

Administrative Meeting of the  
Crime Victim Compensation Commission (CVCC) Minutes  
Thursday, October 19, 2023  
1164 Bishop Street, 1<sup>st</sup> Floor Conference Room  
Honolulu, Hawai'i

Present: Commissioners: Mari McCaig Bellinger (Chair), Jo Kamae Byrne, and  
Clifton Y.S. Choy

Staff: Executive Director Pamela Ferguson-Brey, Amanda Sawa (Restitution/JRI),  
Tani Dydasco (SAVIN/RAVS), Randi Barretto (Special Projects, Mass Violence Project), Paul Lacuesta  
(Mass Violence Project), Leanna Bair (PAV Hawaii, Mass Violence Project), Alysha Nagamine (Mass  
Violence Project)

Agenda
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Appeal Hearings were held prior to the Administrative Meeting. Appeal Hearings are closed to the public due to confidentiality.

The Administrative Meeting commenced at 3:19 p.m.

I. Approval of Minutes:

Minutes for June 28, 2022, November 15, 2022, and July 26, 2023, Administrative Meeting were circulated.

- June 28, 2022, Meeting Minutes
  - Motion to approve meeting minutes, motioned seconded, no objections, meeting minutes approved.
- November 15, 2022, Meeting Minutes
  - Motion to approve meeting minutes, motioned seconded, no objections, meeting minutes approved.
- July 26, 2023, Meeting Minutes
  - Correction to meeting minutes on 7<sup>th</sup> page to insert the word “cover” in blank space so that sentence reads, “The Commission identified a significant shortfall in the fiscal year 2021 funding and worked to find funding to *cover* the shortfall.” Motion to approve meeting minutes with correction, motioned seconded, no objections, meeting minutes approved.

II. Justice Reinvestment (JRI) Restitution Update):

A. Overall Restitution Collections

As of end of Fiscal Year 2023 (with start of recording date of July 1, 2012), overall restitution collected from inmates and parolees totaled **\$5.32 million.**

FY23 closed with a restitution collections total of **\$566,930.60** from inmates and parolees. This amount represents a **68%** increase from FY22, which closed with a total of \$337,482.96.

This is an all-time annual high since the start of JRI restitution collections recording in 2012. More than 15,000 restitution case payments were received from inmates and parolees in FY23 alone.

Restitution data from the past few years exhibited a multi-year decline in collections from inmates and parolees beginning in Fiscal Year 2020 when the COVID-19 pandemic started. A one-time spike in PSD statutory deductions in Fiscal Year 2021 was an exception to this downward trend which possibly resulted from a temporary bump in inmate deposits that included COVID stimulus and COVID vaccine/booster payments. Then in Fiscal Year 2022, collections from PSD inmate accounts again relapsed.

Data through end of FY23 demonstrates a clear rebound in restitution collections across the board, which includes PSD statutory deductions, PSD furlough collections, HPA parole collections, as well as voluntary payments from both active and maxed-out offenders.

#### B. PSD Inmate Collections

At the close of FY23, the total amount of inmate restitution deductions remitted to the Commission totaled **\$217,752.73**, a **34%** increase from FY22, and an all-time annual high for PSD deductions submitted to CVCC. PSD RAVS staff continue to work with facility business office staff to stay current on restitution processing.

PSD-RAVS staff identified an issue with PSD inmate deductions due to a new GTL Kiosk system which allows people to deposit money to inmate accounts online. The software interface that transfers funds to inmate accounts does not currently address the requested restitution deductions, and therefore some mandatory collections are not being processed. The Commission is standing by for an update from PSD about the status of software testing to resolve issue. After end-to-end software test completed, solution to fix software can be deployed.

The Commission continues to collaborate with PSD to regularly review data for evidence of gaps in restitution collections and to develop solutions in response.

#### C. Parole Collections

At the close of FY23, the total amount of restitution collected from parolees totaled **\$121,617.29**. This amount represents a **5%** increase from FY22, which closed with a total of \$115,516.35. End-of-fiscal year reports were shared with HPA for their review and action. This number reflects an increase and rebound from the decline during the pandemic.

