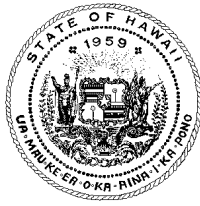


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Vacant
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

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

No. _____

TESTIMONY ON HOUSE BILL 2746
RELATING TO PUBLIC SAFETY

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

House Committee on Human Services
Representative Lisa Marten, Chair
Representative Terez Amato, Vice Chair

Thursday, February 1, 2024; 9:00 a.m.
State Capitol, Conference Room 329 & via Videoconference

Chair Marten, Vice Chair Amato, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) strongly opposes House Bill (HB) 2746, which proposes to appropriate funds to require free voice communication services for incarcerated persons and appropriate funds for the automated victim notification system. HB 2746 adds a new section to Chapter 352 and Chapter 353, Hawai'i Revised Statutes (HRS), that provides free voice communication including phone calls, video communication, electronic mail, or messaging services. Unlike residential voice communication services, these services are specific to correctional facilities and their security-grade technology assists staff in maintaining safety and the good government of the facility.

Last year, using surplus funds, California passed legislation requiring the California Department of Corrections and Rehabilitation (CDCR) to provide free phone calls (video visits are not free) for approximately 95,000 incarcerated persons. What we know to be true is that CDCR's phone call volume increased significantly and surplus funding was depleted. While the language in HB 2746 refers to free calls, the costs for services are not free but borne by the taxpayers which still include family and loved

ones of incarcerated persons. CDCR's annual budget request for ITS services is approximately \$32 million, and the offering of "free" phone calls has converted to a taxpayer-funded model because of the substantial increase in the volume of calls and the costs associated with the same. Taxpayer-funded models likely increased taxes in other areas of government to account for the additional appropriation to the CDCR to cover the costs of voice communication services. Families are taxpayers, and no matter the level of income, they will still pay.

Under DCR's current contract with ViaPath (formerly known as Global Tel*Link-GTL), it costs \$0.05 per minute for local, interstate, and international calls. A 15-minute direct call costs \$0.75. Video visits cost \$0.25 per minute; a 15-minute video visit costs \$3.75. The cost of video visitation is extremely cost-effective for families that have incarcerated loved ones, and among other things, 1) greatly reduces introducing small children into a correctional environment; 2) allows kupuna who may be restricted from traveling for in-person visitation; 3) allows families residing on neighboring islands and on the mainland to see their incarcerated loved ones and avoid paying hundreds of dollars for airfare, hotel, and rental cars; and 4) offers visitation throughout every day and evening as a viable option to in-person visitation cancellations due to shortage of staff.

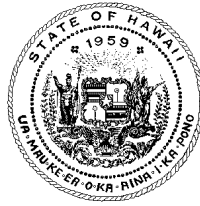
DCR's 2023 records confirm its population used approximately 1.2 million minutes per month in voice communications. Converting to a tax-payer-funded model to provide free phone calls using the current rate of \$0.05 per minute with a conservative 50% increase in call volume, the Legislature must fund \$120,000 per month, an annual appropriation of \$1,440,000. To offer free video communication and messaging services, using the current rate of \$0.25 per minute with a conservative 50% increase in volume, the Legislature must fund \$42,000 per month, an annual appropriation of \$500,000. DCR's annual budget request for ITS services will be approximately \$2 million with an additional \$300,000 - \$400,000 for the development, operations, and staffing of the Statewide Automated Victim Information and Notification (SAVIN).

Maintaining family connections is key to a successful reentry and DCR works hard to offer affordable options to fulfill its obligations. If the Legislature does not provide funding under HB 2746 due to other budget priorities, the DCR will be forced to end voice and video communication leaving written correspondence as the only option for communicating with incarcerated persons. The SAVIN system will be terminated, leaving both the DCR and HPA in violation of its statutory obligations to provide victims with proper release information.

It is for these reasons stated above that the Department strongly opposes HB 2746 and respectfully requests that it be deferred.

Thank you for the opportunity to present this testimony in opposition to HB 2746.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1164 Bishop Street, Suite 1530
Honolulu, Hawaii 96813
Telephone: 808 587-1143
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MARTHA ROSS
Chair

CLIFTON Y.S. CHOY
Commissioner

MARI MCCRAIG
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON H.B. 2746
RELATING TO PUBLIC SAFETY

by

Randi U. Barretto, SAVIN Governance Committee Chair
Crime Victim Compensation Commission

House Committee on Human Services
Representative Lisa Marten, Chair
Representative Terez Amato, Vice Chair

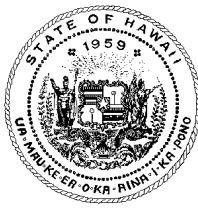
Thursday, February 1, 2024; 9:00 AM
State Capitol, Conference Room 329 & Videoconference

Good morning, Chair Marten, Vice Chair Amato, and Members of the House Committee on Human Services. Thank you for providing me with the opportunity to testify in **strong opposition** to House Bill 2746, which eliminates the special fund dedicated to the Statewide Automated Victim Information and Notification (SAVIN) Program.

