



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Public Safety  
Committee on Labor and Public Employment

Testimony by  
Hawaii Government Employees Association  
March 19, 2009

S.B. 546, S.D. 1 – RELATING TO  
CORRECTIONS

The Hawaii Government Employees Association supports S.B. 546, S.D. 1, which would establish an electronic monitoring pilot program within the Department of Public Safety that would allow eligible non-violent offenders to live and work in the community. With so many states, including Hawaii, facing significant budget shortfalls, redirecting resources to programs that reduce long-term correction costs is a viable means of generating savings. The key driver of criminal justice costs is the high rate of incarceration.

We believe that this program is a cost-effective alternative to reducing the substantial cost of incarceration. Another potential benefit of the pilot program is that it will help to safely reintegrate non-violent offenders back into the community and also reduce the likelihood of recidivism by enabling them to have jobs.

Nationally, spending on corrections now exceeds \$50 billion a year and accounts for 1 out of every 15 discretionary dollars spent by state governments. In 2007, it was the fastest growing component of state budgets. Criminal correctional spending outpaces budget growth in education, transportation and public assistance based upon data from states and the federal government. Only Medicaid spending grew faster than state corrections spending, which increased four times over the past two decades.

A recently released report by the Pew Center on the States found that Hawaii is one of 20 states with the largest correctional populations per 1,000 people. There are a number of ways to reduce corrections spending, such as monitoring convicts through probation and parole. A survey of 34 states found that states spend an average of \$29,000 a year on prisoners, compared with \$1,250 on probationers and \$2,750 on parolees. This study and survey found that despite more spending on prisons, recidivism rates remained largely unchanged.

Hawaii State House of Representatives  
Committee on Public Safety  
Committee on Labor and Public Employment  
Testimony on S.B. 546, S.D. 1  
March 19, 2009  
Page 2

States must recognize the need to focus more attention and resources on managing offenders in the community. The difference in cost between institutional and community corrections is great. The average daily cost of supervising someone in the community was \$3.42 in fiscal 2008, compared to \$78.95 to incarcerate an inmate.

Thank you for the opportunity to testify in support of S.B. 546, S.D. 1

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nora A. Nomura', with a long horizontal flourish extending to the right.

Nora A. Nomura  
Deputy Executive Director

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 19, 2009

10:00 AM

Room 309

## **SB 546 SD1 - ELECTRONIC MONITORING SUPPORT**

[PBSTestimony@capitol.hawaii.gov](mailto:PBSTestimony@capitol.hawaii.gov)

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance the quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 546 SD1 requires the Department of Public Safety to establish a pilot program on O`ahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration and appropriates funds for this purpose.

Community Alliance on Prisons is in support of SB 546 SD1. The data confirms that long prison sentences, especially for non-violent lawbreakers, are counter-productive. These austere economic times present us with a great opportunity to re-think what we are doing and analyze what is working and what isn't. The majority of Hawai'i's lawbreakers are non-violent and are incarcerated for drugs or drug-related crimes. Again, the data show that what works for drug offenders are incentives, not sanctions. Knowing this, electronic monitoring presents an incentive for non-violent individuals to stay on track.

This bill also can help our ailing economy because it would save more than a million dollars a year if we released nonviolent felons and put them into the electronic monitoring program. This would give them a chance to reenter the community, rebuild their lives and reinstate themselves back to their communities.

Let's try every available option to help individuals safely and successfully reenter the community.

Please pass SB 546 SD1 in the interest of reducing recidivism, protecting public safety, and assisting individuals who are working to rebuild their lives.

Mahalo for this opportunity to testify.



the  
**Drug Policy  
Forum**  
of hawai'i

March 19, 2009

To: Representative Faye Hanohano, Chair  
Representative Henry Aquino, Vice Chair  
And Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: SB 546 SD1 RELATING TO CORRECTIONS  
Hearing: March 19, 2009, 10:00 a.m., Room 309

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in support of SB 546 which establishes a pilot program on Oahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration.

