

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 335
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM**

by
**Clayton A. Frank, Director
Department of Public Safety**

House Committee on Public Safety
Representative Faye P. Hanohano, Chair

Thursday, January 29, 2009; 8:30AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) sincerely appreciates the legislature's interest in an automated victim notification system for Hawaii. The PSD is already far along in our efforts to develop and implement an automated statewide victim notification system known as the "Statewide Automated Victim Information and Notification (SAVIN) program, which is powered Appriss' Victim Information and Notification Everyday (VINE) system. We have already developed and are currently implementing an automated VINE system for Hawaii that is scheduled to go on line February 28, 2009. This effort is currently being funded using a grant from the United States Department of Justice (DOJ) in the amount of \$706,664.00. In addition, the PSD also received two federal Victim of Crime Act (VOCA) grants, totaling \$390,000, to start up the program.

In order to assist us in our efforts, PSD established a Governance Committee comprised of victim/witness staff from each County's Prosecutor's Office, victim advocacy groups, the Hawaii Paroling Authority, Crime Victims Compensation Commission, and victims of crime. This was done so that we could ensure that

the system was victim centered and addressed the negative experiences of victims involved in the criminal justice system.

The Hawaii VINE system will allow for "open" enrollment for anyone who wishes to be notified of changes to an offender's status. Victims of crime will have the ability to register for this service with the assistance of various Victim Witness Coordinator Offices within each County's Office of the Prosecuting Attorney or they and others can simply go on line to register at <http://www.vinelink.com>. Operators will also be available 24 hours a day, 7 days a week, 365 days a year at 1-877-VINE-4HI (1-877-846-4444) in order to answer basic questions and to assist. When the program goes live on February 28, 2009, we will begin with English, and then at the end of March 2009, the Japanese language will be added. In the near future, we have plans to add the Korean and the Ilocano dialect of the Filipino language, followed by Chinese. In addition, we are currently working on the possibility of adding in a Hawaiian language script as well.

It should be noted that several differences exist between the current SAVIN system PSD is developing and implemented and the victim notification system pro-posed in HB 335. Some of the differences are minor and can be amended with simple language changes and further defining of similar terms. However, other differences are major and will require the involvement of the Judiciary for protection orders, all court events and probation entries. The tracking of protective orders is not included in the current package of applications and would require additional funding above the federal grants to develop and implement. In addition, other major differences involve the proposed update of sex offender profile information with the state sex offender registry pursuant to HRS §846E. This feature is also not part of the current package of applications and would require additional funding above the federal grants to develop and implement.

PSD currently has enough funding to complete implementation and further develop the Hawaii SAVIN system through January 2011. Therefore, it is PSD's intent to address permanent funding for this program with the legislature during the 2010 legislative session.

I welcome the opportunity to provide this committee with a detailed informational briefing regarding Hawaii's SAVIN system as your schedule permits. At the appropriate time, I also welcome the opportunity to work with your staff on amending HB 335 to address those areas that are not currently included in our development and implementation plan.

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



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

January 28, 2009



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

The Honorable Faye P. Hanohano, Chair
and Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hanohano and Members:

SUBJECT: House Bill No. 335, Relating to an Automated Victim Notification System

I am Thomas M. Phillips, Chief of Police of the Maui County Police Department and member of the Hawaii Law Enforcement Coalition. We are supporting House Bill No. 335, Relating to an Automated Victim Notification System.

The purpose of this bill is to establish a statewide automated victim notification system to provide victims of crime with current information regarding the custody status of the offender in the victim's case. The Department of Public Safety is responsible for the establishment and administration of a statewide-automated victim's information system. The cost of the system shall be paid with appropriations made to the Department of Public Safety and from Federal Grants and Contracts.

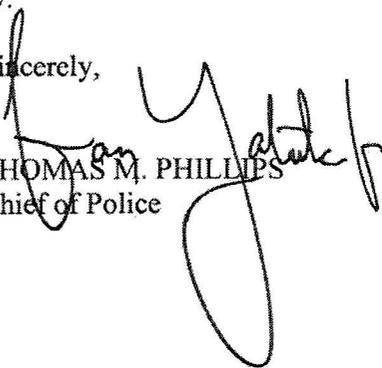
We support this bill on its merits, but do have some concerns on the method of information sharing and compatibility of information technology and the systems currently used by various departments statewide. We are also concerned about the requirement of the police to inform victims of the offender's custody status and believe that it would be premature for the police to make such notifications to the victims, as often offender custody status may change.

The Maui Police Department supports an automatic victim notification system and urges support for House Bill No. 335.

The Honorable Faye P. Hanohano, Chair
and Members of the Committee on Public Safety
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Thank you for the opportunity to testify.

Sincerely,


THOMAS M. PHILLIPS
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE
PROSECUTING ATTORNEY

DOUGLAS S. CHIN
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE FAYE P. HANOHANO, CHAIR
THE HONORABLE HENRY J.C. AQUINO, VICE CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2009**

January 29, 2009

**RE: HOUSE BILL 335; RELATING TO AN AUTOMATED VICTIM
NOTIFICATION SYSTEM**

Good Morning Chair Hanohano and members of the Public Safety Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 335, with amendments**, which proposes to establish a statewide automated victim notification system.