The Statewide Automated Victim Notification System (“SAVIN”) Governance Committee (SGC) was created by the legislature to establish guidelines and standards for planning, managing, and operating a successful SAVIN Program. The SGC prioritizes victims’ needs by ensuring timely and accurate information that both enhances their ability to protect themselves and ensures they can fully participate in the criminal justice process if they so choose.

HB 2746 does not ensure consistent and stable future appropriations to sustain 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.

Thank you for providing me, on behalf of the SAVIN Governance Committee, with the opportunity to testify in strong opposition to House Bill 2746.



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

Ke Komikina Uku Luaahi Kalaima

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TESTIMONY ON HOUSE BILL 2746
RELATING TO PUBLIC SAFETY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Human Services
Representative Lisa Marten, Chair
Representative Terez Amato, Vice Chair

Thursday, February 1, 2024; 9:00 AM
State Capitol, Conference Room 329 & Videoconference

Good morning Chair Marten, Vice Chair Amato, and Members of the House Committee on Human Services. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly opposes the passage of House Bill 2746. House Bill 2746 provides \$600,000 in general funds and eliminates the dedicated special funding sources for the Statewide Automated Victim Information and Notification (SAVIN) Program. There is no assurance of future appropriations that ensure full funding for the SAVIN Program. This will ultimately jeopardize the safety of crime victims and the community. Prior to SAVIN, numerous crime victims were endangered when they did not receive advance notification about the offender's release or escape and were unable to plan for their safety.

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. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. In addition, the Commission serves on and currently chairs the SAVIN Governance Committee, which guides the SAVIN Program in Hawai'i. The Governance Committee is comprised of county victim service providers and advocates, crime victims, technology experts, and members of the criminal justice community.

The SAVIN Program is currently funded in large part from inmate phone usage revenue plus a 4% surcharge against inmate commissary purchases. Eliminating the inmate phone usage revenue, which provides a majority of the funding for the SAVIN Program, will severely jeopardize the SAVIN Program in Hawai'i.

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 in advance of changes in an offender's custody status. The ability of crime victims to have input in decision making about the appropriateness of an offender's release, and 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.

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.

Thank you for providing the Commission with the opportunity to testify in strong opposition of House Bill 2746.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON HUMAN SERVICES

Representative Lisa Marten, Chair

Representative Terez Amato, Vice Chair

Thursday, February 1, 2024

Room 329

9:00 AM

STRONG SUPPORT FOR HB 2746 - FREE VOICE COMMUNICATION SERVICES IN YOUTH AND ADULT CORRECTIONAL FACILITIES

Aloha Chair Marten, Vice Chair Amato and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the 3,868 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on January 22, 2024. We are always mindful that 874 - 25% of the male imprisoned population - of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is grateful for the opportunity to share our strong support for HB 2746. This has been a long-standing problem in Hawai`i. Families that can least afford another bill have been gouged by communication providers. When one is incarcerated, they have few resources to purchase hygiene and food products at the commissary.

One of the beautiful things about Hawai`i how we uphold our family culture. 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.

¹ DPS/DCR Weekly Population Report, January 22, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-22.pdf>

And for families, who worry about their loved ones, communication is vital – especially for families with children.

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.

A Hawai`i delegation visited Los Colinas, a woman’s facility in San Diego last year and were amazed to the banks of phones that the women could use at any time for making totally free calls! Imagine the stress that would be relieved as people know they can contact their families.

Free calls could also be a management tool, where it is acknowledged that the staff recognizes the humanity and the importance of family connections to the women in their care. This could create a more peaceful environment for those that live and work in these facilities.

Let’s practice aloha and keep our `ohana connected. Maintaining connections is a strategy for successful reentry.

FREE THE PHONE!

KEEP OUR FAMILIES CONNECTED!

Mahalo!

Opportunity Youth Action Hawai‘i

February 1, 2024

Senate Committee on Health and Human Services

Hearing Time: 9:00 AM

Location: State Capitol Conference Room 329

Re: SB2746, Relating to Public Safety

Aloha e Chair Marten, Vice Chair Amato, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of SB2746, relating to public safety. This bill will require and appropriate moneys for the provision of free voice communication services in the State’s youth and adult correctional facilities. It amends sources of funding for and imposes a limit on moneys retained in the victim information and notification system special fund. It appropriates moneys into and out of the automated victim information and notification special system fund. It declares that the appropriations exceed the state general fund expenditure ceiling for the fiscal year 2024-2025.

Incarceration can be an extremely isolating experience, and maintaining meaningful communication with loved ones is vital for the well-being of individuals within correctional facilities. The ability to communicate with family and friends not only provides emotional support but also plays a significant role in the successful reintegration of individuals into society upon release. It provides motivation for rehabilitation, reduces social isolation, provides practical reentry support, and fosters a sense of accountability and responsibility among incarcerated individuals.

