

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
OFFICE OF YOUTH SERVICES
KE'ENA LAWELAWE 'ŌPIO
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

February 4, 2025

TO: The Honorable Senator Jarrett Keohokalole, Chair
The Honorable Senator Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection

The Honorable Senator Brandon J.C. Elefante, Chair
The Honorable Senator Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs

FROM: Leanne Gillespie, Executive Director

SUBJECT: SB 782 – RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES
Hearing: February 5, 2025, 9:30 a.m.
Conference Room 229 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) supports the intent of this bill as it relates to the Office of Youth Services, offers comments and defers to the Department of Corrections and Rehabilitation.

PURPOSE: The purpose of this bill is to require the State's youth and adult correctional facilities to provide free and accessible voice communication services for incarcerated persons and appropriates funds.

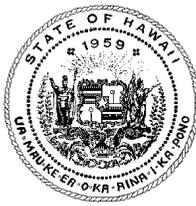
AN EQUAL OPPORTUNITY AGENCY

The Office of Youth Services (OYS) operates the State's only correctional facility for youth committed by the courts. The purpose of the Hawaii Youth Correctional Facility (HYCF) is to provide for the custody, rehabilitation and institutional care and services to prepare youth for reentry into their communities and families. One of the primary goals for youth committed to HYCF, is to reconnect and strengthen family and community relationships and every effort is made for youth to make these connections free of financial limitations. Youth at HYCF have access to communication via both telephone and electronic virtual services. The majority of youth committed to the custody of HYCF are minors and do not typically have any employment history or available funds, and many are disconnected from their families or have families without financial means. As such, the OYS does not charge, impose, or pass on any costs or fees related to voice or virtual communication services to youth or their families nor derives any form of revenue or financial benefit from providing these services. The OYS does not require additional funding to maintain its current communication services to youth at HYCF.

The OYS defers to the Department of Corrections and Rehabilitation on how this bill relates to, and effects, their operations.

Thank you for the opportunity to provide comments.

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
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COMMISSION**

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TESTIMONY ON SENATE BILL 782
RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Commerce and Consumer Protections
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Senate Committee on Public Safety and Military Affairs
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 5, 2024; 9:30 AM
State Capitol, Conference Room 229 & Videoconference

Good morning Chairs Keohokalole and Elefante, Vice Chairs Fukunaga and Wakai, and Members of the Senate Committees on Commerce and Consumer Affairs and Public Safety and Military Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. Hawaii's Statewide Automated Victim Information and Notification (SAVIN) Program is primarily funded by inmate telephone revenue. Senate Bill 782 proposes the elimination of this revenue source, after deeming it a prohibited "commission" under the new Federal Communications Commission (FCC) regulations. The Crime Victim Compensation Commission (Commission) is currently consulting with the Department of the Attorney General to determine if Hawaii's inmate telephone revenue is a "commission" as defined by the new FCC regulations. The Commission recommends that the bill be deferred pending clarification of this issue.

The Commission provides compensation for victims of violent crime to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. In addition, the Commission serves on and formerly chaired the SAVIN Governance Committee, which guides the SAVIN Program in Hawaii. The Governance Committee is comprised of county victim service providers and advocates, crime victims, technology experts, and members of the criminal justice community.

Eliminating the inmate telephone revenue, which in FY 2024 was 62% of the SAVIN Program's funding, will severely jeopardize the SAVIN Program in Hawaii and impact the safety of crime victims. The current proposal provides no assurance of future appropriations to fully fund the SAVIN

Program. The legislature designated the inmate telephone revenue as a stable funding source for the SAVIN Program to ensure that victims of crime could exercise their right to be informed about the movement of offenders, and to be notified and heard during the parole process. Without consistent and stable funding to sustain the SAVIN Program, victims of crime and the safety of the community will be in danger, and many victims will be unable to exercise their statutory rights.

The SAVIN Program has provided tens of thousands of notifications to crime victims, witnesses, survivors, victim service providers, law enforcement agencies, and concerned members of the public with timely information about changes in an offender's custody status. The ability for crime victims to have input in decision making about an offender's release, 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 which the SAVIN Program provides.

Prior to the establishment of SAVIN, the Department of Public Safety provided 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.

Thank you for providing the Commission with the opportunity to testify on Senate Bill 782. Please defer this measure.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



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PUBLIC UTILITIES COMMISSION
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NAOMI U. KUWAYE
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LATE

Testimony of the Public Utilities Commission

To the
Senate Committees on
Public Safety & Military Affairs
and
Commerce & Consumer Protection

February 5, 2025
9:30 a.m.

Chairs Elefante and Keohokalole, Vice Chairs Wakai and Fukunaga, and Members of the Committees:

Measure: S.B. No. 782

Title: RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES.

Position:

The Public Utilities Commission ("Commission") offers the following comments for consideration.

Comments:

The Commission appreciates the intent of this measure and offers comments.

The Commission observes that Section 4 of the measure would require the Commission to undergo rulemaking without specifying the specific program or regulation that the Commission has jurisdiction over. The Commission notes that there are existing administrative rules regarding Institutional Pay Telephone Service under Section 6-82-58, et. seq., Hawaii Administrative Rules. The Commission may amend administrative rules if necessary. That said, the Commission respectfully suggests a change in language to effectuate a formation of quality standards by rule or order rather than only by rulemaking, with an extended timeframe to allow for robust discussions and a complete record.

