

Administrative Meeting of the
Crime Victim Compensation Commission (CVCC)
Minutes Tuesday, February 27, 2024
1164 Bishop Street, 1st 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),
Randi Barretto (Special Projects, Mass Violence Project), Leanna Bair (PAV Hawaii,
Mass Violence Project), Alysha Nagamine (Mass Violence Project)

Agenda

The Administrative Meeting commenced at 2:09 p.m.

I. Item for Decision Making:

A. Approval of Minutes from October 19, 2023

- o The Minutes of the October 19, 2023, meeting was moved for approval by Commissioner, Jo Kamae Byrne, and seconded by Commissioner, Clifton Y.S. Choy. The minutes were unanimously approved as submitted.

II. Items for Information/Discussion:

A. Justice Reinvestment (JRI) Restitution Update

Overall Restitution Collected from inmates and parolees from start of JRI through the end of January 2024 totaled \$5.6 million.

The Fiscal Year 2024 total to date (\$269,497.03) appears to be down 22% compared to the same time for FY23 (\$346,438.34). The Commission continues to collaborate with DCR and HPA to regularly review restitution dashboard reports for evidence of gaps in restitution collections and to develop solutions in response.

Despite recent reports of staff shortages and turnover at DCR's correctional institutions, most facilities continue to stay current on remittances thanks to the diligence and hard work of DCR and RAVS staff.

The amount of statutory restitution deductions remitted to CVCC from inmate accounts increased 29% from FY23 to FY24 for the same 7-month period:

- o July 2022 - January 2023 = \$102,035.38
- o July 2023 – January 2024 = \$131,960.11

As of December 2023, the previously reported issue with GTL restitution deductions has been resolved. A software update was

deployed to DCR's Inmate Trust Accounting System to ensure that staff can properly collect restitution from all the incoming GTL Kiosk deposits to inmate accounts.

The amount of restitution collected from parolees increased 17% from FY23 to FY24 for the same 7-month period through the end of January:

- July 2022 – January 2023 = \$65,043.37
- July 2023 – January 2024 = \$76,151.78

The Commission continues to receive inquiries from other states regarding the strategies and successes of Hawai'i's restitution collection. South Carolina and Nevada recently contacted the Commission for assistance.

B. Justice Reimbursement (JRI) Victim Services Update

See updates under SAVIN/RAVS.

C. Post-Conviction Assistance for Victims Website (PAV Hawai'i) Update

The website, pavhawaii.com will provide an online platform for victims and victim service providers to centralize post-conviction programs, increase accessibility to resources and victims' rights throughout the criminal justice system.

The Commission is working with a consultant and the Statewide Automated Victim Information and Notification (SAVIN) office to develop the content for pavhawaii.com.

The Commission's contractor will perform User Testing on pavhawaii.com to assess the accessibility, accuracy, and usability of the website's design and content. Once the content has been approved, it will be uploaded to the website.

Impossible6 will also conduct a hybrid training session for 25 participants, providing an overview of the PAVHawaii.com, user testing process, and presenting initial findings. Once findings from the User Testing process and training are finalized, Impossible6 will make recommendations to the Commission about the functionality and any suggested improvements.

D. Statewide Automated Victim Information and Notification (SAVIN) and Restitution and Victim Services (RAVS) Updates

SAVIN

The renewal proposal from VINE has been submitted for the 2nd of two supplemental contract extensions. DCR's procurement office is finalizing the contract.

The SAVIN program provided the following assistance for 7/1/2023- 12/31/2023: 156 SAVIN-related calls and 71,555 SAVIN notifications sent out. SAVIN continues its collaboration with the Commission on content for the joint project's webpage, pavhawaii.com. SAVIN also continues to work with RAVS in anticipation of post-conviction services program expansion. SAVIN/RAVS provided assistance to 77 victims over the phone or via email. SAVIN/RAVS staff will be attending the upcoming NAVAC Conference training in March 2024.

RAVS

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

The Commission identified a significant shortfall in the FY 2022 funding, resulting in the loss of one full-time Restitution Specialist position and a decrease in funding for the second Restitution Specialist. The Department of the Attorney General awarded the Department of Public Safety \$48,889 in de-obligated VOCA FY 2019 funding. This funding covered the shortfall and covered the Restitution Specialist's salary and fringe, and other cost categories through September 30, 2023.

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 hiring constraints, DCR requested a decrease in funding.

With assistance from the SAVIN Coordinator and the RAVS Restitution Specialist, project performance entries and reporting are entered and submitted in a timely manner.

As of 2/21/24, a program modification was submitted to change the Project Director from Commission to SAVIN/RAVS. The 1st quarter PMT and Performance Outcome Reports have both been submitted. The FY 2023 Award Letter was received on 2/20/2024 in the amount of \$157,913. The Commission will continue to assist and work alongside the SAVIN Coordination Unit to sustain the project. FY 2021 VOCA RAVS funding was closed as of February 13, 2024.

E. Mass Violence Victim Service Response Team Update

The Commission continues to develop its Mass Violence Response Plan for Victim Services, Internal Protocols, and Volunteer Policies and Procedures.

The Commission contracted with consultant, Tamarack Management, to update the Mass Violence Response Plan. Since the last draft, finalized in November of 2019, there have been many changes in response protocols. The Commission's goal is always to ensure procedures are updated and in alignment with the state's most current plans and annexes. On November 13, 2023, Tamarack Management facilitated a 3-hour training for MVI responders and partners at the county, state, and federal levels.

