



Hawai'i Statewide Strategic Plan for Victim Services

**A Follow-up Report Submitted to the
Department of The Attorney General**

Prepared by: **Muthusami Kumaran, Ph.D.**
College of Social Sciences Public Policy Center
University of Hawai'i at Mānoa



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ACKNOWLEDGEMENTS

The consultant would like to thank Adrian Kwock, Chief, Grants & Planning Branch, Crime Prevention & Justice Assistance Division, Department of the Attorney General for all the support. I acknowledge the following subcommittee chairs for their timely reports and commitment: Mei Chun, Pam Ferguson-Brey, Lena Lorenzo and Henry Oliva. I also would like to acknowledge Pat McManaman, Linda Chun, Jessica Lani Rich and Dennis Dunn for their valuable inputs to this report.

Finally, I would like to thank Susan Chandler, Interim Director and Diane Sakai, Administrative Assistant, University of Hawaii - College of Social Science Public Policy Center for their assistance in completing this project.

INTRODUCTION

Background

The National Association of VOCA Assistance Administrators (NAVAA), Office for Victims of Crime (OVC) selected the Hawaii Department of the Attorney General (AG) to participate in a national strategic planning initiative. A team from Hawaii was selected to travel to Washington, D.C. to receive intensive training in strategic planning. During the training, the Hawaii team identified four underserved crime victim populations:

- Visitor victims
- Immigrants and persons with limited English proficiency
- Persons with disabilities
- Elderly victims

Planning Organization

The Strategic Planning Steering Committee (called NAVAA 6), provided policy direction and oversight of the development of the SSPVS. The purpose of the project is to develop a strategic plan to enhance services for underserved victims of crime. The NAVAA 6 members include: Mei Chun, Victim-Witness Coordinator, U.S. Attorney's Office, District of Hawaii; Pam Ferguson-Brey, Administrator, Crime Victim Compensation Commission; Momi Kamau, Chief, Maternal and Child Health Branch, Hawaii State Department of Health; Lena Lorenzo, Director, Victim Witness Assistance Division, Department of the Prosecuting Attorney, County of Maui; Henry Oliva, Deputy Director, State of Hawaii Department of Human Services; and Nancy Ralston, Criminal Justice Planning Specialist, Crime Prevention and Justice Assistance Division, Department of the Attorney General. Subcommittees were formed for each of the four underserved crime victim populations.

The Strategic Plan

The components of the SSPVS were developed with consensus among NAVAA 6 members and their subcommittee members. Below are the vision statement, mission and the SSPVS goals and objectives.

The Vision

The vision of the Hawai'i Strategic Plan for Victim Services is to provide a seamless service delivery system that is victim centered and inclusive.

The Mission

The mission of the strategic planning process is to:

- Educate agencies and involve communities in developing and providing services to victims of crime including underserved populations.

- Provide leadership to the victim service agencies and collaborate with the community to effectively deliver seamless victim centered services in a manner that maximizes resources to ensure that the greatest number of victims can be served.

Strategic Goals and Objectives for Visitor/Tourist Crime Victims

Goal 1: *Provide temporary assistance to address immediate needs of visitors who are victimized by crime.*

Objective: Victimized visitors of reported crimes are supported by telephone access, health services, replacement of personal identification, provision of interpreters, transportation, food and lodging, and other personal services as needed.

Goal 2: *Reduce the incidents of crimes against visitors by increasing awareness of safety and security issues and increasing enforcement of crimes affecting visitors.*

Objective 1: Increase visitors' awareness of safety and security issues.

Objective 2: Increase visitors' knowledge about available victim services in Hawaii (and in their state/country of residence, if applicable).

Objective 3: Increase law enforcement efforts to deter solicitations & reduce property crime.

Goal 3: *Reduce bureaucracy as it relates to services for tourists and visitors who are victimized in Hawaii.*

Objective: Reduce the amount of time it takes to process the replacement of identification, legal documentation, and related processes for victimized visitors.

Strategic Goals and Objectives for Immigrant/LEP Crime Victims

Goal 1: *Immigrant and LEP victims of crime will have meaningful and comprehensive access to victim assistance and crime-related services*

Objective 1: Create a statewide, state-funded and staffed task force to develop and coordinate strategic plan.

Objective 2: Gather from and provide information to relevant service providers on LEP populations and issues.