D. Other Updates

Commission staff are in the process of completing the annual submission of abandoned restitution payments to the State of Hawai'i Unclaimed Property Program in accordance with HRS § 523A.

III. Post-Conviction Assistance for Victims Hawai'i Update:

A. Post-Conviction Assistance for Victims Website (PAV)

PAV Hawai'i is a joint project between PSD-SAVIN and CVCC to provide victims/survivors with information about the criminal justice process, access to resources, and victims' rights throughout the criminal justice system.

i. Content

- The Commission is working with a consultant to develop the content for the PAV Hawai'i website. Once approved the content will be uploaded to the website.

ii. User Testing

- The Commission has contracted with Impossible6 LLC to conduct User Testing, to evaluate the website's accessibility, accuracy, usability, depth, and content.

iii. Training

- Impossible6 will explain their testing process and showcase their findings to victim service providers and the community. Impossible6 will then share a report of final recommendations with the Commission.

IV. SAVIN/RAVS

The State Automated Victim Information and Notification system (SAVIN) program was established through HRS §353-132 and provides 24/7 automated notifications to crime victims, survivors, and the community regarding the custody status of criminal offenders. The goal of the SAVIN program is to improve victim and community safety and to ensure PSD meets its statutory obligation to notify crime victims and survivors about custody status of criminal offenders.

A. Strategic Plan Implementation and Response to Gaps in Service

The SAVIN Coordination office includes the SAVIN and Restitution and Victim Services (RAVS) project. It is co-located with the Commission.

The SAVIN Unit includes four (4) new civil service positions: two (2) Corrections Program Specialist I, one (1) Office Assistant IV, and one (1) Corrections Program Specialist II position. The positions are established and have been posted internally and externally through the Department. The new positions are still vacant, and the application process is still ongoing for all the positions.

The RAVS project will include one (1) permanent Corrections Program Specialist II position, and one (1) Restitution Specialist. The Department and the Commission continue to negotiate the lease expansion to accommodate the new SAVIN coordination office.

B. SAVIN Contract with APPRISS Insights/Equifax

A supplemental contract extension has been finalized and executed for the period of May 1, 2023 to April 30, 2024. SAVIN continues to address system issues with APPRISS that arose since migration to new system last July.

C. Other SAVIN Program Highlights

- Advertisement campaigns to resume in FY24.
- Continued collaboration with CVCC on content for the joint project's webpage pavhawaii.com.
- Continue to work with RAVS in anticipation of post-conviction service program expansion.
- Upcoming NAVAC Conference training March 2023.
- Provided assistance for 261 SAVIN related calls during period of July 1, 2022 – June 30, 2023.
- SAVIN/RAVS office assisted victims in over 123 instances over the phone or via email.
- Submitted 32 letters for victims/survivors to the Hawaii Paroling Authority for the Parole Board.
- 168,079 SAVIN notifications went out between July 1, 2022 – June 30, 2023.

D. VOCA/RAVS

In December 2022, the Department of Public Safety requested the assistance of the Commission to temporarily assume the role of Project Director for the RAVS project for the remaining part of FY 2021 project period.

The Commission identified a significant shortfall in the FY 2021 funding, resulting in a loss of one full-time Restitution Specialist position and a decrease in funding for the second Restitution Specialist. The Commission secured VOCA grant funding to cover this shortfall. The Department of the Attorney General awarded the Department of Public Safety \$48,889 in de-obligated VOCA FY 2019 funding.

The Department of the Attorney General also awarded the project with an additional \$158,000 in FY 2022 VOCA funding to cover the project from October 2023 – June 30, 2024. However, due to the hiring constraints, the Department requested a decrease in funding.

The Department of Public Safety's SAVIN coordinator and the RAVS Restitution Specialist assisted the Commission in preparing project performance entries and reports.