This legislation not only recognizes the importance of communication but also addresses the financial barriers that currently hinder access to voice communication services for inmates. By requiring and appropriating funds for free voice communication services, SB2746 demonstrates a commitment to fairness and justice within our correctional system.

For youth involved in the criminal justice system, maintaining strong familial connections is especially critical. Youth-specific rehabilitative programs often emphasize family involvement as a key component, and effective communication programs ensure that families are kept informed and remain actively engaged in the rehabilitation process.

Opportunity Youth Action Hawai‘i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support HB SB2746.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840



January 31, 2024

Members of the House Committee on Human Services:

Chair Lisa Marten

Vice Chair Terez Amato

Rep. Della Au Belatti

Rep. Greggor Ilagan

Rep. Bertrand Kobayashi

Rep. Scott Y. Nishimoto

Rep. Jenna Takenouchi

Rep. Diamond Garcia

Re: HB2746 Relating to Public Safety

Dear Chair Marten, Vice Chair Amato, and Members of the House Committee on Human Services:

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

On behalf of HSCADV and our 27 member programs statewide, I respectfully submit testimony in **strong opposition to HB2746**.

HB2746 provides \$600,000 in general funds and eliminates the dedicated special funding sources for the Statewide Automated Victim Information and Notification (SAVIN) Program. There is no assurance of future appropriations that ensure full funding for the SAVIN Program which will ultimately jeopardize the safety of crime victims and the community by depriving crime victims of the ability to exercise their right to be informed about the movement of offenders, and to be notified and heard during the parole process.

The Statewide Automated Victim Notification System ("SAVIN") Governance Committee (SGC) was created by the legislature to establish guidelines and standards for planning, managing, and operating a successful SAVIN Program. The SGC prioritizes victims' needs by ensuring timely and accurate information that both enhances their ability to protect themselves and ensures they can fully participate in the criminal justice process if they so choose. Many survivors of domestic violence rely on this notification system to keep informed on the status of their former abusive partners and for safety planning upon release.

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

Sincerely,

Angelina Mercado, Executive Director

HB-2746

Submitted on: 1/30/2024 6:09:32 PM

Testimony for HUS on 2/1/2024 9:00:00 AM

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

Comments:

Good morning, Chair Marten, Vice Chair Amato, and Members of the House Committee on Human Services.

Thank you for the opportunity to provide written testimony strongly opposing House Bill 2746 which eliminates the dedicated special funding source of telephone commission revenue for the Statewide Automated Victim Information Notification System (SAVIN) and replaces it with general funds. House Bill 2746 does not ensure a consistent and stable financial future to sustain the SAVIN program.

The Hawaii SAVIN program provides free, anonymous, and confidential access to timely information and notification 24/7 365 days a year on the custody and parole status of offenders under the jurisdiction of the State of Hawaii’s Department of Public Safety (PSD). It is an invaluable resource for victims and survivors such as me.

The telephone commission revenue received by PSD 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 persons 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 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.

The prohibition of receiving commissions from the inmate phone system and relying on the limited availability of State general funds threaten the State’s statutory obligation to notify crime victims of offender 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 in opposition to House Bill 2746.

LATE

LATE

Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

Re: HB 2746, Relating to Public Safety

Date: February 1, 2024, 9:00 a.m.

To: House Committee on Human Services

Representative Lisa Marten, Chair

Representative Terez Amato, Vice Chair

Good morning, Chair Marten, Vice Chair Amato, and Members of the House Committee on Human services. My name is Dennis Dunn, and I am the retired Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. I am testifying today **in strong opposition HB 2746**.

The provisions of HB 2746 would eliminate a critical funding source for SAVIN, the State's Automated Victim Notification System. The establishment of SAVIN by the Legislature in 2012 was a monumental accomplishment for crime victims in Hawaii as it insured automated notifications about the custody status of individuals in the custody of the Department of Public Safety on a 24/7 basis. The SAVIN system ensures that critical information relating to victim safety is available to victims on a timely basis, allowing them to make important decisions and take timely actions to protect themselves from offenders. To ensure that the SAVIN system was reliable and sustainable the Legislature established several funding streams derived from offenders as illustrated in the excerpted language from HRS Section 353-16 below.

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

(b) Any item purchased by an in-state or out-of-state inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from the surcharge shall be deposited into the automated victim information and notification system special fund.

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

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

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

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

Totally eliminating or significantly reducing commissions, without creating an alternative **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. Although Alternatives do exist, such as increasing the commissary surcharge, this measure proposes to also eliminate that source of funding for SAVIN.

Although HB 2746 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. 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, as clearly evidenced by the testimony of the Corrections Department Director, 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 HB 2746. 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 HB 2746.**

Mahalo!