Page 6 – Line 18 to Page 7 – Line 6

SECTION 4. (a) The public utilities commission shall establish service quality standards, and rules by rule or

order, for free voice communication services provided to youth and adult correctional facilities pursuant to sections 352- and 353- , Hawaii Revised Statutes.

(b) The commission shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 202~~6~~7.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
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(808) 587-4160

TO: The Honorable Brandon J.C. Elefante, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs

The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 782, Relating to Youth and Adult Correctional Facilities
Hearing: Wednesday, February 5, 2025; 9:30 a.m.
State Capitol, Room 229

Chair Elefante, Chair Keohokalole, Vice Chair Wakai, Vice Chair Fukunaga, and Members of the Committees:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** Senate Bill 782, Relating to Youth and Adult Correctional Facilities, which requires the State's youth and adult correctional facilities to provide free and accessible voice communication services for incarcerated persons in state correctional facilities, prohibits any state agency from deriving revenue or financial benefit from the provision of communication services to persons confined in state correctional facilities, and requires the Public Utilities Commission to establish service quality standards and rules for the free voice communication services.

Free phone calls in jails and prisons are essential because they strengthen the connections between incarcerated individuals and their families, which is a proven factor in reducing recidivism and supporting successful re-entry into society. These connections provide emotional support, stability, and a sense of belonging, all of which are critical for rehabilitation. When families—many of whom already face economic hardships—are forced to shoulder the exorbitant costs of phone calls, it creates unnecessary financial strain and widens the gap between those inside and their loved ones.

By eliminating the cost of calls, we remove a significant barrier to communication, promote family unity, and affirm the humanity of all individuals, paving the way for healthier communities and more successful reintegration efforts.

It should be noted that the Hawaii Statewide Automated Victim Information and Notification (SAVIN) system, which provides essential notifications to crime victims, is currently funded through the State's shared profit of in-custody phone calls. While the Commission fully supports SAVIN as a critical and valuable resource, it does not endorse the method of financing it through revenue generated from these calls.

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.

JON N. IKENAGA
STATE PUBLIC DEFENDER

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OFFICE OF THE PUBLIC DEFENDER



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SB782 RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES

Chair Elefante, Chair Keohokolole, and Members of the Committee

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

We appreciate the legislature's intent in advancing communication for individuals in custody and their families. We appreciate other measures to support the Statewide Automated Victim Notification (SAVIN) system and see no issues regarding the passage of this bill with that or other practices. We appreciate the ability of our juvenile clients to make calls without charge and would like to see that practice maintained.

For years, there have been issues regarding communication for prisoners held in the Saguaro CoreCivic (formerly Corrections Corporation of America) facilities which impact our clients. At present, the Saguaro facility is asking Honolulu attorneys that legal calls only be made on specific times on Tuesday, Wednesday, and Thursday, for less than 12 minutes per call. Calls are often poor in quality, dropped, or require a labyrinth of extensions and waiting. This has severely impeded our ability to advocate for clients. If the state is not ending its relationship with private prisons, there are serious issues that must be addressed regarding communication.

It is essential to the preservation of our clients' Constitutional rights that they maintain an open and confidential ability to communicate with attorneys. Most of the individuals housed in Saguaro are eligible for parole and will be released upon certain conditions. For parole hearings, inmates are asked to produce a parole plan prior to a hearing before the Hawaii Paroling Authority (HPA). As inmates are thousands of miles away from where they will be released, it is essential that they are allowed open communication. A parole plan requires that inmates communicate with their attorneys, probation officers, family members, and potential employers across a 2 or 3 hour time zone, often with missing information.

In state facilities, the Department of Public Safety uses Global Tel, which is a private company that charges for phone calls. Calls to attorneys are free but the limitation on personal phone calls is an issue as inmates need to maintain connections to plan for their eventual release. The Office of the Public Defender hopes this bill will allow inmates to maintain a support system and regardless of their financial situation.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
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1177 Alakea Street
Honolulu, Hawaii'i 96813

No. _____

TESTIMONY ON SENATE BILL 782
RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

AND

Senate Committee on Public Safety and Military Affairs
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 5, 2025; 9:30 a.m.
State Capitol, Conference Room 229 & via Videoconference

Chairs Keohokalole and Elefante, Vice Chairs Fukunaga and Wakai, and Members
of the Committees:

The Department of Corrections and Rehabilitation (DCR) opposes Senate Bill (SB) 782, which proposes to require the State's youth and adult correctional facilities to provide free and accessible voice communication services for those committed to or incarcerated in those facilities. As written, this measure proposes adding a new section to Chapter 352, Hawaii Revised Statutes (HRS) to codify the office of youth services' current practice of not charging or imposing fees related to voice communication services for persons committed to its facilities; and Chapter 353, HRS to require adult correctional facilities to provide persons in custody with accessible and functional voice

communication services that are free of charge to the person initiating and the person receiving the communication.

It further amends both chapters to prohibit any state agency from receiving any form of revenue or financial benefit from voice communication services or any other communication services to a person confined in a detention or state correctional facility. Additionally, SB 782 seeks to appropriate an unspecified amount of funding to be expended by the Department of Corrections and Rehabilitation to carry out the provisions of this measure.

Youth correctional facilities do not fall under the jurisdiction of the DCR, but rather the Office of Youth Services (OYS), which is a division within the Department of Human Services (DHS). DCR notes that the office of youth services currently provides voice communication services for youth committed to their facilities without charge; the Hawaii Youth Correctional Facility (HYCF) has a designed facility capacity of 30 and reported 27 occupied in December 2024.

