



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 452, RELATING TO STATEWIDE SEXUAL ASSAULT SERVICES.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, March 4, 2015

TIME: 11:00 a.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Valri L. Kunimoto, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General ("Department") supports the intent of this bill and provides the following comments.

Section 1 of this bill appropriates \$380,000 in general funds to the Department for fiscal years 2015-2016 and 2016-2017, provided that the moneys appropriated shall be used to increase the amount of moneys budgeted by the Department for statewide sexual assault services to \$2,380,000 per fiscal year.

In addition, section 2 of this bill provides that beginning with fiscal year 2017-2018, the Department shall budget at least \$2,380,000 per fiscal year for statewide sexual assault services.

While we support the intent of this bill to appropriate more funds for statewide sexual assault services, we believe that the additional funds should not be conditioned on mandatory levels of funding. We believe that such mandates infringe on the discretion needed by the Attorney General to address the competing fiscal requirements in executing the Department's operations.

In particular, section 1 of this bill conditions the \$380,000 general fund appropriation on the Department using such moneys to increase the amount budgeted for statewide sexual assault services to \$2,380,000 per fiscal year. While the Department has expended in the neighborhood of \$2,000,000 for the past several years for statewide sexual assault services, and the proposed appropriation would bring that amount up to approximately \$2,380,000, there is no assurance that the Department will continue to receive funding at the \$2,000,000 level or choose to budget the services at the bill's prescribed level given the moneys available to the Department.

Further, section 2 of this bill violates the separation of powers between the executive and legislative branches of government because the spending of an appropriation is an inherently executive function. "[T]he exercise of discretion in determining when and how to distribute funds is an executive function." McInnish v. Riley, 925 So.2d 174, 182 (Ala. 2005) (internal quotation marks and bracket submitted).

We note that the \$380,000 increase in the statewide sexual assault services program is currently proposed in the biennium budget request for the Department.

We asked that this bill be passed with the \$380,000 general fund appropriation to the Department for statewide sexual assault services, but that the mandatory conditions relating to budgeting be deleted from this bill.

We respectfully ask the Committee to pass this bill with the recommended amendments.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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Honolulu, Hawai'i 96813
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Chair

MARTHA ROSS
Interim Commissioner

ABELINA M. SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE BILL 452
RELATING TO STATEWIDE SEXUAL ASSAULT SERVICES
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Wednesday, March 4, 2015; 11:00 AM
State Capitol, Conference Room 308

Good morning Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finance. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 452 relating to statewide sexual assault services. House Bill 452 appropriates funds for statewide sexual assault services.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. 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.

The Commission supports this bill which provides the \$2,000,000 necessary for direct services and the \$380,000 necessary for technical services.

The Commission works collaboratively with the Sex Abuse Treatment Center on Commission cases involving sexual assault victims. Unlike the Commission which can only provide assistance to sexual assault victims who report the crime to the police, the Sex Abuse Treatment Center provides services to all sexual assault victims including the large number of sexual assault victims who choose to address their trauma privately. Sexual assault victims deserve to receive specialized, uniform, and standardized care from trained professionals. The Sex Abuse Treatment Center and its outer island counterparts provide the treatment and assistance that sexual assault victims need to process their trauma.

The Statewide Sexual Assault Services appropriation also funds the “Med-Legal” examinations that are vital to sexual assault prosecutions and helps to start the healing process for the victim. The Commission is statutorily unable to provide compensation for these examinations, therefore continued funding through this appropriation is both vital and necessary.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 452.



THE SEX ABUSE TREATMENT CENTER

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

Executive Director
Adriana Ramelli

DATE: March 4, 2015

Advisory Board

TO: The Honorable Sylvia Luke, Chair
The Honorable Scott Nishimoto, Vice Chair
House Committee on Finance

President
Mimi Beams

Vice President
Peter Van Zile

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

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

RE: Testimony in Support of House Bill 452
Relating to Statewide Sexual Assault Services

Marilyn Carlsmith

Senator
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Gidget Ruscetta

Joshua A. Wisch

I would like to thank the Committee for this opportunity to provide testimony on behalf of The Sex Abuse Treatment Center (SATC), a program of Kapi'olani Medical Center for Women & Children (KMCWC), in strong support of House Bill 452 (H.B. 452).

H.B. 452 requests funds to update the base operating budget of the Department of the Attorney General (the AG) in support of the development, delivery and maintenance of quality, sustainable programs to provide sexual assault services Statewide.

The SATC administers state funding through a master contract between the AG and KMCWC for sexual assault services provided by the SATC, the YWCA of Kaua'i, Child & Family Service Maui (including Moloka'i and Lana'i), and the YWCA of Hawai'i Island. These sexual assault centers partner to provide statewide master contract direct services, covering:

- 24/7 crisis intervention, including immediate help following a sexual assault and crisis counseling and support;
- Mental health therapy services;
- Coordination of care and advocacy;
- Prevention and education services.