The Commission's Mass Violence Project Team conducted its first Volunteer Reception in December of 2023. The reception allowed volunteers the opportunity to ask the Commission questions, meet the Mass Violence Project team, and understand what their roles as a volunteer entailed. Of the 22 participants, 16 submitted a volunteer application and consented to a criminal background check.

To date, 16 volunteers have been cleared to assist crime victims in the aftermath of a mass violence incident with the Commission. A letter of clearance will be mailed to each volunteer. Volunteers will be asked to attend a 1-hour online volunteer orientation and complete a series of MVI trainings. Volunteers will also be asked to attend the upcoming two-day training hosted by the Commission in June of 2024.

In January 2023, the Commission's Mass Violence Team developed its Mass Violence Incident Response Internal Protocols. The protocol serves as a guide for the Commission when responding to a mass violence incident (MVI). The protocols will:

- Provide a definition of an MVI and the Commission's overall victim service role in responding.
- Outline procedures for vetting and training volunteers who will respond with Commission staff.
- Identify roles, responsibilities, and expectations of staff and volunteers, both in the office and in the field, regarding financial compensation and victim advocacy.
- Include policies to distribute, maintain, and test these protocols, including mandatory training and tabletop exercises.

Currently, the draft is under review by the Mass Violence Project Team and Executive Director.

Upcoming 2024 MVI trainings/conferences include:

- *Office of Homeland Security (OHS), Threat Team EDU (TTE) community stakeholders* (February 2, 2024)

- *Hawai'i State Fusion Center (HSFC) statewide campus security leaders' meeting* (March 7, 2024)
- *Institute on Violence, Abuse, and Trauma (IVAT)* (April 2024)

The Commission will be hosting a two-day training on O'ahu and Hawai'i Island tentatively entitled, "Behavioral Health Response to Mass Violence Incidents." The training dates are the week of June 24-28, from 9:00 am – 4:00 pm. The purpose of the training is to provide participants with learning experiences on best practice approaches such as Psychological First Aid and Skills for Recovery in the aftermath of a mass violence incident. This year we are dedicating a half-day session to Cultural Competency and Awareness. The goal is for participants to gain the ability to understand and respect values, attitudes, beliefs, and mores that differ across cultures, and to consider and respond appropriately to these differences when responding to victims of crime during a mass violence incident. The discussions with co-sponsors, consultants, and collaborators are still in the early planning phases.

The following agencies are confirmed co-sponsors for this training:

- Office of Homeland Security (OHS) - \$38,000
- Department of Health, Adult Mental Health Division (AMHD)/Child & Adolescents Mental Health Division (CAMHD) - \$51,000

F. Legislative Update/Briefing

HB 1663 and SB 2706

A Bill for an Act Relating to Expungement of Criminal Records, expanding the eligibility for, and automates, the expungement of conviction records if certain criteria are met. Beginning 12/1/2026, requires the Attorney General to issue automatic expungement orders and the Judiciary to seal and remove information from publicly accessible databases.

The Commission testified against HB 1663 and SB 2706 as they provide automatic expungement of conviction records for petty misdemeanants, and nonviolent class C felons if certain criteria are met. The offenses eligible for automatic expungement include domestic violence (AFHM), harassment by stalking, certain sex offenses, sexual exploitation, promoting pornography for minors, and habitual intoxicated driving. The automatic expungement of these crimes will have a detrimental impact on the victims and community safety. In addition, HB 1663 and SB 2706 do not

require that offenders meet their court-ordered restitution obligations before their record is expunged, further harming victims.

HB 2513 and SB 2522

A Bill for an Act Relating to Expungement, allowing persons convicted of certain criminal violations to apply to the court for an expungement order under certain circumstances.

The Commission testified against HB 2513 and SB 2522 as they allow minors convicted of driving under the influence of an intoxicant and first-time property offenders to apply for an expungement under certain circumstances. The potential expungement of these crimes will have a detrimental impact on community safety because it eliminates subsequent offender penalties and allows minors who drive under the influence of an intoxicant to erase their criminal record without adequate consideration of the risk they pose to the community.

HB 2746

A Bill for an Act Relating to Public Safety appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities and eliminates the major funding dedicated.

The Commission testified against HB 2746 as this eliminates the major dedicated special funding source for the SAVIN Program. There is no assurance of future appropriations that ensure full funding for the SAVIN Program.

SB 2116

A Bill for an Act Relating to Board Meetings, requiring boards to use interactive conference technology to remotely conduct public meetings in conjunction with in-person meetings that allow for public participating. Requires boards to archive minutes of meetings on their websites.

The Commission testified against SB 2116 as the Commission's administrative meetings are open to the public, it does not currently have an audiovisual connection and therefore, does not have the capacity or funding to support to use interactive conference technology to remotely conduct public meetings.

G. Proposed Change to Hawai'i Administrative Rules 23-605

The Commission proposes the removal of the requirement for an original signature as valid, for Crime Victim Compensation

Commission applications, in Hawai'i Administrative Rules section 23-605-4(b). This would allow electronically signed applications or scanned email applications to be accepted.

The Administrative Meeting concluded at 3:15 p.m.

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