The Federal Bureau of Prisons (FBOP) began providing free inmate phone calls in March 2020 with monies from the Coronavirus Aid, Relief, and Economic Security (CARES Act) and in recognition of the significant costs associated with these services Congress provided supplemented funding in 2020 and 2021. Between April 2020 and May 2024, FBOP reported \$350 million dollars in telephone calls occurred (population reported for 2023 of 158,424; no population reported for 2024; population reported for 2025 of 155,282). After the Cares Act expired in 2022 and supplemental funding was no longer provided, FBOP continued to fund the calls at their own expense. However, in October 2024, FBOP cited budget constraints requiring them to reallocate resources to other critical needs such as programs, staffing, and contraband interdiction, and as a result, modified the program to incentivize free phone calls for inmates on the waitlist or engaged in certain programs.

California passed legislation in 2023 requiring the California Department of Corrections and Rehabilitation (CDCR) to provide free phone calls for approximately 95,000 incarcerated persons. In July 2023, inmates used 119

million minutes and increased to 125 million minutes in August 2023. Based on those numbers, California's Governor proposed budget for 2024 to 2025 to fund the required CDCR "free" phone calls was \$36.7 million. While SB 782 proposes free phone calls, the cost of providing free phone calls is not free.

In 2024, DCR's inmate phone system records confirm its population of 3,754 used approximately 1.2 million minutes per month in voice communications. Under DCR's current contract with ViaPath, a privately-owned prison telephone communications provider, it costs \$0.054 per minute for local, interstate, and international calls. A 15-minute direct call costs less than a dollar (\$0.81). DCR does not receive State general funds to pay for this service. To provide free telephone calls using the current rate of \$0.054 per minute, the Legislature will have to provide State general funds to DCR that equals \$64,800 per month or approximately \$777,600 annually. Based on other states that passed similar measures to provide free inmate phone calls, prison officials saw an average of 50% increase in telephone calls. Using a projected 50% increase, and to maintain accessible and functional voice communication services, the Legislature will have to provide DCR funding for "free" phone calls that equals to approximately \$1,166,400 annually. These projections do not take into consideration any potential Information Technology (IT) costs that may be associated with these services, as correctional telephone services are not the same as residential services and require additional security features to ensure the safety, security and good governance of our facilities.

More importantly, under DCR's current contract with ViaPath, it is ordered that commissions to the State are deposited into DCR's Special Fund set-up for the State Automated Victim Information Notification System (SAVIN). The Legislature created the SAVIN program to enable DCR and the Hawaii Paroling Authority (HPA) to meet their statutory obligation to notify crime victims of offender transfers, planned hearings before the HPA, and release on parole, etc. SAVIN does not receive State general funds; SAVIN is strictly funded by 1) Commissions derived from the inmate phone system; and 2) A four percent (4%)

assessment on inmate commissary purchases. Without the SAVIN program, 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. This important program protects crime victims and the community.

As written, SB 782 requires DCR to provide committed persons with free voice communications (inmate telephone calls) and prohibits DCR from receiving any form of revenue or financial benefit (commissions) from voice or any other communication service within the statewide correctional facilities.

With the prohibition of receiving commissions, the Legislature will have to fund an additional \$300,000 to \$400,000 of State general funds to DCR to meet SAVIN statutory obligations. Under SB 782, to maintain family and community connections which is key to a successful reentry, the total cost for these “free” phone services will be approximately \$1.4 - \$1.5 million per year, which does not include any potential IT related costs.

If the Legislature does not provide and maintain the appropriate funding, DCR may be forced to end communication services (personal and legal) for its committed persons statewide and the SAVIN program will be terminated leaving both DCR and the HPA in violation of its statutory obligations to provide victims with proper notification.

The DCR further notes the unspecified appropriations sought to carryout the provisions this measure falls outside of the priorities as listed in the Governor’s executive budget for FY 25 and 26.

Thank you for the opportunity to provide testimony in opposition of SB 782.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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COREY J. REINCKE
ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 782, RELATING TO YOUTH AND ADULT
CORRECTIONAL FACILITIES

by
Gene DeMello, Jr., Interim Chair
Hawaii Paroling Authority

Senate Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

and

Senate Committee on Public Safety and Military Affairs
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 5, 2025 – 9:30 a.m.
State Capitol Conference Room 229 and Via Video Conference

Chair Keohokalole, Chair Elefante, Vice Chair Fukunaga, Vice Chair Wakai, and Members of
both Committees:

The Hawaii Paroling Authority (HPA) is requesting Senate Bill 782 be deferred.

The Legislature created the SAVIN program to enable the Department of Corrections and Rehabilitation (DCR) and HPA to meet their statutory obligation to notify crime victims of offender transfers and parole (or release) status. SAVIN does not receive State general funds. SAVIN is strictly funded by: (1) the commissions derived from the inmate phone system; and (2) a four percent (4%) assessment on inmate commissary purchases.

Victims would be unable to exercise their rights, or engage in safety planning, if they did not receive statutorily mandated notification about offender escapes/release/transfer/movement or parole hearings. This important program protects crime victims and the community.