The Commission continues to assist PSD by sustaining the RAVS project through VOCA funds. It is crucial, however, to get vacant SAVIN and RAVS positions filled so that funding can be retained, and project can be returned to PSD.

V. Mass Violence Project Update

A. Crime Victim Compensation Commission's Mass Violence Incident Volunteer Program

The Commission's Mass Violence Project Team continues to develop volunteer program policies and procedures to identify the notification process, response procedures, and the roles and responsibilities of each volunteer.

An introductory meeting is tentatively scheduled for December 2023. The meeting will provide volunteers the opportunity to meet the team and be briefed on their roles as volunteers for the Commission.

B. Crime Victim Compensation Commission's Mass Violence Incident Response Internal Protocols

In January 2023, the Commission's Mass Violence Project Team began drafting the Commission's Mass Violence Incident Response Internal Protocols. The purpose of these protocols is to serve as a guide for the Commission when responding to a mass violence incident (MVI).

C. Mass Violence Planning (MVP) Newsletter

The Commission is in the process of drafting and finalizing its first MVP Newsletter. The newsletter will be distributed to members of the Mass Violence Planning Workgroup every quarter. The newsletter will provide workgroup members with upcoming trainings, best practice publications, news, and other issues related to mass violence response. In addition, a segment will be dedicated to a member agency or individual so others may learn more about their missions, the services they provide during an MVI.

D. Mass Violence Planning Workgroup

In 2017, the Commission began hosting quarterly Mass Violence Planning Workgroup meetings to integrate victim services into official state and county plans, define the role of victim service providers during a mass violence incident (MVI), and determine how information is disseminated between MVI responders. Over the years, the workgroup has grown to over 50 participants representing various federal, state, and county agencies. The Commission continues to facilitate these meetings.

E. Tamarack Management (Project Period: June 1, 2023-October 31, 2023)

The Commission continues to work with Tamarack Management to update and finalize the *Mass Violence Response Plan for Victim Services* and develop strategies through training which strengthen the victim service response.

To date, the Commission has participated in four (4) planning meetings and two (2) draft review meetings.

F. Tamarack Management, Mass Violence Response Plan for Victim Services (Remote Training Platform) - November 17, 2023

The purpose of this training is to introduce the updated version of the Mass Violence Response Plan for Victim Services. The training will include members from the Mass Violence Victim Services Response Team, including: The Department of the Attorney General, CPJAD, US Attorney's Office – Victim Specialists Unit, The FBI, Office of Homeland Security – State of Hawaii, and the four county Victim Witness Project Directors and their secondaries.

G. Behavioral Health Response to Mass Violence Incidents (BHRMVI) – Part II

In February 2023, the Commission, in partnership with the National Mass Violence Victimization Resource Center (NMVVRRC), hosted a two-day statewide training for the State's behavioral health, victim service provider, first responder and

emergency management communities on the islands of O‘ahu and Hawai‘i. The training was successful.

With the momentum gained from the last training, and the most recent response to the Maui Fires, the Commission determined there was a need to provide the community with a second round of behavioral health training. The goal is to coordinate with NMVVR to provide an advanced or expanded version of the Behavioral Health Response to Mass Violence Incidents sessions. Tentatively the discussions with co-sponsors, consultants, and collaborators are still in its early planning phases.

VI. Language Access Update

A. Office for Victims of Crime (OVC) Language Access Learning Community Training

The Executive Director and one (1) Investigator attended the Office for Victims of Crime (OVC) Language Access Learning Community in Utah. The training educated states on state and federal guidelines for providing meaningful language access to best serve Limited English Proficient (LEP) individuals. This training highlighted the gaps in the Commission’s own Language Access efforts to which the Commission is working on now. A Language Access Plan is being drafted to meet best practices. In November 2023, OVC will be coming to Hawai‘i to do an additional training for Language Access, to which the Commission hopes to attend.