Objective 3: Develop and support implementation of a statewide service plan for 24/7 Delivery of language services to LEP crime victims.

Objective 4: Provide for training on multiple LEP issues and legal obligations.

Objective 5: Provide education and outreach to LEP/immigrant populations on

crime-victim issues.

Objective 6: Build pool of qualified and competent Interpreters/ Translators.

Objective 7: Outreach to funders and policymakers

Goal 2: *Hawaii will serve as a model for the nation for a bias-free environment to eliminate the victimization of immigrants.*

Objective 1: To incorporate and integrate Goal #2 into task force activities

Objective 2: To identify sources and types of anti-immigration bias throughout the state

Objective 3: Support community research, education and awareness initiatives to address

the victimization of vulnerable immigrants

Objective 4: Support establishment and reliable systems to document anti-immigrant bias in Hawaii.

Goal 3: *Enhance the civil and legal rights of immigrant and LEP crime victims.*

Objective 1: To incorporate and integrate Goal #3 into task force activities

Objective 2: To amend Hawaii Revised Statutes to require the state and county and other entities that receive state or county funds to provide language accessible services

Objective 3: Ensure legal assistance for immigrant crime victims to enforce their rights under the law

Strategic Goals and Objectives for Crime Victims with Disabilities

Goal 1: *Provide equal access to the criminal justice system and victim services to crime victims with disabilities*

Objective 1: Law Enforcement (county police departments) will obtain training about ADA compliance and the rights of victims with disabilities.

Objective 2: Prosecutors, public defenders, and the judiciary will be able to communicate effectively with persons who are deaf, hard of hearing, speech impaired, and cognitive impaired.

Goal 2: *Increase understanding and response to crimes against people with disabilities by Service Providers.*

Objective: Service providers (and entities who interact with people with disabilities) shall be able to refer victims with disabilities to appropriate agencies.

Goal 3: *Increase understanding and response to crimes against people with disabilities.*

Objective: People with disabilities will be able to recognize a crime committed against them and will be able to access a civil and criminal justice systems

to obtain remedies.

Strategic Goals and Objectives for Elderly Crime Victims

Goal 1: *Reduce and prevent consumer fraud against the elderly, and provide services to elderly victims of fraud.*

Objective: Develop a social marketing program about elder consumer fraud prevention and victim assistance.

Goal 2: *Review existing statutes and penal code, and propose new legislation to strengthen the ability of law enforcement agencies to investigate and prosecute perpetrators of elder abuse and neglect.*

Objective: Form a Task Group of law enforcement, prosecutors, DHS, DOH, AARP and relevant federal agencies.

Goal 3: *Increase successful prosecution of perpetrators of crimes against the elderly.*

Objective 1: Develop successful investigation and prosecution units for crimes against the elderly (both in-home and at care homes).

Objective 2: Create effective communication and collaborative policies between law enforcement and social services.

The Launch of SSPVS

On October 31, 2005 the SSPVS was launched by the Department of the Attorney General at the Japanese Cultural Center of Hawaii. About 50 individuals including subcommittee members and representatives of various service providers, advocacy/assistance groups, volunteers, state and local governments attended this program. The UH team made a presentation of the SSPVS, followed by remarks from subcommittee chairs. Subcommittees also held separate discussions to plan future course of actions.

The Follow-up Report

This follow-up report highlights various programs, activities and events that were direct and indirect results of the SSPVS as reported by subcommittee chairs and members. The following sections list various SSPVS follow-up activities spearheaded by the Department of the Attorney General, Visitor Crime Victims Sub-committee, Immigrant/LEP Crime Victims Sub-committee, Sub-committee on Crime Victims who are Persons with Disabilities, and the Elderly Crime Victims Sub-committee.

**HAWAII STATEWIDE STRATEGIC PLAN FOR VICTIM SERVICES
FOLLOW-UP BY THE DEPARTMENT OF THE ATTORNEY GENERAL**

1. Dissemination of SSPVS

The Department of the Attorney General disseminated the SSPVS in various ways. About 160 copies of the SSPVS have been distributed to various organizations and individuals from across the state. After the launch of the Plan in October 2005, for easy electronic access to a wider audience, the Department of the Attorney General also posted the SSPVS, in its entirety, on the Hawaii State Government website (URL: <http://hawaii.gov/ag/cpja/main/gp/sspvs.pdf>).