Under the DCR inmate phone system that is monitored/recorded, DCR has identified numerous court-ordered violations of no-contact victim orders and temporary restraining order between offenders and their victims. These identified telephone conversations have resulted in Statewide facilities issuing Cease/Desist orders to offenders that knowingly violate their victim court orders that leads to the issuance of many subpoenas for DCR staff to testify in court proceedings on all islands resulting in the revocation of bail orders, issuance of parole violations, and other court actions to protect the victim's safety in the community.

HPA respectfully request that SB 782 be deferred for the reasons stated above.

Thank you for the opportunity to present testimony on SB 782.

Thank you for the opportunity to provide testimony regarding SB 2005.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE CHAIR JARRETT KEOHOKALOLE
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

**THE HONORABLE CHAIR BRANDON J.C. ELEFANTE
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

**Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 4, 2025

RE: S.B. 782; RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES.

Chairs Keohokalole and Elefante, Vice-Chairs Fukunaga and Wakai, and Members of the Senate Committee on Commerce and Consumer Affairs and Public Safety and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony **expressing concern regarding** S.B. 782.

S.B. 782 attempts to eliminate funding for the Hawaii statewide automated victim information and notification system also known as SAVIN. This automated system informs interested parties, most often victims and their families as well as material or interested witnesses, that a defendant is being or will be released imminently from custody. It also provides information on any movement of a defendant. By providing this information to victims, particularly victims of domestic violence, it helps to protect them from future harm that could result when a defendant is released. It also lessens the burden on advocates who would then need to make these calls, especially in post-conviction matters.

We urge this committee to reconsider removing the funding for this service that is a critical to keeping victims safe. Alternatively, we urge this committee to defer this bill until these concerns can be addressed.

Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON SENATE BILL 782
RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES

by

Ana Malafu-Eliesa, SAVIN Governance Committee Chair
Office of the Prosecuting Attorney, Victim Witness Division

Senate Committee on Commerce and Consumer Protections
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Senate Committee on Public Safety and Military Affairs
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 5, 2025; 9:30 AM
State Capitol, Conference Room 229 & Videoconference

Good morning, Chairs Keohokalole and Elefante, Vice Chairs Fukunaga and Wakai, and Members of the Senate Committee on Commerce and Consumer Affairs and Public Safety and Military Affairs. Thank you for providing me with the opportunity to testify.

Senate Bill 782 eliminates a primary funding source (inmate telephone revenue) and suggests that the revenue is a prohibited "commission" under the new Federal Communications Commission (FCC) regulations. Additionally, the bill provides no assurance of future appropriations to sustain full funding for the SAVIN program, depriving crime victims of their ability to exercise their right to be notified of offender transfers and parole (or release) statuses and jeopardizing public safety.

The State Automated Victim Information Notification (SAVIN) Governance Committee (SGC) is requesting Senate Bill 782 be deferred pending clarification of these concerns.

The SGC was created by legislature to establish guidelines and standards for planning, managing, and operating a successful SAVIN Program. The SGC prioritizes victims' needs by providing timely and accurate information and ensures the victim's public safety and full capacity to participate in the criminal justice process.

Thank you for providing the SAVIN Governance Committee with the opportunity to testify to Senate Bill 782.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Brandon Elefante, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Wednesday, February 5, 2025

Room 229 & VIDEOCONFERENCE

9:30 AM

STRONG SUPPORT FOR SB 782 - FREE PHONE CALLS FOR INCARCERATED YOUTH AND ADULTS

Aloha Chairs Elefante and Keohokalole, Vice Chairs Wakai and Fukunaga and Members of the Committees!

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 3,697 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 937 - 49% - of Hawai`i's imprisoned male population 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.

¹ DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

Community Alliance on Prisons appreciates this opportunity to share our **strong support for SB 782** that requires the State's youth and adult correctional facilities to provide free and accessible voice communication services for incarcerated persons in state correctional facilities; prohibits any state agency from deriving revenue or financial benefit from the provision of communication services to persons confined in state correctional facilities; requires the Public Utilities Commission to establish service quality standards and rules for the free voice communication services; requires a report to the Legislature. Appropriates funds.

Communications with family and friends is vital for persons incarcerated by the state. Human beings need social interaction to navigate their way through life. Hawai`i's adult correctional system should emulate our youth facility - Kawaihoa - and make all phone calls free for those in the care and custody of the state.

Successful reintegration with their own communities is dependent upon their connections with family, loved ones, and friends being maintained. Isolation has deleterious effects on humans and keeping people separated from those they love has not been a successful strategy.

Community Alliance on Prisons respectfully asks the committee to consider the importance of this bill to some of our most impacted communities and support free phone calls for those in our correctional facilities or in contracted prisons holding our people.

Mahalo nui for your service and for caring about ALL of Hawai`i's people serving sentences in Hawai`i and far away!



Committee: Commerce & Consumer Protection and Public Safety & Military Affairs
Hearing Date/Time: Wednesday, February 5, 2025 at 9:30am
Place: Conference Room 229 & via Videoconference
Re: *Testimony of the ACLU of Hawai'i in SUPPORT of SB782 Relating to Youth and Adult Correctional Facilities*

Dear Chairs Keohokalole and Elefante, Vice Chairs Fukunaga and Wakai and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS SB782** which requires the State's youth and adult correctional facilities to provide free and accessible voice communication services for incarcerated persons in state correctional facilities. It also prohibits any state agency from deriving revenue or financial benefit from the provision of communication services to persons confined in state correctional facilities. SB782 requires the Public Utilities Commission to establish service quality standards and rules for the free voice communication services, requires a report to the Legislature, and appropriates funds for the Hawaii statewide automated victim information and notification (SAVIN) system.

