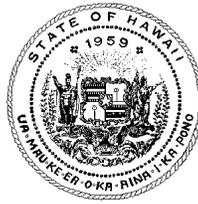


JOSH B. GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF PUBLIC SAFETY
KA 'OIHANA HO'OPALEKANA LEHULEHU
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William Oku
Acting Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1133
RELATING TO PUBLIC SAFETY

by
Tommy Johnson, Director

House Committee on Corrections, Military & Veterans
Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Friday, February 3, 2023; 9:00 a.m.
State Capitol Conference Room 430 and Via Video Conference

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes House Bill (HB) 1133, that requires and appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities. HB 1133 adds a new section to Chapter 353, Hawaii Revised Statutes (HRS), that provides persons in custody with accessible and functional voice communication services that are free of charge to the person initiating and person receiving the communication and prohibits 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 state correctional or detention facility.

Through the State's competitive bid process in 2016-17, PSD awarded a contract to a privately-owned prison telephone communications provider for its inmate telephone service. Under PSD's current contract with ViaPath (formerly

known as Global Tel*Link-GTL), it costs \$.07 per minute for local, interstate, and international calls. A 15-minute direct call costs \$1.05.

More importantly, under PSD's current contract with ViaPath (formerly known as Global Tel*Link-GTL), it is ordered that commissions to the State are deposited into the PSD's Special Fund set-up for the State Automated Victim Information Notification System (SAVIN). The Legislature created the SAVIN program to enable PSD and the Hawaii Paroling Authority (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) 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 escape/release/transfer/movement or parole hearings. This important program protects crime victims and the community.

As written, HB 1133 requires PSD to provide committed persons with free voice communications (inmate telephone calls) and prohibits PSD's from receiving any form of revenue or financial benefit (commissions) from voice or any other communication service within the statewide correctional facilities. The Hawaii Youth Correctional Facility does not fall under the jurisdiction of PSD; it is under the Department of Human Services.

PSD's inmate phone system records confirm its population uses approximately 1.2 million minutes per month in voice communications. Like SAVIN, PSD does not receive State general funds to pay for this service. However, to provide free telephone calls using the current rate of \$0.07 cents per minute, the Legislature will have to provide State general funds to PSD that equals \$84,000 per month or approximately \$1,008,000.00 annually. Based on other states that passed a similar measure to provide free inmate phone calls, prison officials saw a 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 funding to PSD that equals to approximately \$2,016,000.00 annually.

In addition, with the prohibition of receiving commissions, the Legislature will have to fund an additional \$300,000 to \$400,000 of State general funds to PSD to meet SAVIN statutory obligations.

Under HB 1133, to maintain family and community connections which is key to a successful reentry, the total cost will be approximately \$2.3 - \$2.4 million per year. If the Legislature does not provide funding, PSD will be forced to end prisoner communication services (personal and legal calls) for its statewide inmate population and the SAVIN program will be terminated leaving both PSD and the HPA in violation of its statutory obligations to provide victims with proper notification.

It is for these reasons stated above that the Department strongly opposes HB 1133 and respectfully requests that this measure be deferred.

Thank you for the opportunity to present Testimony in strong opposition to HB 1133.

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
CORRECTIONS, MILITARY & VETERANS

February 3, 2023
9:00 a.m.

Chair Hashem, Vice Chair Chun, and Members of the Committee:

MEASURE: H.B. No. 1133

TITLE: RELATING TO PUBLIC SAFETY.

DESCRIPTION: Requires and appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities. Prohibits state agencies from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities. Requires the Public Utilities Commission to establish service quality standards and rules for the free voice communication services and to report to the Legislature prior to the regular session of 2024.

POSITION:

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

COMMENTS:

The Commission appreciates the intent of this measure but takes no position and defers to the Department of Public Safety on Sections 2, 3, and 5.

The Commission observes that Section 4 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 HAR 6-82 subchapter 7. The Commission observes that making this service free would require resolution over funding of the service rather than additional rulemaking.

H.B. No. 1133
Page 2

Thank you for the opportunity to testify on this measure.

TESTIMONY ON H.B 1133
RELATING TO PUBLIC SAFETY

by

Randi U. Barretto, Chairperson
SAVIN Governance Committee

HOUSE COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Friday, February 3, 2023, 9:00 AM
State Capitol Conference Room 430 and Via Videoconference

Good morning, Chair Hashem Vice Chair Chun, and Members of the House Committee on Corrections, Military & Veterans. Thank you for the opportunity to provide written testimony **opposing** this measure.

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

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

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

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

House Bill (HB) 1133, prohibits state agencies, like PSD, from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities. This measure eliminates the primary funding source (telephone tax) which sustains the

SAVIN Program, therefore undermining the safety of the community, endangering the safety of crime victims, and limiting crime victims' from exercising their statutory rights.