2. Grants to promote the SSPVS goals and objectives

- A Crime Victim Assistance Grant to the Visitor Aloha Society of Hawaii (VASH) for a project titled “Visitor Crime Awareness and Response Training.” Project period: January 1, 2006 – September 30, 2006.
- A Crime Victim Assistance Grant to the Department of Human Services for a project titled “Case Management for Elderly Victims of Crime.” Project period (continuation of a previous project): October 1, 2005 – September 30, 2006.
- A Crime Victim Assistance Grant to the Disability and Communication Access Board for a project titled “Disability Access to the Criminal Justice System and Victim Services.” Project period: January 1, 2006 – September 30, 2006.
- A S.T.O.P Violence Against Women Act Grant to the Domestic Violence Clearing House & Legal Hotline for a project titled “Statewide Strategic Planning Process to Improve Accessibility of Services for Immigrant Survivors of Abuse and Sexual Assault.” Project period: March 1, 2006 – October 31, 2006.
- An Edward J. Byrne Memorial Justice Assistance Grant to the Department of Human Services for a project titled "Financial Exploitation of the Elderly". Project period (continuation of a previous project): March 1, 2006 - February 28, 2007.

**HAWAII STATEWIDE STRATEGIC PLAN FOR VICTIM SERVICES
FOLLOW-UP BY THE VISITOR CRIME VICTIMS SUBCOMMITTEE**

1. Visitor Crime Awareness Training Conference

The Visitor Aloha Society of Hawaii (VASH) will be coordinating the *Visitor Crime Awareness Training Conference*. Members of the visitor industry who have frequent contact with visitors, and members of the law enforcement community who respond to crimes involving visitor victims, will be trained to identify, respond to, and report crimes against visitors. The Training Conference will be held at the Hawaii Convention Center on Friday, July 28, 2006. Six breakout training sessions will be available to 200 attendees.

Invited governmental and non-governmental organizations will include: the County Police Departments, the National Park Service, the Military, the County Victim Assistance Programs, the U.S. Attorney, the Hawaii Attorney General, Social Service Agencies, Hospice, VASH Board of Directors and Volunteers, Mortuaries, Medical and Health Service Providers, the Hawaii Visitor Bureau and Industry Association, Hawaii Visitors and Convention Bureau, Car and Truck Rental and Leasing Association, Consular Corps of Hawaii, Travel and Tourism Educational Institutions, and Marketing and Communications Agencies.

The six training sessions will cover a variety of topics, including: 1) the needs of international crime victims - overcoming cultural barriers; 2) the psychological impact of crime on visitor victims; 3) VASH statewide crime victim assistance programs; 4) visitor victim services from hotel security and visitor assistance programs; 5) an overview of crimes against visitor victims; and 6) the Hawaii Visitors and Convention and Bureau's "Travel Smart" program.

2. Emergency Identification - Visitor Crime Problem

Visitor crime victims face unique challenges and need specialized assistance. Visitors are targeted for property crimes by criminals because visitors are known to carry large amounts of cash and/or forms of "portable wealth," such as credit cards, electronic equipment, and jewelry. Many visitor victims of property crimes also have their means of personal identification stolen, making it difficult for them to rent a car, buy alcoholic beverages, visit federal monuments, or to be cleared by airport security to return home. The difficult and time-consuming process now necessary to replace stolen personal identification was identified as a major obstacle for victims choosing to continue with the remainder of their vacation plans.

One of the goals of the Strategic Planning Committee is to provide visitor victims whose personal identification is stolen with temporary state identification. A protocol to provide temporary state identification to visitor victims whose personal identification has been stolen has been created through the collaborative efforts of VASH, the Department of the Attorney General's Criminal Justice Data Center State Identification Program, and the Crime Victim Compensation Commission. Visitors whose personal identification has been stolen are now able to get a form of temporary state identification within one day.

**HAWAII STATEWIDE STRATEGIC PLAN FOR VICTIM SERVICES
FOLLOW-UP BY THE IMMIGRANT/LEP CRIME VICTIMS SUBCOMMITTEE**

The first focus of the Immigrant/LEP Crime Victims subcommittee was to develop legislation in the arena of language access to bring the State of Hawaii into compliance with Title VI of the Civil Rights Act of 1964. Prior to the opening of the 2006 Legislative Session, a core group of immigrant advocates, health care workers, lawyers, domestic violence case managers and community educators met to discuss the history of language access in Hawaii and to explore strategies for the upcoming session. Shari De la Cuadra, a law student at the William S. Richardson School of Law, researched state and regional language laws. With her research in hand, the language access community began to draft several proposals to introduce in the 2006 Hawaii State Legislature.