The ACLU of Hawai'i is committed to Smart Justice policies that reduce the number of people in our jails and prisons, while also enhancing opportunities for successful reintegration. When someone is incarcerated, it is crucial for them to stay in touch with those they love so they can help each other through the trauma of the criminal legal system. And for families, who worry about their loved ones, communication is vital – especially for families with children.

Currently, 1-in-3 families with a loved one incarcerated goes into debt just trying to keep in contact and 87% of those carrying the costs are women of color. What's more, this issue is particularly egregious in Hawai'i, nearly 1000 people are transferred to out-of-state private prisons. This only increases the difficulty for families wanting to remain in contact with incarcerated loved ones.

When a person is imprisoned, the phone is a lifeline to the outside 'free' world, therefore it is vital that people stay connected to help them serve their time. Sadly, in the carceral system phone calls are used as sanctions.

Last year the Federal Communications Commission (FCC) adopted new rules which will:

- Lower existing per-minute rate caps for voice services by more than half and establishing initial interim per-minute rate caps for video communications services, such as video conferencing and video visitation;
- Simplifying the pricing structure by incorporating the costs of ancillary services into the rate caps and prohibiting providers from imposing any separate ancillary service charges on incarcerated people's communications services (IPCS) consumers;
- Limit the costs associated with safety and security measures that can be recovered in the per-minute rates to only those costs that the Commission finds are used and useful in the provision of IPCS;
- Allow IPCS providers to offer alternate pricing plans for IPCS;
- Prohibit IPCS providers from making site commission payments for IPCS and preempting state and local laws and regulations requiring such commissions, subject to a transition period;
- Revise and strengthen IPCS accessibility requirements for incarcerated people with disabilities; and
- Strengthen the Commission's IPCS consumer disclosure rules.

Given that FCC rules will prohibit using fees on these communications to fund other government agencies or programs, it is important to ensure the SAVIN program, which currently receives revenues from this system, is fully funded by the Hawai'i Legislature. We support an appropriation necessary to cover the costs associated with free phone calls and continuation of the SAVIN notification system.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota

Policy Director

ACLU of Hawai'i

cshiota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org

OHANA HO`OPAKELE

Hawai'i State Capitol
Room 201
415 South Beretania St
Honolulu, HI 96813

LATE

Dear Senate Public Safety and Military Affairs Chair and Committee Members,

For years, Hawaii families have had to make unconscionable decisions to afford to stay connected with their incarcerated loved ones. Despite years of pleas for help, Hawaii families continue to have to penny pinch just so a child can hear the soothing sound of their parent's voice for a few minutes. Hawaii families need our leaders to take a stand — it is long past due. Hawaii is the only state that sends incarcerated individuals hundreds of miles out of state and away from their family and children. Frankly, Hawaii families often must purchase plane tickets to see their incarcerated loved one, which makes free communication even more urgent.

On behalf of Ohana Ho`opakele, a proud member of the Connecting Families Hawaii Coalition—a network of directly impacted and allied organizations—I urge the Hawaii Legislature to pass SB 782 and HB 676 to end the practice of charging families for prison communication, both in-state and out-of-state.

Every year, Hawaii families spend an estimated \$1.26 million lining the pockets of the state's private telecom provider to talk to their incarcerated loved ones. Many are trapped in a cycle of debt and poverty, and the financial impact is felt most acutely by Black, brown, and low-income communities, which are disproportionately impacted by racist over-policing, harsh sentencing guidelines, and mass criminalization. In fact, over 50 percent of families with an incarcerated loved one struggle to meet basic housing and food needs. One in three families goes into debt just to stay in touch with a loved one behind bars, and women — largely Black and brown women — carry 87 percent of the burden.¹

As families continue to struggle to recover from the pandemic and the Maui fire, they face insurmountable inflation rates while wages remain unchanged, it is now even more urgent that our leaders address the egregious cost of prison communication. Families should not have to resort to skipping meals, utility bills, car notes, or even rent so that a mother can help her child with homework over the phone or a grandmother can ease her grandson out of a crisis. The family unit should be cherished, promoted, and protected, not exploited and broken. Families with loved ones behind bars are no exception. It is a moral failure that we must make right.

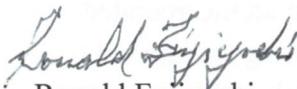
¹ *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (2015), available at <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families>

Moreover, having support from loved ones is an essential human need and the root of all social success. Research has shown repeatedly that when incarcerated people stay connected to their support networks, they do better both while they are behind bars and when they reenter the community, making correctional officers and us all safer. If considered a program, it would be the most cost-effective program to exist and also be the only program available to all people behind bars the day they arrive. And the positive impacts are similar for families. Children, for instance, do better at home and at school when they are able to maintain relationships with their parents in prison.²

Over the past few years, states, counties, and cities across the country have begun making prison and jail communication free to further rehabilitation, strengthen families, mitigate trauma for children, support correctional staff, improve reentry, and promote public safety. Since just 2021, California, Colorado, Connecticut, Massachusetts, and Minnesota have all passed legislation making communication free in their prisons and/or jails with incredible success. Many counties and cities have also made jail communication free, including Louisville, Miami, New York City, San Diego, San Francisco, and others. Correctional environments have improved, critical connections have been reestablished, and people are being released with social support. Today, another dozen states are considering similar legislation. Hawaii must join in passing this smart criminal justice intervention.

