open nature of my office and the State Capitol creates safety concerns, and it is more appropriate to house this program in the Department of Law Enforcement where abusers and stalkers would be deterred from visiting.

Thank you for the opportunity to provide testimony in strong support of S.B. 1527.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKUPŪAIA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

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Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON SENATE BILL 1527, SD. 2
RELATING TO ADDRESS CONFIDENTIALITY
Before the House Committee on Judiciary and Hawaiian Affairs
Wednesday, March 15, 2023; 2:15 p.m.
State Capitol Conference Room 325, Via Videoconference
Testifiers: Jordan Lowe or Michael Vincent

Chair Tarnas, Vice Chair Takayhama, and members of the Committee:

The Department of Law Enforcement (DLE) supports Senate Bill 1527, SD. 2.

The purpose of this bill is to transfer the Address Confidentiality Program from the Lieutenant Governor to the DLE, authorizes the program to contract services of a third-party administrator that is strictly limited to the mail forwarding aspects of the program and acceptance of service of process like agents of any business. The bill also appropriates funds for positions and operation and the DLE understands that these numbers will most likely be addressed later in the session.

This program is essential for many survivors of domestic abuse, sexual assault, and stalking who are moving or relocating and need to keep the location of their physical address confidential to safely escape the violator and continue a path of healing, rebuilding, and commencing what should be a new lease on life. This bill is needed to authorize the DLE to administer the Address Confidentiality Program and help provide a measure of safety, security, and relief for many of these victims.

The DLE will include input from victim advocacy groups and victims as we identify the conditions, guidelines, policies, and rules of the program. Additionally, because the program will be subject to rules in its administration, significant input is expected from the public in the establishment of the Program.

Based on testimony regarding this and its companion bill (HB 1260), we are aware of a suggestion to amend the bill to require inclusion of a governance committee. However, there are several significant distinctions described below why DLE does not believe a governance committee is needed for the successful operation of the Address Confidentiality Program.

The proposal to include a governance committee is based on the idea that the Address Confidentiality Program should function like the Statewide Automated Victim Information and Notification (SAVIN) system administered by the Department of Public Safety which has a committee to provide governance over the Program. However, there are several important and significant distinctions described below why DLE does not believe a governance committee is needed to for the Address Confidentiality Program.

The SAVIN system is a complex integrated information system designed to provide the public and victims around-the-clock information and notification on custody, parole status, and other information of offenders subject to the jurisdiction of the Corrections Division of the Department of Public Safety. The system is complicated and involves several partners, facilities, and data information systems. The SAVIN system has 21 triggers that would cause a notification to be sent out including any release, escape or return from escape, unsupervised custody, return to custody, transfer, death, requested reduction of minimum sentence (including review and decision), stages of parole hearings (early, upcoming, decision, delay, or discharge), issuance of a warrant, and various types of parole status (return to custody, revocation, interstate compact, return from interstate compact) of offenders.

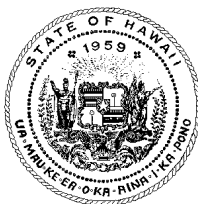
In contrast, the Address confidentiality program does not include the complicated network and information systems like the SAVIN system. Rather it is intended to protect survivors of domestic violence, sex assault and stalking from their abuser by assigning a substitute address to program participants, receive and forward mail at no cost to the

program participants, keep a log of all mail, and act as the agent of program participants for purposes of service of all legal process in the State.

Finally, an appropriation is needed for the DLE to properly fulfill its obligations under the Address Confidentiality Program. At this time, we believe the amount of \$280,000 should be sufficient for fiscal year 2023-2024 and 2024-2025 with two (2) full-time equivalent (2 FTE) positions. However, we recognize that the specific amount will be included at an appropriate time during the session.

Thank you for the opportunity to submit comments on this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

Ke Komikina Uku Luaahi Kalaima

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MARI McCAIG BELLINGER
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JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

**TESTIMONY ON SENATE BILL 1527, SD2
RELATING TO ADDRESS CONFIDENTIALITY**
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, March 15, 2023; 2:15 PM
Via Videoconference & State Capitol, Conference Room 325

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 (Commission) with the opportunity to testify before you today. The Commission strongly supports Senate Bill 1527, SD2, with the proposed amendments offered by the Hawai'i State Coalition on Domestic Violence.