Once introduced, the community rallied around the language access bills and a broad based coalition was formed including the following organizations and individuals: Domestic Violence Clearinghouse and LegalHotline, Catholic Charities, Susannah Wesley Community Center, Kokua Kalihi Valley Health Center, Na Loio – Immigrant Rights and Public Interest Legal Center, Kathy Davis from the University of Hawaii, Hawaii Civil Rights Commission, Hawaii Department of Health, and countless other professional and community organizations and individuals. As a result of the collaborative community work and with the aid of several key legislators including Representative Jun Abinsay, Rep. Sylvia Luke, and Rep. Kirk Caldwell, HB 2778 passed out of the legislature and is now waiting for the governor's signature before it becomes law. Full text of the Bill is included in the appendix section of this report.

H.B. 2778 creates an Office of Language Access which will coordinate and oversee the state's efforts to provide oral and written language services to limited English proficient persons, establishes a Language Access Advisory Council to advise the Office of Language Access, and appropriates general revenues to staff and maintain positions for the office of the Language Access Director and Advisory Council. Passage of H.B. 2778 is a major victory for language access supporters who have worked relentlessly over the past twenty years to advance the civil rights of limited English proficient persons residing in Hawaii. H.B. 2778 will open the doors to limited English proficient people and enable them to participate at all levels of government and to access services, programs and activities either offered by the State or funded with State funds.

Other community efforts related to Goal 1 included two separate trainings on sexual assault and domestic violence for Oahu based interpreters and translators, sponsored by Na Loio. Court and medical interpreters were among the invited guests. A model training curriculum was developed for each separate training. Additionally, the Filipina Women's Rural Project - Domestic Violence Clearinghouse and Legal Hotline sponsored a one-day conference for child welfare workers, state judges, and shelter workers on the intersection of domestic violence and immigrants. Language access and cultural competency were focal points for the conference. The Hawaii Strategic Plan for Victim Services report was also disseminated to legislators, community organizations and others in the community who provide services to the LEP population. It is hoped these agencies and individuals will also begin to implement the goals and objectives found in the plan.

**HAWAII STATEWIDE STRATEGIC PLAN FOR VICTIM SERVICES
FOLLOW-UP BY THE SUBCOMMITTEE ON CRIME VICTIMS WHO ARE PERSONS WITH
DISABILITIES**

The Persons with Disabilities Subcommittee continues to work on activities focused on meeting the goals and objectives of the Strategic Plan for Crime Victims with Disabilities.

In December 2005, Subcommittee members Francine Wai, Executive Director, Disability and Communication Access Board (DCAB), Dennis Dunn, Executive Director, Victim Witness Kokua Service, Honolulu Prosecutor's Office, and Mei Chun, Victim Witness Coordinator, U.S. Attorney's Office and Subcommittee Chair, met with Adrianna Ramelli, Executive Director, Sex Abuse Treatment Center (SATC), the SATC Crisis Services Coordinator, and the SATC Medical Services Coordinator to discuss the possibility of future training for staff and crisis workers. In collaboration with the Disability and Communication Access Board, the training would focus on working with women with disabilities who are victims of sexual abuse. Possible funding through Victim Of Crime Act (VOCA) funds.

Status: Preliminary plans are for a Fall 2006 training

In January 2006, Subcommittee members Gary Smith, Executive Director, Hawaii Disability Rights Center (HDRC), Francine Wai, and Mei Chun, met with Carol Lee, Executive Director, Hawaii State Coalition Against Domestic Violence, to discuss the feasibility to submit a concept paper for an Education and Technical Assistance Grant to End Violence Against Women with Disabilities to the Office on Violence Against Women. All concurred, even given the short time before the deadline, the opportunity to possibly secure a grant for \$600,000 over a 3 year period for education and prevention was hard to pass up. Francine Wai, Gary Smith, and Carol Lee collaborated and with great combined efforts submitted a concept paper with the supporting documents. If funded, the project will focus on the development and dissemination of materials about violence for women with disabilities and service providers, and the dissemination of information to victim assistance programs and criminal justice agencies about their legal requirement to serve women with disabilities.