This session, we ask you to make our communities safer while also protecting some of Hawaii's most marginalized families, those struggling to support their loved ones behind bars who cannot share or hear simple comforting words without threatening their own financial stability. **We ask that you act now to remove the financial burden of connecting with an incarcerated loved one by passing SB 782 and HB 676.**

Sincerely,



Ronald Fujiyoshi
Treasurer
Ohana Ho`opakele

² Wang, Leah. "Research roundup: The positive impacts of family contact for incarcerated people and their families," Prison Policy Initiatives (2021), available at https://www.prisonpolicy.org/blog/2021/12/21/family_contact/.

LATE



**Testimony in Support of SB 782 to Provide Free Communication
to People Incarcerated in Hawai'i Prisons and Their Families**

02/04/2025

Dear: Chair Elephante and the Senate Public Safety Committee
Chair Keohokalole and the Commerce & Consumer Protection Committee

My name is Celina Chapin, and I am the Chief Advocacy Officer at Worth Rises, a national non-profit dedicated to ending the exploitation of people impacted by incarceration. I submit this testimony in support of SB 782 to make prison communication free for incarcerated people and their families in Hawai'i, and include a letter from the Connecting Families coalition, a state fact sheet on prison communication, a policy fact sheet regarding the legislation, testimonials from impacted Hawaiians, and a fiscal analysis of the legislation.

Thank you for taking the time to hear testimony in regards to this important legislation, namely on the cost of prison communications and its impact. We also are grateful to Senator Rhoads for sponsoring this legislation. We hope you will take particular note of the powerful stories of people who have been directly impacted by incarceration and how the exorbitant cost of prison communication has weighed on their lives. I will focus my testimony, instead, on the policy arguments and fiscal considerations that support this bill.

Worth Rises strongly supports SB 782, which would make communication in prisons free for incarcerated individuals and their loved ones. Worth Rises has helped jurisdictions across the country pass similar policies to provide free communications for incarcerated people and their support networks. We led the first successful state campaign in Connecticut and additional state campaigns in California, Colorado, Minnesota, and Massachusetts. We also led or supported successful local campaigns in New York City, San Francisco, San Diego, Los Angeles, and Miami. We are currently supporting similar campaigns in over a dozen state and local

jurisdictions. Accordingly, we know what it takes to implement this policy and are committed to helping Hawai'i do so.

Hawai'i has the opportunity to join others on the forefront of this national movement to connect families with incarcerated loved ones and provide overdue relief to millions by simply making communication free. Today, we estimate that **Hawai'i families spend more than 1.26 million each year to speak to their incarcerated loved ones.** This money comes from the families — including grandparents, parents, spouses, siblings, children, and friends — of those incarcerated in Hawai'i. They are often forced to choose between paying for basic necessities like housing and food and paying to hear the voices of their incarcerated loved ones. In fact, one in three families with an incarcerated loved one goes into debt trying to stay connected, and 87% of those bearing this enormous financial burden are women.¹

However, family support can change how successful a person is both during and after their incarceration. It increases hope, reduces desperation, and encourages positive behavior, which in turn, reduces violence and improves the correctional environment for incarcerated people and correctional officers alike. One correctional administrator from Connecticut remarked about the policy and implementation there, “It’s not going to stop all the incidents, but it’s definitely curbing a lot of them. I understand that there has been some frustration among taxpayers about bearing the burden of the phone calls, but as someone who works inside the walls I can say that it is working and we do appreciate it.” And families have endless stories of how free calls have changed their lives.

Based on our prior work, **we estimate that providing free phone calls to incarcerated people and their loved ones will and cost the state around \$1 million per year.** We base our estimate on known rates charged by leading vendors around the country and start as low as \$0.009 per minute. We use our model to then measure the expected increase in volume based on expected tablet infrastructure from 27.9 minutes per person per day to 43.4 minutes. We conduct similar analyzes for the other includes services, namely video calls and electronic messages. Please note that there are always new compensation models rolling out that could further lower the cost, however, what the agency has been offered outside of a competitive bidding process doesn't represent that.

Additionally, our estimate accounts for new regulations passed by the Federal Communications Commission's (FCC), which beyond significantly lowering rates for phone and video calls and prohibiting ancillary fees, including deposit fees, also banned commissions and the pass through of surveillance costs to incarcerated people and their families. While some regulations have

¹ Criminal Justice Budget and Funding Opportunity Analysis. Public Sector Consultants, 2021.; See also, Program and Special Equipment Fund Revenues and Expenditures. Michigan Department of Corrections. https://www.michigan.gov/corrections/0,4551,7-119-1441_1513-519821--,00.html

already gone into effect, Hawai'i will need to comply with all of the new regulations by January 1, 2026. And while some cite ongoing litigation against the FCC as a reason to ignore its regulations, we note that litigation challenging new regulations is common, the court has denied all stay petitions, and the rules began implementation on January 1, 2025. Accordingly, the state will have to find alternative funding for the Statewide Automated Victim Information and Notification (SAVIN) system, which is currently funded through such commissions. This bill provides an additional appropriation to address that need.