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

JOSH B. GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
HAWAII PAROLING AUTHORITY
Ka 'Ākena Palola o Hawai'i
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN
CHAIR

GENE DEMELLO, JR.
CLAYTON H.W. HEE
MILTON H. KOTSUBO
CAROL K. MATAYOSHI
MEMBERS

COREY J. REINCKE
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 1133
RELATING TO PUBLIC SAFETY

by
Edmund "Fred" Hyun, Chairman
Hawaii Paroling Authority

House Committee on Corrections, Military & Veterans
Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Friday, February 3, 2023 – 9:00 a.m.
Conference Room 430

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly opposes House Bill 1133, which prohibits the Department of Public Safety (PSD) from receiving commission payments from inmate telephone calls and from entering into or reviewing any contract with any privately-owned prison telephone communications provider.

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

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.

In addition, the PSD inmate phone system provides an avenue for the inmates to contact HPA parole officers to further discuss their parole plan and other issues prior to their parole consideration hearing when "in person" is not possible.

The Legislature created the SAVIN program to enable PSD and HPA to meet their statutory obligation to notify crime victims of offender transfers and parole (release) status. Savin is strictly funded by: 1) the Commission's derived from the inmate phone system; and 2) a four

Testimony on HB 1133
House Committee on Corrections,
Military & Veterans
February 3, 2023
Page 2

percent (4%) assessment on inmate commissary purchases. HB 1133 would prohibit PSD's commission deposits to the SAVIN system prompting the Legislature to fund approximately \$300,000 to \$400,000 of the State general funds to meet the statutory obligations.

HPA respectfully request that HB 1133 be deferred for the reasons stated above.

Thank you for the opportunity to present this testimony.



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

February 2, 2023

TO: Representative Mark J. Hashem Chair
Representative Cory M. Chun, Vice Chair
House Committee on Corrections, Military & Veterans

FROM: Leanne Gillespie, Executive Director

SUBJECT: HB 1133 – RELATING TO PUBLIC SAFETY
Hearing: February 3, 2023, 9:00 a.m.
Conference Room 430 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) opposes this measure as it relates to the Office of Youth Services, Hawaii Youth Correctional Facility (HYCF), suggests a technical amendment, and defers to the Department of Public Safety (PSD).

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

The Office of Youth Services (OYS) operates the only correctional facility for youth committed by the courts. The purpose of 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 without financial limitations on voice communication access. This is done through telephone calls, virtual meetings and in-person visits at the facility. 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 communication services to youth or their families.

The proposed language to Hawaii Revised Statutes §352- is not necessary.

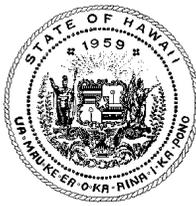
If the proposed language to Hawaii Revised Statutes §352- remains, it is suggested that any reference to the Department of Public Safety be removed from section, Page 3, Line 13 through 16, as OYS has no oversight over PSD:

~~“The department of public safety, or its successor agency, shall have operational discretion so that the use of voice communication services does not interfere with the facility’s necessary operations.”~~

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

Thank you for the opportunity to provide comments.

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
**CRIME VICTIM COMPENSATION
COMMISSION**

Ke Komikina Uku Luaahi Kalaima

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

TESTIMONY ON HOUSE BILL 1133
RELATING TO PUBLIC SAFETY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Corrections, Military & Veterans
Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Friday, February 3, 2023; 9:00 AM
Via Videoconference; State Capitol, Conference Room 430

Good morning Chair Hashem, Vice Chair Chun, and Members of the House Committee on Corrections, Military & Veterans. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly opposes the passage of House Bill 1133. House Bill 1133 undermines the funding for the Statewide Automated Victim Information and Notification (SAVIN) Program and 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 Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. In addition, the Commission serves on and currently chairs the SAVIN Governance Committee, which guides the SAVIN Program in Hawai'i. The Governance Committee is comprised of county victim service providers and advocates, crime victims, technology experts, and members of the criminal justice community.

The SAVIN Program receives no state general funds, but is instead 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 effectively end 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.

The elimination of the SAVIN Program will endanger crime victims, undermine the safety of the community, and leave many victims unable to exercise their statutory rights.

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



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

TO: The Honorable Mark J. Hashem, Chair
The Honorable Cory M. Chun, Vice Chair
House Committee on Corrections, Military & Veterans

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1133, Relating to Public Safety
Hearing: Friday, February 3, 2023; 9:00 am
State Capitol, Room 430

Chair Hashem, Vice Chair Chun, and Members of the Committee:

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

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

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

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

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

We respectfully request that a correction be made to Section 2 which amends Chapter 352, Hawaii Youth Correctional Facilities (HYCF). The Office of Youth Services is responsible for HYCF, not the Department of Public Safety. On Page 3, lines 13-14, delete "The Department of Public Safety, or its successor agency," and replace with "The Office of Youth Services."

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.

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihue, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

February 1, 2023

RE: H.B. 1133; RELATING TO PUBLIC SAFETY

Chair Hashem, Vice Chair Chun and members of the House Committee on Corrections, Military and Veterans, the Office of the Prosecuting Attorney for the County of Kaua'i submits the following testimony in **OPPOSITION** of H.B. 1133.