Status: Awaiting a decision from Office on the Violence Against Women.

In February 2006, the Disability Communication and Access Board (DCAB) applied for Victims of Crime Act funds (VOCA) through the State Attorney General's Office for a special project. The goal of the project is to increase access for persons with disabilities to law enforcement, the criminal justice system and victim service providers. The objective of the project is to enable individuals in such agencies to better serve crime victims with disabilities. The project is a two-day training on June 8-9, 2006 as a component of the 2006 Disability Access Conference. Grant funds have been awarded and scholarships are being offered to 30 Oahu participants, and 30 Neighbor Island participants, to include airfare and one night lodging. Mei Chun, in collaboration with the County Victim Witness Coordinators (4), established the participant list. Invited participants included the County Police Departments, the County Victim Witness Advocates, Domestic Violence and Sexual Assault Advocates, Administrators for the Judiciary, Department of Human Services -Adult Protective Services Social Workers, Members of the Visitor Aloha

Society, and other agencies who provide services to crime victims.

A dedicated track, developed by DCAB, focuses on workshops to meet the project objective. The workshop sessions will include the Director of the U.S. Department of Justice, Civil Rights Division, Disability Rights Section and use of a training video from the U.S. Department of Justice, Office for Victims of Crime. In addition, workshops focusing on the inter-relationship of crime and disability, community resources, and communication skills with various disability groups are being developed by the Hawaii Disability Rights Center and the U.S. Attorney's Office, in collaboration with the Disability and Communication Access Board. The participants will also engage in a brainstorming and evaluation session to help determine future needs.

Status: In the process of registering participants for the June 2006 conference.

In March 2006, Mei Chun discussed with Phyllis Shinno, Victim Witness Program Director, Hawaii County Prosecutor's Office, the possibility of adding a component to the intermediate sexual assault training to be held in Hawaii County in June 2006. The component would focus on the sexual abuse of women with disabilities and criminal justice system. Since the discussion, national expert Nora J. Baladerian, Ph.D. has been contracted by the Hawaii County Prosecutor's Office to conduct workshops on working with sexual assault victims with disabilities including advanced forensic interviewing skills and clinical interventions.

Status: Conference June 7-9, 2006

In April 2006, a committee member located a newly published 8-segment training video on the Americans With Disabilities Act website (www.ada.gov). The video is designed specifically for police departments to use during roll call. Each segment is approximately 8 -10 minutes and focuses on one type of disability. The video will assist officers in the appropriate response to individuals with disabilities encountered in the course of their duty. The videos will be transmitted to the four county Police Chiefs with a cover letter from the Disability and Communication Access Board (DCAB) seeking the implementation of the videos in police roll calls, in-service, and new recruit training.

Status: Distribution June 2006

**HAWAII STATEWIDE STRATEGIC PLAN FOR VICTIM SERVICES
FOLLOW-UP BY THE ELDERLY CRIME VICTIMS SUBCOMMITTEE**

Elderly Crime Victims Subcommittee assisted the State of Hawaii Executive Office on Aging in conducting a series of conferences titled “SageWatch Senior Fraud and Abuse Conference.”

SageWatch Senior Fraud and Abuse Conference

“Finding a Solution Conference”

Mission: The goal of the conference is to bring private, government and community organizations together to develop ideas and a new sense of cooperation in preventing fraud and abuse against the elderly.

Goals:

- Alert Kupuna of new consumer fraud schemes and how to report fraud, the services and the resources for them.
- Provide professionals in law enforcement, social service and the aging network to collaborate in an open forum to identify problems and find solutions in stopping the victimization of Hawaii’s Kupuna.
- Increase awareness of work of all federal funded programs- and state programs with a focus on fraud and abuse prevention.
- Establish a network of community partners with a creation of a Fraud and Abuse Taskforce whose mission will be to stop the victimization of Hawaii’s Kupuna.

Attendees: Conferences were open to public. About 200 people were in attendance at each conference. There were also exhibits where relevant flyers and other information material were distributed.