The SATC, as the master contractor, further provides technical assistance in the form of ongoing planning, oversight, and consultation of this network of sexual assault centers in order to support the delivery of these statewide direct services.

Through this close, collaborative partnership, efficiency is attained by having an integrated, statewide network of centers sharing a uniform set of practice standards,

procedures, and materials, and a strong program of training and compliance monitoring. Additionally, each center is able to benefit from the skill, wisdom, and experience possessed by its sister organizations, which would not be possible if each were acting in isolation and without sufficient coordination.

Presently, base operating funds for statewide sexual assault services in the amount of \$2,000,000 per year – which has remained unchanged since 2007 – are divided between statewide direct services and technical assistance. The funding made available by H.B. 452 will permit the entire \$2,000,000 to be used for direct services, while continuing to allow the SATC to conduct the technical assistance needed to support them.

This will translate into the SATC and the neighbor island sexual assault centers being able to fill current critical gaps in the provision of direct services, with a focus on rural areas and fragile/underserved populations.

Funding needs include, but are not limited to:

- Prevention and education services for rural communities on the neighbor islands. Specific examples include the islands of Moloka'i, Lana'i and Kaua'i, where these services have been limited, and Hawai'i Island, where there is currently no available capacity for this type of service.
- Full time crisis counselor staffing for Hawai'i Island dedicated to fulfilling the immediate needs of sexual assault survivors in Hilo and Kona.
- Crisis counseling and support services for the adult community correctional facility on Kaua'i, and for high risk youth at the detention home on O'ahu.
- Mental health therapy services for survivors and their loved ones on Maui and Moloka'i, and for outlying areas of Kaua'i such as Waimea.

By guaranteeing the sustainability of our programs, your support of H.B. 452 assures that survivors and their loved ones across the islands will receive the care that is crucial to recovery from the effects of sexual assault, and empowers communities statewide with the services needed to prevent acts of sexual violence.

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2015 10:59 AM
To: FINTestimony
Cc: tjdavies@juno.com
Subject: *Submitted testimony for HB452 on Mar 4, 2015 11:00AM*

HB452

Submitted on: 3/3/2015

Testimony for FIN on Mar 4, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
T.J. Davies	Kokua Council & AARP 60	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Karen Teshima

To: The Honorable Sylvia Lake, Chair
The Honorable Scott Y. Nishimoto, Vice Chair
Members of the House Committee on Finance

From: Kathleen McGilvray, Chief Executive Officer
Lorraine Davis, Chief Operating Officer
YWCA of Hawaii Island

Re: Testimony in Support of House Bill 452
Relating to Satewide Sexual Assault Services

On behalf of the board of directors, staff and the many individuals and families who benefit from YWCA Sexual Assault Support Services program, thank you for allowing us this opportunity to provide testimony in strong support of House Bill 452 (H.B. 452).

H.B. 452 requests funds to update the base operating budget of the Department of the Attorney General (the AG) in support of the development, delivery and maintenance of quality, sustainable programs to provide sexual assault services Statewide.

The Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women and Children (KMCWC) administers state funding through a master contract between the AG and the KMCWC for sexual assault services provided by the YWCA of Hawaii Island for the entire island of Hawaii. Our Sexual Assault Support Services (SASS) provide direct services that ensure survivors and their loved ones have access to the highest standard of care no matter where they may reside on the island, and that communities in our county are empowered to combat sexual violence. SATC has worked with all counties in the state of Hawaii to provide a high degree of network-wide coordination and program integrity. To that end, SATC provides technical assistance in the form of ongoing planning, oversight, and consultation.

Our Programs

Enhanced Healthy Start

Healthy Start

Preschool and School Age

Sexual Assault Support

Services

Teen Court

**Our Mission: YWCA Hawai'i Island is dedicated to eliminating racism, empowering women,
And promoting peace, justice, freedom, and dignity for all.**

A partner agency of the Hawai'i Island United Way

As a provider, the technical assistance provided by SATC has been invaluable. Through their expertise and assistance, the SASS program has been able to standardize care across the island, establish victim based policies and procedures, improve systems of care and direct service, receive training otherwise not available and ground the program in practices that are beneficial to the survivor and their families. The staff and resources made available by SATC have become our "go to" experts for our program. We have used them for training, discussing difficult cases, reviewing processes and quality improvement activities.

SATC has worked closely with all sexual assault support centers across the state to standardize care, provide technical oversight, and ensure compliance as well as worked with other entities to bring the issue of sexual violence and the need for care to the forefront in our communities.

Supporting H.B. 452 will allow this close, collaborative partnership between government and community entities to continue and the State of Hawaii will realize the best possible value for every dollar spent on sexual assault services. Our program has been able to benefit from the skill, wisdom, and experience possessed by its sister organizations on other islands, which would not be possible if we were working independently and without SATC's coordinating efforts. Our program believes that having integrated, statewide network of centers sharing a uniform set of practice standards, procedures, and materials, and a strong program of training and compliance monitoring is necessary to delivering quality services to our victims and their families.