The bottom line is that the cost of providing free prison communication pales in comparison to what families are currently paying as well as what the state spends on its correctional system and would return much more. Again, studies have consistently shown that communication between incarcerated people and their support networks increases hope inside, strengthens families, mitigates trauma for children facing parental incarceration, improves reentry success, and increases public safety.² Providing such communication at no cost would lift a critical burden off the shoulders of Hawai'i families, making these benefits more accessible.

In closing, we ask that you vote yes on SB 782. Thank you for your consideration, and please do not hesitate to reach out with questions at cchapin@worthrises.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celina Chapin', written in a cursive style.

Celina Chapin
Chief Advocacy Officer
Worth Rises

² Wong, Leah. "Research roundup: The positive impacts of family contact for incarcerated people and their families." Prison Policy Initiative, 2021. https://www.prisonpolicy.org/blog/2021/12/21/family_contact/



LATE

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Brandon J.C. Elefante, Chair

Wednesday, Feb. 5, 2025 at 9:30 am
Conference Room 229 & Videoconference

Strong Support for SB 782 Relating to Youth and Adult Correctional Facilities

Dear Chairs Keohokalole and Elefante, Vice Chair Fukunaga, and Members of the Committees,

[Hawai'i Friends of Restorative Justice](#) (HFRJ) strongly supports SB 782 that would provide free communication for incarcerated juveniles and adults. HFRJ incorporated as a non-profit in 1980 to provide a juvenile diversion project for the Honolulu family court. We've worked with courts, schools, prisons and others to develop, provide, research and [report on pilot projects](#). Our focus is to determine evidence-based interventions to assist those affected by wrongdoing and injustice, and to increase criminal desistance.

We know firsthand from working with innumerable individuals reentering the community, along with their loved ones, how important communicating with each other is. It is also unquestionable from [research](#) and common sense that positive relationships with family and loved ones are vital to a person's [criminal desistance](#). Having [caring relationships has been found to be a vital](#) need for people desisting. Communication is absolutely required for building and nurturing these invaluable relationships, that not only assist incarcerated people, and their loved ones, but our whole community, which benefits from more law-abiding members.

Communication with an incarcerated loved one for families and children, who are often traumatized from their loss, is healing and can help mitigate their suffering. Further, incarcerated people are from some of the most economically disadvantaged groups in our community. To charge them money, that corporations and our state have profited from, is a sad testament to our state's values, and illustrates its lack of knowledge about how people desist from crime and what's necessary for a healthy community.

Please pass this measure and contact me if you need more information about our STRONGEST support for this bill: lorenn@hawaiiifriends.org

Mahalo for your public service.

Lorenn Walker, JD, MPH
Director, HFRJ



Date: February 3, 2025

To: Senator Jarret Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Committee on Commerce and Consumer Protection

Senator Brandon Elefante, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety and Military Affairs

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

RE: Testimony in Opposition of SB 782
Relating to Youth and Adult Correctional Facilities

Hearing: February 5, 2025, 9:30am, State Capitol Room 229

Good morning, Chair Jarret Keohokalole, Vice Chair Carol Fukunaga and Members of the House Committee on Commerce and Consumer Affairs.

Good Morning Chair Brandon Elefante, Vice Chair Glenn Wakai, and Members of the Committee on Public Safety and Military Affairs:

The Sex Abuse Treatment Center, (SATC) submits this testimony in opposition of SB 782 as it relates to the elimination of the inmate telephone revenue associated with communication services available in the correctional facilities. Essentially, the bill seeks to defund SAVIN without any proposal for a stable funding source to assure SAVIN's continue existence.

The Hawai'i State Automated Victim Notification program (SAVIN) is a vital notification program funded by the State through the inmate telephone revenue. The program provides 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 develop and 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 timely notification of their offender's release will be provided before the release occurs.

SB 782 attempts to label the telephone revenue, as a prohibited "commission" under the Federal Communication Commission regulations, thereby directly impacting the continued existence of SAVIN and the State's commitment to the protection and safety of crime victims.

We respectfully oppose SB 782 and ask that it be deferred until a determination can be made as to whether the inmate telephone revenue is in fact a commission as defined under the FCC rules and what appropriations, if any, will be committed to allow SAVIN's continued operation.

Thank you for your consideration.

Law Office of Georgette A. Yaindl, LLLC
Georgette Anne Yaindl 8940
P.O. Box 307
Kailua-Kona Hawai`i 96745-0307
(808) 224-0219 v/txt (877) 300-8869 fax
gyaindl@gyattorney.com

February 4, 2025

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Committee on Commerce and Consumer Protection
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety and Military Affairs
The Senate
33rd Legislature, State of Hawai`i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR SB782, RELATING TO YOUTH AND ADULT
CORRECTIONAL FACILITIES**

Hearing Date: February 5, 2025
Time: 9:30 a.m.
Location: Conference Room 229
State Capitol
415 South Beretania Street

I write to express support for this proposed legislation. As recognized in the findings stated in the bill, new federal regulations have reduced rates for phone and video calls made from prisons and jails and prohibit states and localities from collecting commissions on those communications. States must follow the federal compliance schedule for new regulations and be in full compliance by January 1, 2026. And most importantly, as the proposed bill recognizes, maintaining family and community, and I would add “lawyer” communications “is key for reentry into society.”

Thank you, Honorable committee leadership and members, for your attention to this issue and consideration of my letter. Mahalo.

Sincerely,

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL

SB-782

Submitted on: 2/2/2025 8:34:58 PM

Testimony for PSM on 2/5/2025 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| cori | Individual | Support | Written Testimony Only |

Comments:

Making connection to family and friends is a lifeline in prison and jails. No one should have to rely on money in order to do this. It is inhumane.