This proposal is an alternative to our expensive and failed policy of incarceration. Since a majority of the prison population is non-violent and classified as minimum or community custody, this is a way to place sanctions, restrict movement, but allow participation in the community and the workplace.

As our state faces difficult financial times, it is an opportunity for us to examine and implement programs other than medium and maximum security prisons. Incarceration is extremely expensive, costs are growing, and the rates of incarceration are also growing. Since a large part of those costs are for prison security, methods such as electronic monitoring would place restrictions on non-violent offenders, while not increasing the threat to public safety.

Please pass SB 546 SD1. This pilot program deserves the chance to be implemented.

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## **COMMITTEE ON PUBLIC SAFETY**

Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair  
Thursday, March 19, 2009  
10:00 am  
Room 309

### **SUPPORT WITH AMENDMENT: SB 546, SD1 RELATING TO CORRECTIONS Electronic Monitoring of Persons under Legal Supervision**

Aloha Chair Hanohano, Vice Chair Aquino, and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of SB 546, SD1 with amendments. I am an attorney on the island of Maui and have previously worked as a Public Defender, Civil Rights Enforcement Attorney, and staff member of a reentry program on Maui. I am also an active member of Community Alliance on Prisons. These experiences have shaped my advocacy efforts to promote accountability and transparency within our correctional system.

SB 546, SD1 authorizes the Department of Public Safety and Hawaii Paroling Authority to release nonviolent committed persons subject to wearing electronic monitoring devices.

It is refreshing to see the introduction of criminal justice bills that focus on diversion rather than prison expansion. This bill rests on the premise that prison expansion is not prison reform. Reducing the number of people locked up is the key to reform. *See The State of Sentencing 2007: Developments in Policy and Practice.* The Report highlights state legislative efforts to “address prison overcrowding, reform parole and probation supervision, expand drug sentencing diversion and establish reentry assistance” and most effectively allocate resources to maximum public safety.

According to PSD’s Classification Report relating to the new Classification System, females are projected to comprise 44% of the community custody designation, and males are projected to comprise 30.1% community custody. The proposed bill would allow individuals that pose little risk to reside in the community while under legal supervision and electronic monitoring. This would also allow individuals to work in the community and care for their families, and reduce the astronomical costs associated with warehousing men and women in prison (approximately \$40,000 per person annually).

**AMENDMENT.** This bill only authorizes PSD and HPA to release nonviolent committed persons subject to wearing electronic monitoring devices. The reality is that individuals convicted of “violent crimes” will also be released into the community after serving lengthy sentences. Rather than focusing on the type of crime, the focus should be on releasing individuals that are deemed “low risk” as identified by criminogenic instruments and other factors (i.e. gender responsive considerations, reentry support, etc.). Accordingly, PSD should have the authority to release all persons using electronic devices as an alternative to sentencing. Similarly, PSD and HPA should have the authority to release all persons, including persons convicted of violent crimes identified as “low risk” in preparation for work furlough, extended furlough or parole supervision, as part of a comprehensive strategic approach to reduce prison overcrowding.

***The Legislature should also consider expanding this bill to mandate the Department of Public Safety and Hawaii Paroling Authority to grant early discharge to those individuals that pose little risk and have demonstrated a commitment to living in the community as law-abiding members while under parole supervision.*** This approach would be one component of a comprehensive plan to reduce prison overcrowding and return individuals home to Hawai'i.

Mahalo for this opportunity to submit testimony in support of SB 546, SD1, with the proposed amendment.

Respectfully submitted,

Carrie Ann Shirota, Esq.  
Wailuku, Hawai'i 96793  
cashirota@aol.com

**Hepatitis Support Network of Hawai'i**  
**Prison Reintegration and Family Reunification Program**

1286 Queen Emma Street

Honolulu, Hawaii 96813

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808-942-4276

March 19, 2009

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry J.C. Aquino, Vice-chair

Thursday, March 19, 2009

10:00 a.m.

