

SB 2025

Measure Title:
RELATING TO PAROLE

Report Title:
Parole; Annual Review; Discretionary

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

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CHAIR

DANE K. ODA
MEMBER

ROY W. REEBER
MEMBER

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ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 2025
RELATING TO PAROLE

HAWAII PAROLING AUTHORITY
Albert Tufono, Chair

Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Chair Espero, Vice Chair Bunda and Committee Members:

The Hawaii Paroling Authority supports Senate Bill 2025, amending Section 353-70 of the Hawaii Revised Statutes. Current practices are in place to address early discharge consideration for parolees that have displayed a positive adjustment to parole supervision in the community. All persons that are eligible and wish to pursue a gubernatorial pardon must do so utilizing the appropriate application and be subject to an investigation by the Hawaii Paroling Authority as well as the Department of Attorney General, before a decision is made by the Governor.

Under current federal and state laws, convicted felons are prohibited from owning and possessing firearms thus making them ineligible from entering the military service of the United States.

These amendments will update Section 353-70 with current laws and practices and streamline the workload for staff at the Hawaii Paroling Authority.

We thank you for this opportunity to testify and for your support on this bill.

January 25, 2010

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

Aloha Senators Espero and Bunda,

Thank you for holding a Committee hearing on SBs 2025 and 2026 tomorrow. As you may know, corrections is an issue of great significance to me from both a research and policy standpoint. Hawaii has made enormous strides in the area of inmate reentry in the last few years and much of the credit goes to your Committee and its hard work in this area. Parole, naturally, is conspicuously important to public safety and clearly is an area where many improvements can be made. These improvements should make gains in terms of public safety, costs, and equity.

Therefore, I must convey my strong opposition to both SB 2025 and 2026 and hope you will do the same because I feel that these two bills, if passed, would reverse the progress we've made as a State in the area of reentry. My specific comments are below each bill:

**SB 2025 PSM, JGO (Judiciary and Government Operations Committee)
Relating to Parole, Annual Review, Discretionary**

Making annual reviews discretionary for segments of the parole population is not constructive from a correctional management perspective. Inmates who are making progress on their rehabilitation programs needs to be acknowledged and regular hearings give these individuals an important goal to work towards. Why should such inmates languish in prison when they are appropriate for release? (The cost savings between incarceration and community supervision need hardly be mentioned here.) Finally, this bill makes no comment about possible disparities that will arise from such discretion or what recourse individuals have to the denial of requests for discretionary parole hearings. Therefore, I see this as an important equity and liability issue—one that the State should not ignore.

**SB 2026 PSM, WAM (Ways and Means Committee)
Parole Services Fee**

The costs of our correctional policies are, in large part, shifted already to the inmate and her family. People exit prison with little money and many expenses; their families are already burdened by many years of hardship. The Brennan Center for Justice found that Maryland's

Parole Supervision Fee is a barrier to reentry. As with my earlier comments, with all of the work that Hawaii has done to create a comprehensive reentry system, why reverse course? Given the difficulties involved in collecting these fees (as witnessed in other States), this fee seems more a symbolic punishment than part of a rational approach to reentry.

In short, I believe that these bills are unworthy of consideration for passage. Nor do they reflect the record of clear thinking and policymaking that generally has characterized your Committee's work in the past. Thank you for your attention.

Sincerely,

Marilyn Brown, Ph.D.
University of Hawaii at Hilo

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 PM

Room 229

STRONG OPPOSITION TO SB 2025 - Relating to Parole

PSDTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda 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 our quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 2025 amends the law to make annual parole reviews discretionary rather than mandatory for 1) those who have been on parole for at least five years, and 2) those who were denied parole at the initial parole hearing. It also deletes provisions relating to final discharge of paroled prisoner who receives an honorable discharge from the military.

Community Alliance on Prisons stands in strong opposition to this measure. Making parole review hearings discretionary is a disincentive to individuals working to change their lives.

SB 2025 is a barrier to reentry/reintegration.

Parole is the safety valve of the correctional system. It can also be the bottleneck. In fact, it is. Making parole hearings discretionary will have individuals lingering in the system with no hope. That is not a correctional best practice. Best practices entail moving an individual through the system toward reentry/reintegration in the community.