Our Office agrees that maintaining connections are critical to reduce recidivism for incarcerated people. However, this consideration needs to be weighed against what the monies are used for as well as the actual cost to incarcerated folks.

Currently, the commissions are used to fund SAVIN (State Automated Victim Information Notification System). This program, which is administered by the Department of Public Safety (DPS), allows anyone, including victims to access information and notifications about the status of offenders under the jurisdiction of DPS. If an offender is released or moved, those signed up for SAVIN notifications should receive a text, email and/or phone call (they get to decide which).

Further, the current ViaPath system allows the recording of inmate conversations. This provides another level of protection for victims because it creates evidence of threats of force or violations of restraining or protective orders by offenders.

For the above reasons, the Office of the Prosecuting Attorney for the County of Kaua'i respectfully submits the above comments opposing the passage of H.B. 1133. Thank you for the opportunity to testify on this matter.



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

February 3, 2023

Members of the House Committee on Corrections, Military & Veterans:

Chair Mark J. Hashem
Vice Chair Cory M. Chun
Rep. Sonny Ganaden
Rep. Linda Ichiyama
Rep. Dee Morikawa
Rep. Mahina Poepoe
Rep. Gregg Takayama
Rep. Kanani Souza

Re: HB1133 Relating to Public Safety

Dear Chair Hashem, Vice Chair Chun and Members of the House Committee on Corrections, Military & Veterans:

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 28 member programs statewide, I respectfully submit testimony in **opposition of HB1133**, prohibiting the Department of Public Safety from receiving any commission payment from telephone service providers based on inmate phone calls. This proposed bill would eliminate the primary funding source for the Statewide Automated Victim Information System (SAVIN), which is responsible for offering crime victims and concerned citizens free, anonymous, and confidential access to information regarding an offender's custody and parole statuses.

Since SAVIN's funds come primarily from this phone tax, in addition to a 4% surcharge against inmate commissary purchases, this bill would effectively end the SAVIN program. Without this program, victims and concerned citizens would most likely receive manual notifications from DPS, which has the potential to lead to untimely notifications that could result in missing a parole hearing or not having knowledge that an offender was released from custody.

These effects could be very detrimental to survivors of domestic violence, especially those who experience PTSD, anxiety, depression, or other psychological effects from abuse. They deserve time to prepare themselves for their offender's potential release from custody and they have



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

the right to know about and speak at a parole hearing. Without these timely notifications, survivors are in danger of not being physically, emotionally, or mentally prepared for the possible release or parole of their offender. Therefore, the elimination of the SAVIN program leaves survivors of domestic violence at risk of being retraumatized and revictimized by offenders.

I respectfully ask you to **defer this measure**. Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado, Executive Director

HB-1133

Submitted on: 2/1/2023 11:11:06 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Rich	Women?s Prison Project	Support	Written Testimony Only

Comments:

COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

Rep. Mark J. Hashem Chair

Rep. Cory M. Chun, Vice Chair

Friday, February 3, 2023 9:00 am

Via videoconference, Conference Room 430

State Capitol

STRONG SUPPORT FOR HB1133 RELATING TO PUBLIC SAFETY

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

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

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

having a family member in prison are further stressed by the high cost of maintaining their connectedness

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

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

Linda Rich

On behalf of Women's Prison Project.

HB-1133

Submitted on: 2/1/2023 4:44:34 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

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

Comments:

Good morning Chair Hashem, Vice Chair Chun, and Members of the House Committee on Corrections, Military & Veterans,

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

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

The commission revenue generated by the existing arrangement & contract is deposited into a Special Fund that supports the Statewide Automated Victim Information Notification System (SAVIN). The Hawaii SAVIN program provides victims, survivors and concerned citizens 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. It is an invaluable resource for victims and survivors such as me. It is the only system in Hawaii providing automated notifications that are important to the safety and security of victims, survivors, and the community.

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

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

HB-1133

Submitted on: 2/2/2023 12:46:19 AM

Testimony for CMV on 2/3/2023 9:00:00 AM

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

Comments:

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

HB-1133

Submitted on: 2/2/2023 8:57:11 AM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of HB1133.

The Department of Public Safety has repeatedly failed in its duties to keep committed individuals safe. It has failed to properly manage its facilities and it is failed to properly administer the state's commitment to transition to the more effective rehabilitative and therapeutic model of criminal justice called restorative justice.

In particular, the department's previous insistence on the development of a massive, new incarceration facility, against the recommendations of criminal justice experts tasked with guiding that transition, demonstrate the need for increased oversight, and particularly when it comes to budgets and capital improvements. Please pass HB861.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili



Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

Re: HB 1133, Relating to Public Safety

Date: February 3, 2023, 9:00 a.m.

To: House Committee on Corrections, Military & Veterans

Representative Mark J. Hashem, Chair

Representative Cory M. Chun, Vice Chair

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

The provisions of HB 1133 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]

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. Crime victims and their families are counting on you. **Please defer HB 1133.**

Mahalo!