Conference Topics:

- Identity Theft and Consumer Fraud
- Health Care Fraud
- Victim Support
- Family Caregiver Abuse and Exploitation

Conference Locations & Date:

Oahu – Wednesday, September 28, 2005

Hilton Hawaiian Village

Hilo – Thursday, April 6, 2006

Hawaii Naniloa Resort – capacity 300-350

Maui – Wednesday, May 10, 2006

Maui Beach Hotel – capacity 175-200

Kauai – May 4

Kauai Marriott Resort and Beach Club – capacity 200

In addition to the SageWatch conferences that the Executive Office on Aging has held on Oahu and Neighbor Islands, the Department of Human Services will be attending meetings with Senator Suzanne Chun Oakland beginning June 2006 to specifically address possible statutory amendments to the Dependent Adult Protective Services Law (HRS 346-222) and other statutes pertaining to the prosecution of individuals who commit crimes against the elderly and/or disabled individuals in the State of Hawaii. It is to be noted that between May 21 – 25, *The Honolulu Advertiser* published a series of reports and articles on the abuse of the elderly. These reports, the subcommittee hopes, have considerably increased the public awareness on the seriousness of the issue and possible solutions.

APPENDIX

House of Representatives
Twenty-third Legislature, 2006
State of Hawaii

H.B. No. 2778; H.D. 2; S.D. 2; C.D. 1

Report Title:

Language Access

Description:

Provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. (HB2778 CD1)

A BILL FOR AN ACT
RELATING TO LANGUAGE ACCESS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 371, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"Part . LANGUAGE ACCESS

§371-A Purpose. Most individuals living in Hawaii read, write, speak, and understand English. There are many individuals, however, who are limited English proficient. Language for limited English proficient persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by state-funded programs and activities.

The purpose of this part is to affirmatively address, on account of national origin, the language access needs of limited English proficient persons. In providing the delivery of language accessible services, it is the intent of the legislature that those services be guided by Executive Order 13166 and succeeding provisions of federal law, regulation, or guidance.

§371-B Definitions. Whenever used in this part, unless a different meaning clearly appears from the context:

"Access or participate" means to be informed of, participate in, and benefit from the services, programs, and activities offered by the State and covered entities.

"State" means the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other agencies within the executive, legislative, or judicial branches.

"Covered entity" means a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services on behalf of the State. It shall not include procurement contracts, state insurance or guaranty contracts, licenses, tax credits, or loan guarantees to private businesses of general concern that do not render services on behalf of the State.

"Language" means human speech or the expression of ideas by written characters and includes systems used by nations, people, or other distinct communities.

"Limited English proficient" means individuals who, on account of national origin, do not speak English as their primary language and who identify themselves as having a limited ability to read, write, speak, or understand the English language.

"Oral language services" means the free provision of oral information necessary to enable limited English proficient persons to access or participate in services, programs, or activities.

"Vital documents":

(1) Means printed documents that provide important information necessary to participate in services, programs, and activities; and

(2) Includes but is not limited to applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services.

§371-C Oral and written language services. (a) Each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons, which will be determined by a totality of circumstances, including the following factors:

(1) The number or proportion of limited English proficient persons served or encountered in the eligible service population;

(2) The frequency with which limited English proficient persons come in contact with the services, programs, or activities;

(3) The nature and importance of the services, programs, or activities; and

(4) The resources available to the State or covered entity and the costs.

(b) Subject to subsection (a), each state agency and covered entity shall provide competent, timely oral language services to limited English proficient persons who seek to access services, programs, or activities.

(c) Subject to subsection (a), each state agency and covered entity shall provide written translations of vital documents to limited English proficient persons who seek to access services, programs, or activities, as follows:

(1) Written translations of vital documents for each eligible limited English proficient group that constitutes five per cent or one thousand, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered; or

(2) If there are fewer than fifty persons in a limited English proficient group that reaches the five per cent threshold in paragraph (1), written notice in the primary language to the limited English proficient language group of the right to receive competent oral interpretation of those written materials, free of cost.

(d) To the extent that the State requires additional personnel to provide language services based on the determination set forth in this section, the State shall hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions.

§371-D Additional obligations. (a) Each state agency and covered entity shall establish a plan for language access.

(b) Each state agency's plan for language access shall be established in consultation with the executive director of the office of language access and the state agency's coordinator for language access. State agencies receiving federal financial assistance shall file an initial language access plan with the executive director of the office of language access no later than July 1, 2007, and every two years thereafter. All other state agencies shall file a language access plan with the executive director of the office of language access no later than July 1, 2008, and every two years thereafter.