VII. Legislative Update/Briefing

A. SB1527 SD2 HD1 CD1 (PASSED)

Address Confidentiality; DLE; Office of the Lieutenant Governor; Appropriation; Expenditure Ceiling – Relating to Address Confidentiality

Changes the governmental entity responsible for the administration of the Address Confidentiality Program from the Office of the Lieutenant Governor to the Department of Law Enforcement. Allows the Department of Law enforcement to contract with a third party for the mail forwarding and acceptance of service of legal process aspects of the program. Effective 1/1/2024 (CD1)

The Commission joined with victim advocates to support the above stated bill with specific amendments. The Commission advocated for a Governance Committee to be created in relation to this bill, to keep it victim centered.

B. SB210 SD2 HD1 CD1 (PASSED)

City and County of Honolulu Package; Criminal Justice Data Sharing; Working Group – Relating to Criminal Justice Data Sharing

Establishes a Criminal Justice Data Sharing Working Group to make recommendations for a statewide criminal justice data repository. (CD1)

The Commission testified in support of a Criminal Justice Data Sharing Working Group with the amendment to include the Commission as a member of the working group. The Commission oversees the Restitution Recovery Project which collects court-ordered restitution from inmates and parolees and distributes those funds to crime victims. The Commission has observed a decrease in quantity and quality of restitution related data from the Hawaii Criminal Justice Data Center (HCJDC). It is vital to have a panel to investigate the system and analyze gaps and shortfalls. The Commission's Executive Director and JRI Restitution Accountability Project Coordinator attempted to get on panel to provide input but were denied.

C. SR202 (PASSED)

Judiciary; Administrative Director of the Courts; Juvenile Justice; Fees; Fines; Court Costs; Restitution

Requesting the Office of the Administrative Director of the Courts of the Hawaii State Judiciary to collect, compile, and share data on the assessment of fees, court costs, fines, and restitution in cases against minors and to make recommendations to legislatures regarding whether minors should pay restitution.

The Commission testified in support of this bill with amendments to ensure that victims' rights to restitution is an integral part of any recommendation. In Hawaii, victims have the statutory right to restitution, and this bill seeks to shift the burden of crime-related losses by the juvenile offender to the victims, survivors, and families. The Commission also recommends that an independent organization, not the Judiciary, provide independent recommendations on this matter, on the data collected, and that the interests of juvenile offenders and victims' rights are considered.

D. HCR23 HD1 SD1 (PASSED)

Hawaii Paroling Authority; Minimum Term; Task Force

Requesting the Hawaii Correctional System Oversight Commission to convene a task force to examine and make



recommendations regarding existing procedures of the Hawaii Paroling Authority setting the minimum terms of imprisonment.

The Commission testified in support of this bill with an amendment to include a representative from a victim advocacy group as a member of the working group. Without input from victim advocates, the legislature cannot be confident that the needs and concerns of crime victims, survivors, and public safety, are being addressed.

E. HB1133 HD1 (DID NOT PASS)

Communication Services; Correctional Facilities; Hawaii Youth Correctional Facilities; SAVIN; Appropriation – Relating to Public Safety

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. Appropriates funds for the Hawaii State Automated Victim Information and Notification system (SAVIN).

The Commission testified against this bill as it would eliminate the dedicated source of funding for the Statewide Automated Victim Information and Notification (SAVIN) Program. The SAVIN Special Fund was created to ensure a stable, designated funding source for the SAVIN Program that ensure the safety of crime victims and the community by giving crime victims the ability to exercise their right to be informed about the movement of offenders, and to be notified and heard during the parole process.

VIII. Ethics Training for Commissioners

- A. Announcement to Commissioners to complete State of Hawai'i Ethics Training and submit certificate of completion once finished.

IX. Proposed Change to Hawai'i Administrative Rule 23-605

- A. To be discussed further at next Commissioner's meeting. Proposed change is to eliminate rule regarding only original ink signatures as valid, for Crime Victim Compensation Commission applications. This would allow electronically signed applications or scanned email applications to be accepted.

The Administrative Meeting concluded at 4:20 p.m.