Presently, base operating funds for statewide sexual assault services in the amount of \$2,000,000 per year – which has remained unchanged since 2007 – are divided between direct services and technical assistance. The resources made available by H.B. 452 will allow the entire \$2,000,000 to be used for direct services, including 24/7 crisis intervention, counseling, survivor advocacy, prevention and educational outreach, while still fully funding the technical assistance that supports continued development and consisting both across the network of sexual assault centers and systemically in association with other in-state stakeholders. The lack of change since 2007 has whittled away at the amount of technical services and the amount of direct service contract amounts that SATC has been able to provide to the outlying centers. Our center specifically has had to adjust services, staffing, and resources to be able to meet the

Our Mission: YWCA Hawai'i Island is dedicated to eliminating racism, empowering women, And promoting peace, justice, freedom, and dignity for all.

A partner agency of the Hawai'i Island United Way

**eliminating racism
empowering women**
ywca

YWCA of Hawai'i Island
1382 Kilauea Avenue
Hilo, Hawai'i 96720
www.ywcahawaiiisland.org
808-935-7141

increasing needs of the victim and the increasing costs to do business without the benefit of increased support in funding. Your support of H.B. 452 will lend to the sustainability of the sexual abuse service programs across the State of Hawaii. By guaranteeing the sustainability of our programs, your support of H.B. 452 assures that survivors and their families across the islands will receive the care that is crucial to recovery from the effects of sexual assault and equip communities statewide with the service needed to prevent acts of sexual violence.

**Our Mission: YWCA Hawai'i Island is dedicated to eliminating racism, empowering women,
And promoting peace, justice, freedom, and dignity for all.**

A partner agency of the Hawai'i Island United Way

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2015 9:55 AM
To: FINTestimony
Cc: director@ywcakauai.org
Subject: *Submitted testimony for HB452 on Mar 4, 2015 11:00AM*

HB452

Submitted on: 3/3/2015

Testimony for FIN on Mar 4, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rena Hamilton	YWCA of Kauai	Support	No

Comments:

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Hawaii Island United Way

DATE: March 3, 2015

TO: The Honorable Sylvia Luke, Chair
The Honorable Scott Nishimoto, Vice Chair
House Committee on Finance

FROM: Nicole Hokoana, Director of Maui County Programs
Child & Family Service

RE: Testimony in Support of H. B. 452
Relating to Statewide Sexual Assault Services

Good afternoon Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finance. My name is Nicole Hokoana and I am the Director of Maui County Programs for Child & Family Service. I am writing on behalf of the Maui Sexual Assault Center, a program of Child & Family Service, and recipient of consultation and support offered by Oahu's Sex Abuse Treatment Center, also known as the SATC.

Child & Family Service strongly supports updating the base operating budget of the Department of the Attorney General. The increase proposed by HB 452 provides funding to support the cost of consultation, coordination, technical assistance, and assures program integrity and consistency throughout the state.

SATC frequently assists its sister sexual assault centers to ensure a high standard of quality care across Hawai'i. SATC provides oversight as we, the local sex assault center, deliver 24/7 crisis response, counseling, and education services throughout Maui County. Since the 2007 fiscal year, the State appropriation for statewide sexual assault services has been \$2,000,000. The increase proposed in this bill will allow the base operating budget to remain for the provision of direct services, adding monies to the SATC to focus solely on statewide coordination efforts. Previously, resources needed to provide adequate and necessary technical assistance were allocated from the \$2,000,000 operating budget; however, this results in a diversion from much needed direct services funding at the county level.

As a new Director in 2012, the support offered by the SATC was critical to my understanding and administration of the Maui Sexual Assault Center. Through quarterly face-to-face meetings, training and countless phone calls between SATC staff and myself, I was able to understand my role as director; furthermore, I am able to advocate for the needs of the Maui County community. The dialogue and collaboration that takes place between the SATC and its sister agencies is unlike all other contracts I oversee. Without question, our relationships are respectful and collaborative; we truly partner to provide the best possible services for victims statewide, always mindful of the unique needs of our different island communities.



Our Mission: Strengthening Families and Fostering the Healthy Development of Children

Should HB 452 receive support, the Maui Sexual Assault Center will benefit from an increased direct services budget. With an increased budget, the Maui Sexual Assault Center will fund prevention and education services on the islands of Molokai and Lanai. Currently, funding restricts service provision in these highly rural communities of Maui County. We would also increase much needed clinical therapy services for survivors and loved ones; since this service requires master's level and/or licensed professionals, its high cost limits our provision. With more monies we will provide clinical therapy on Maui and Molokai, and work closely with service providers on Lanai to ensure victims on all islands of Maui County have treatment options.

I urge you to support the base operating budget increase as written in HB 452, as it will not only provide the SATC with funding it needs to provide consultation and critical support to the local sex assault centers, but will increase the amount of monies each county receives to provide direct services.

Thank you for this opportunity to testify.