(c) Each state agency shall designate a language access coordinator who shall establish and implement the plan for language access in consultation with the executive director of the office of language access and the language access advisory council.

§371-E Public meetings and public hearings. (a) State agencies to which this part applies shall not be required to translate meeting notices, agendas, or minutes.

(b) Subject to section 371-C, oral language services for public meetings or public hearings held by the legislature shall be provided if requested at least forty-eight hours in advance of the meeting or hearing. Where the notice of any public meeting or public hearing is posted less than forty-eight hours in advance of the meeting or hearing, oral language services shall be provided if requested at least twenty-four hours in advance of the meeting or hearing.

§371-F Executive Director of the Office of Language access; duties. There is established within the department of labor and industrial relations, for administrative purposes only, an office of language access. The head of the office shall be known as the executive director of the office of language access, hereinafter referred to as executive director. The executive director shall be appointed by the governor without regard to chapter 76. The executive director shall:

(1) Provide oversight, central coordination, and technical assistance to state agencies in their implementation of language access requirements under this part or under any other law, regulation, or guidance;

(2) Provide technical assistance to covered entities in their implementation of this part;

- (3) Review and monitor each state agency's language access plan for compliance with this part;
- (4) Where reasonable access is not provided, endeavor to eliminate the barrier using informal methods such as conference, conciliation, mediation, or persuasion. Where the language access barrier cannot be eliminated by informal methods, the executive director shall submit a written report with the executive director's opinion and recommendation to the state agency or the covered entity. The executive director may request the state agency or the covered entity to notify the executive director, within a specified time, of any action taken on the executive director's recommendation;
- (5) Consult with language access coordinators, the language access advisory council, and department directors or their equivalent;
- (6) Subject to section 371-C, create, distribute to the State, and make available to covered entities multilingual signage in the more frequently encountered languages in the state, and other languages as needed, informing individuals of their right to free oral language services and inviting them to identify themselves as persons needing services; and
- (7) Adopt rules pursuant to chapter 91 to address the language needs of limited English proficient persons.

§371-G Language access advisory council. (a) There is established the language access advisory council within the department of labor and industrial relations for administrative purposes. The council shall consist of the following members to be appointed by the governor:

- (1) One representative from the state government;
- (2) One representative from a covered entity;
- (3) One bilingual case management worker, or an individual who is or has been employed by a state-funded immigrant service agency or program;
- (4) One representative of an advocacy organization that provides services to limited English proficient persons;
- (5) One member from the limited English proficient population who has an interest in the provision of oral language services;
- (6) One representative of the University of Hawaii department of language and linguistics who provides professional training in interpretation and translation;
- (7) One representative of a Hawaiian language advocacy organization;
- (8) One representative of a professional interpreter's organization;
- (9) One representative of a bilingual referral service or program;
- (10) The executive director of the Hawaii Civil Rights Commission or authorized representative;
and

(11) The executive director, as ex-officio member.

(b) Members shall be appointed in accordance with section 26-34. The terms of the members shall be for four years; provided that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year. The council shall select one of its members to serve as chair. No member of the council shall receive any compensation for council services, but shall be allowed necessary expenses for travel, board, and lodging incurred in the performance of council duties.

(c) The language access advisory council shall serve in an advisory capacity to the executive director, providing input on:

(1) Implementation and compliance with this part;

(2) The quality of oral and written language services provided under this chapter; and

(3) The adequacy of a state agency or covered entity's dissemination and training of its employees likely to have contact with limited or no-English proficient persons, its policies and procedures for language services, its competency in working effectively with in-person and telephone interpreters, and its understanding of the dynamics of interpretation between clients, providers, and interpreters."

SECTION 2. Chapter 371 is amended by designating sections 371-1 to 371-18 as part I and adding a title before section 371-1 to read as follows:

PART I. GENERAL PROVISIONS

SECTION 3. The executive director shall submit a written report annually to the governor and to the legislature no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2007, detailing compliance, complaints and resolutions, recommendations to enhance compliance, and statutory or administrative changes to further the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$440,000 or so much thereof as may be necessary for fiscal year 2006-2007 to staff and maintain positions at the department of labor and industrial relations for the office of the executive director and language access advisory council.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 5. In codifying the new part added to chapter 371, Hawaii Revised Statutes, by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for letters used in designating the new sections in this Act.

SECTION 6. This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 2006.