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 Statewide Automated Victim Information and Notification System (SAVIN) Governance Committee, which guides the SAVIN Program in Hawai'i. The role of the Governance Committee is to ensure that the SAVIN Program is victim centered.

The Commission strongly supports the Address Confidentiality Program which provides eligible victims with a confidential mailing address for all public records to shield their actual location from their abuser/stalker.

The Commission urges the Committee to adopt the proposed amendments made by the Hawai'i State Coalition on Domestic Violence, because they ensure that the implementation of the program is victim centered.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Bill 1527, SD2, with the proposed amendments offered by the Hawai'i State Coalition on Domestic Violence.



March 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: SB1527 SD2 Relating to Address Confidentiality

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 in **support of HB1260 and respectfully suggest two (2) amendments** to this measure. The amendments reflect the concerns of victim service providers on the time and resources necessary to successfully implement and administer the Address Confidentiality Program (the Program).

The purpose of the Program is to protect survivors of domestic violence, sexual assault, and stalking from their abusers by keeping their home addresses from public records. This would be achieved by assigning a substitute mailing address, forwarding first class, certified, or registered mail at no cost to the survivor, and acting as agent for purposes of the process of service of all legal process in the State of Hawai'i. **This is not simply a mail forwarding program; survivors' lives are at stake through the administration of the Address Confidentiality Program (the "Program").**

1. We recommend deleting lines 11-13 on page 2.

The administration of this program should not be outsourced to a third party. Implementation and management of this Program are complex, regardless of the number of survivors enrolled in the program, with consequences affecting survivor safety. Implementation and administration must have a survivor-centered, trauma-informed approach in addition to certain technical expertise. This also requires buy-in, collaboration, and training of other state agencies including, but not limited to, the



Office of Elections, Department of Human Services, Department of Education, and public utilities. **Programs in other states are successful when their staff and administrative rules have the full weight of a state agency behind them.**

2. We also recommend adding a section to HRS 801G creating a commission for address confidentiality, modeled after HRS 90D Commission for National and Community Service. The intention is to create an address confidentiality program that is grounded in the knowledge and principles of executing an address confidentiality program, well-funded, and staff to successfully implement this program. The commission's members should have expertise in working with victims of crime, especially domestic violence and sexual assault.

The address confidentiality commission members should at a minimum include:

- a victim;
- one representative from a victim assistance program in each county
- one representative from each of the:
 - Hawai'i State Coalition Against Domestic Violence;
 - Sex Abuse Treatment Center;
 - Domestic Violence Action Center;
 - Crime victim compensation commission;

Ex-officio members of the Department of Human Services and Attorney General with the purpose of advising the department of law enforcement on the:

- implementation and operation of the program;
- staffing requirements;
- policies and procedures governing the implementation and operation of the program, intended to safeguard the safety, confidentiality, and autonomy of victims.

It is imperative that this Program is well designed and implemented from the start, anything else would be an injustice to survivors.

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

Sincerely,
Angelina Mercado, Executive Director

SB-1527-SD-2

Submitted on: 3/14/2023 7:45:49 PM

Testimony for JHA on 3/15/2023 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Lee	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in support of SB1527. This bill amends HRS 586-10.5, Domestic Abuse Protective Orders to require reports by the Department of Human Services Child Welfare Services when there are allegations of child abuse as defined in HRS 350-1 instead of allegations of domestic abuse.

Without this amendment, survivors of domestic violence would continue to face the potential of a Child Welfare Services (CWS) investigation when they include their children in a domestic violence protective order. Too often, survivors are subjected to more traumatization and victimization during a CWS investigation - instead of receiving trauma-informed help and resources, they are subjected to victim blaming and are held accountable for the abuse, not their partner. Survivor safety is not addressed, and yet we know, when a survivor is safe, their children are more likely to be safe as well.

Domestic violence protective orders are the only survivor-led legal remedy to which they have access and we must balance strengthening the intent of domestic violence protective orders and ensuring that allegations of child abuse are investigated and children are protected.

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

SB-1527-SD-2

Submitted on: 3/14/2023 9:56:20 PM

Testimony for JHA on 3/15/2023 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

i support the intent of domestic violence protective orders because it ensures aht allegations of child abuse are investigated and children are protected.