Conference room 309

SB 546

RELATING TO CORRECTIONS

SUPPORT

My name is Andy Botts, Director of The Hepatitis Network's Prisoner Reintegration Program, and author of Nightmare In Bangkok. I strongly support this long overdue alternative to incarceration. The Federal government and many states in America have used electric monitoring successfully for many years. It's a cost effective approach to incarceration, and is an instrumental source of monitoring. Considering the fact that most offenders have a history of drug and/or alcohol dependence, which there is no permanent cure, our best approach to prevent relapse to reduce recidivism is to use different approaches, and this is a proven approach.

Andy Botts, Director  
Prisoner reintegration program  
Author, Nightmare In Bangkok

Franklin Jackson  
950 Luehu St Apt#403  
Pearl City, Hawaii 96782  
fjpearlcity@aol.com  
March 19, 2009

COMMITTEE ON PUBLIC SAFETY  
Rep. Faye Hanohano, Chair  
Rep. Henry J.C. Aquino, Vice-chair  
Thursday, March 19, 2009  
10:00 a.m.  
Conference room 309  
SB 546  
RELATING TO CORRECTIONS  
SUPPORT

My name is Franklin Jackson. I strongly support any and all alternatives to incarceration, and electric monitoring is a proven method of strict supervision.  
Mahalo for the opportunity to testify in this matter.

Franklin Jackson



COMMITTEE ON PUBLIC SAFETY

Rep. Faye P. Hanohano, Chair

Rep. Henry J. C. Aquino, Vice Chair

Thursday, March 19, 2009

10:00 AM

Conference Room 309

SB 546 SD1 — Electronic Monitoring Pilot Program

VERY STRONG SUPPORT

Dear Chair, Vice Chair, and Committee Members:

I very strongly SUPPORT this bill.

Hawaii's jail and prison population rose 20% according to the Bureau of Justice Statistics. How can Hawaii continue to fund the ever increasing prison population. We must come up with creative ways which would benefit the State and the prisoners.

Please consider the electronic monitoring of individuals to include all individuals. Not as to whether they are felons or not but the type of crime that was committed. The evaluation of each prisoner as to whether they are truly a danger to society should be the criteria.

Many of our prisoners could be sent out to work if electronic monitoring is adopted. This would benefit the prisoner in learning a trade possibly and becoming socially adjusted to living conditions prior to his release. This cost cutting measure would help to help pay for other social programs.

Mahalo for the opportunity to submit my testimony and I urge you to pass this bill.

Aloha,

Elaine Funakoshi

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**From:** Peter Gellatly [pgellatly@mac.com]  
**Sent:** Wednesday, March 18, 2009 4:50 PM  
**To:** PBStestimony  
**Cc:** Sen. Will Espero  
**Subject:** SB 54 SD1 -- ELECTRONIC MONITORING -- STRONG SUPPORT

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair  
Thursday March 19, 2009  
Room 309  
8:30 am

Aloha Chair Hanohano, Vice Chair Aquino, and members of the committee,

My name is Peter Gellatly. I am the president of Better Media and represent the local community on the state's Corrections Population Management Commission. I also am honored to be working on public safety issues within the Interagency Council on Intermediate Sanctions.

My greatest value in this and any public safety discussion, if there is any, lies in my orientation as a results-driven businessman. There are differences, of course, between private and public sector concerns, but both require business plans featuring cost-effective goals and deadlines.

This bill is a simple matter of dollars and common sense. In this time of crisis, the costs of incarceration are bankrupting Hawaii and other states. We need to adopt very-low-risk alternatives to spending tens of thousands of dollars per year to warehouse men and women who could be out earning a living and paying taxes. A pilot program limited to 30 hand-picked individuals will in itself save the state of Hawaii nearly a million dollars. Its extension in the future will help even more.

Please pass this bill.

Thank you very much.

aloha,

Peter Gellatly