LATE

SB-782

Submitted on: 2/4/2025 7:16:54 PM

Testimony for PSM on 2/5/2025 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Toni Floerke | Individual | Support | Written Testimony Only |

Comments:

Highly in favor of free phone calls by those incarcerated due to the importance of maintaining ties with and support from family and friends in the community that may not be able to be on visit list for variety of reasons. Many are not able to afford additional costs of phone, commissary, and clothing items and even if they have a job in jail/prison, the wages are cents on the dollar. Free phone calls would go a long way to aiding in communication and engagement with family/relatives and support system.

Thank you.

SB-782

Submitted on: 2/5/2025 5:09:55 AM

Testimony for PSM on 2/5/2025 9:30:00 AM



| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Jordan Smith | Individual | Support | Written Testimony Only |

Comments:

Aloha chair, vice chair, and members of the committee,

Please consider allowing one or two free calls a month if there is still resistance to free calls for everyone. Providing funding for SAVIN is not a valid excuse to continue to penalize often low-income and women led households that carry this burden to stay in contact with their loved ones that are incarcerated. SAVIN should find another funding source that is not dependent on exploiting people at their lowest. Mahalo for passing this bill.

Sincerely,

Jordan Smith

Honolulu, 96813

Good morning, Chairs Keohokalole and Elefante, Vice Chairs Fukunaga and Wakai, and Members of the Senate Committees on Commerce and Consumer Protections and Public Safety and Military Affairs.

Thank you for the opportunity to provide written testimony. My testimony is requesting to defer Senate Bill 782. This bill would eliminate the primary dedicated special funding source of inmate telephone tax revenue for the Statewide Automated Victim Information Notification System (SAVIN) without any assurance of a consistent and stable replacement funding source to ensure sustainability of the SAVIN program.

At this time, it is not clear whether the inmate telephone tax would be considered a “commission” and therefore prohibited under the new Federal Communications Commission (FCC) rulings. Efforts are currently underway to determine the status of Hawaii’s telephone tax and whether it would be prohibited or not.

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 authority of the State of Hawaii’s Department of Corrections and Rehabilitation (DCR). It is an invaluable resource for victims, witnesses, and survivors such as me.

The telephone tax revenue received by DCR is solely used for the SAVIN program. This revenue is the primary funding source for the SAVIN program. In Hawaii, the fees are not predatory, and the rates charged are not exorbitant for incarcerated people or their families. Additionally, the correctional facilities do not benefit financially from the telephone services.

The current Special Funds are essential to keep the SAVIN program operational, ensuring that victims, witnesses, 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. Additionally, the SAVIN program provides key notification of victims’ rights and the knowledge of when they have opportunities to provide input and comments for parole hearings and minimum setting hearings. This will result in additional victimization of victims and survivors plus the reduced safety of our community.

Removing the telephone tax on the inmate phone system from funding SAVIN threatens the State’s statutory obligation to notify crime victims of offender status changes such as transfers, paroles, releases, and escapes. Victims would be unable to exercise their rights or engage in safety planning if they did not receive statutorily mandated notifications about offender status changes on a consistent basis.

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 am also an advocate for restorative justice, but not at the expense of victims and survivors.

Thank you for providing me with the opportunity to present this testimony to defer Senate Bill 782 pending clarification of the issues.

Dennis M. Dunn
Kailua, Hawaii 96734

LATE

dennismdunn47@gmail.com

Re: SB 782, Relating to Youth and Adult Correctional Facilities

Date: February 5, 2025, 9:30 a.m.

To: Senate Committee on Commerce and Consumer Protection

Senator Jarret Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

To: Senate Committee on Public Safety and Military Affairs

Senator Brandon J. C. Elefante, Chair

Senator Glenn Wakai, Vice Chair

Good morning, Chair Keohokalole, Vice Chair Fukunaga, and Members of the Senate Committee on Commerce and Consumer Affairs as well Chair Elefante and Vice Chair Wakai and members of Senate Committee on Public Safety and Military Affairs. My name is Dennis Dunn, and I am the retired Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office having retired after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. I am testifying today **in strong opposition SB 782**.

The provisions of SB 782 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 who are being released. 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 **permanent** 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, I request that you not pass this measure unless commensurate **permanent** alternative funding sources are established to support the SAVIN system. Alternatives do exist, such as increasing the commissary surcharge, although I would assume that proponents of this Bill would oppose that suggestion.

Although SB 782 does contain an appropriation to pay for the SAVIN Notification System. There is no guarantee that the amount is sufficient, that it will actually be appropriated by the Legislature, approved by the Governor, or expended by the Department of Corrections and Rehabilitation. In addition, there is similarly no predicting what any of those entities may do in the future. This measure would completely obliterate the original intent of the SAVIN legislation which was to insure victims that they need not worry about the future solvency of financial support for this critical service that so many crime victims and their families depend upon. This Bill would also eliminate the important concept that the burdens of our responsibilities to victims

of crime be borne by the criminals who have caused them harm and not the tax payers. Similarly, taxpayers would also be unnecessarily burdened by the huge expenses required to build and maintain a phone system in Hawai'i's correctional facilities in replacing the current cost effective system of contracting out correctional phone services as required by SB 782. This sounds like a lose, lose, proposition all the way around.

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 SB 782.**

Mahalo!