As provided for in H.R.S. CHAPTER 801D our Department currently participates through a series of cooperative agreements with the Department of Public Safety in the process of notifying victims of changes in the custody status of inmates whose victims have submitted a written request for notification. The process, at times inefficient and complex, does function to fulfill the basic purposes of H.R.S. 801D. However, in an effort to improve this process we have spent nearly ten years researching and, at one point, ran a pilot project automated victim notification system. In cooperation with the Department of the Attorney General we have attended national conferences on this issue, and have remained committed to the development of a system with parameters similar to what is contemplated by H.B. 335.

Fortunately the Department of the Attorney General has, in fact, committed federal VOCA funds totaling \$390,000 to help underwrite the start up costs for a notification system. As a result, in a fashion all too uncommon in government today, the Department of Public Safety bravely volunteered their resources and commitment to making this system a reality. They have sought and successfully received a U.S. Department of Justice grant of \$706,664. With this start up funding they anticipate that the Hawaii SAVIN (State Automated Victim Information and Notification) system will go online on February 28, 2009. Although there are some aspects of

the system about to be initiated that deviate from the provisions contained in HB 335, the basic structure of the Public Safety Program is the same.

Although the anticipated implementation of our statewide notification system is an incredibly important accomplishment, the continuing availability of funding to cover the ongoing operational cost of this system is, however, uncertain, and remains one of the major obstacles to providing Hawaii's crime victims with the commitment to victims' rights and services that is sorely needed. The passage of this measure can lay the foundation for a sustainable program that will insure that the future notification needs of crime victims can be met.

We would ask that H.B. 335 be amended in accordance with the recommendations of the Department of Public Safety to achieve consistency with the current parameters of the SAVIN program that is about to begin. Some reference to a Legislative commitment for future funding as Federal funding dwindles would also be appreciated. A failure to do so may result in the hopes of victims who receive the benefits of this program to be dashed and to leave a legacy that will appear as a cruel hoax rather than a great accomplishment.

In conclusion, we ask for your support for H.B. 335 with the amendments proposed by the Department of Public Safety. Thank you for your time and consideration.

**Testimony on HB 335
RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM**

**COMMITTEE ON PUBLIC SAFETY
Representative Faye Hanahano, Chair
Representative Henry Aquino, Vice Chair**

**Thursday, January 29, 2009, 8:30 a.m.
Conference Room 309, State Capitol**

My name is Sharon Ferguson-Quick and as Executive Director of the Hawaii State Commission on the Status of Women, I'm providing written testimony on the measure Relating to an Automated Victim Notification System (HB 335). I support this bill in its effort to establish a statewide automated system that provides victims of crime with current information regarding the status of the offender in their case.

Hawaii Revised Statute 367, establishing the Hawaii State Commission on the Status of Women in 1964, has laid out as its primary purpose to ensure equality for women and girls in the State of Hawaii by acting as a catalyst for change through advocacy, education, collaboration and program development and research. The Commissioners have defined a set of priorities to fulfill this mandate. This bill touches on a number of areas of importance as established by the Commissioners. Two of the priorities are Women's Health and Women's Safety. Violence against women is an unfortunate problem in our society today and according to many experts getting worse. Our primary purpose in combating this ill must be to protect women from them those who would do them harm. But in situations where they have been victimized despite the society's best efforts we must put the tools and systems in place to allow them to protect themselves. This system will give them one of those tools, information in a timely fashion.

I strongly support this bill and the protection it provides women in our states.

Sharon Ferguson-Quick
Executive Director
Hawaii State Commission on the Status of Women
808-586-5757
Sharon.Y.Ferguson-Quick@hawaii.gov



THE SEX ABUSE TREATMENT CENTER

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

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DATE: January 29, 2009

TO: The Honorable Faye P. Hanohano, Chair
The Honorable Henry J. C. Aquino, Vice Chair
Committee on Public Safety

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

RE: Support for HB 335: Automated Victim Notification System

Good morning Representatives Hanohano and Aquino and members of the Committee on Public Safety. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawaii Pacific Health.

The SATC strongly supports HB 335 to establish a statewide automated victim notification system to provide victims of crime with current information regarding the offender in the victim's case. Our Center has served thousands of victims of sexual assault over the last 30 years and it is abundantly clear to us that there is a need for a victim notification system. Such a system addresses a victim's right to access key offender information that could potentially and profoundly impact the victim's safety and well-being.

It is time for Hawaii to join the other 39 states who have acknowledged the importance and benefits of a victim notification system for community safety. The proposed system outlined in HB335 is comprehensive in scope and importantly provides information of particular interest to sex assault victims, such as notifying a victim when the offender has updated his profile on the State's sex offender registry or when an offender has become noncompliant regarding updating his status on the registry.

Sexual assault and other violent crimes shatter lives and can lead to a profound sense of vulnerability and lack of control. Through an effective victim notification system, victims can reclaim some of the control they have lost by using the information they access to protect themselves. With a notification system in place a victim has the option to take specific steps should they be notified, for example, that the offender in their case has an upcoming parole or probation hearing, has a changed supervision status or a new address. Providing this type of information has the potential to protect and empower victims.

I strongly urge you to support HB 335 to establish an automated victim notification system. Further, once the system is established it will be essential that funding is secured to maintain it adequately. Thank you for the opportunity to testify.