The majority of Hawai'i's incarcerated population has substances abuse problems. The research is clear that incentives work for people with drug problems. Parole hearings give individuals the incentive to continue working on their rehabilitation and toward their reintegration. It's a light at the end of a dark tunnel.

It is the duty of Hawai'i Paroling Authority (HPA) to schedule hearings to acknowledge an individual's progress toward reintegration.

Scheduling frequent hearings is also a correctional management tool as individuals focus on meeting the conditions mandated by HPA.

As Hawai'i struggles through very lean budget times, it is important that prison beds are reserved for violent individuals, and not wasted on those at whom we are mad.

Prison is the most expensive sanction. There are alternatives to incarceration that would directly address individuals' pathways to crime. These alternatives are cheaper, more effective, and would keep more people in the community, closer to their `ohana, and would keep money circulating in our economy. DBEDT reports that for every dollar we export, we lose three dollars in economic activity.

There are things we can do right now by shifting correctional dollars away from prison and into community programs. Effective programming would help individuals take responsibility for their actions, learn better approaches to problem solving, and develop a plan to live healthy lives in the community.

The preliminary classification study (January 2008) showed that Hawai'i is over-classifying our inmate population and that the majority of our jail and prison population should be classified as minimum and community custody - the least restrictive levels. The final study and implementation plan has not yet been released to the public (despite the fact that the study was publicly funded).

SB 2025 will only serve to further clog the correctional system.

Community Alliance on Prisons respectfully urges the committee to hold this measure.

Mahalo for this opportunity to share our thoughts with the committee.



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

January 26, 2010

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair and
Members of the Committee on Public Safety & Military Affairs

From: Jeanne Ohta, Executive Director

Re: SB 2025 Relating to Parole
Hearing: Tuesday, January 26, 2010, 1:15 p.m., Room 229

Position: Strong Opposition

The Drug Policy Forum of Hawai'i writes in opposition to SB2025, Relating to Parole. This measure would amend the law to make annual parole review hearings discretionary rather than mandatory for certain parolees and for those who were denied parole at the initial parole hearing.

As the state currently faces a fiscal crisis and as prison costs increase, it should be the role of the paroling authority to ensure that those inmates appropriate for release are released and not incarcerated for longer than is necessary; neither should parolees be supervised for longer than necessary. Limiting parole hearings is a disincentive to the incarcerated to work hard in their rehabilitation process.

Managing our prison budget means that the prison population must also be managed wisely. Parole hearings are a means to determine who is ready for release; however, the vague language of this bill allows for the granting of hearings to be arbitrary which may unnecessarily extend incarceration and parole supervision at huge expense to taxpayers.

We urge the committee to hold this bill. Thank you for this opportunity to provide testimony.

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Honorable Senator Will Espero, Chair
Honorable Senator Robert Bunda, Vice Chair
Other Honorable Committee Members

Tuesday, January 26, 2010
1:15 p.m.
Room 229

**STRONG OPPOSITON TO DECREASE PAROLE HEARING
SB 2025**

Sent to: PSMTestimony@capitol.hawaii.gov

I STRONGLY OPPOSE this measure, which would allow the state discretion to decrease the number of parole hearings for incarcerated people.

This bill is an example of “throwing away the key.” It promotes bad correctional policy and should be stopped immediately.

If anything parole hearings should be increased and the state should be working to release more people from prison. We already have too many people imprisoned who do not belong there. Reducing parole hearings obviously will work to keep more people in prison who should not be there.

People in prison who are low risk, e.g. there for probation or parole violations, substance abuse and/or property crime, should be provided more reentry services, released on parole, and given community based services to address the reasons for the behavior that resulted in their incarceration.

Additionally, parole hearings give imprisoned people something to hope for and without that prison management will be impaired.

Please vote against this measure.

The Libertarian Party of Honolulu County
c/o 1658 Liholiho St #205
Honolulu, HI 96822

TESTIMONY

RE: SB 2025 to be heard Tuesday, January 26, 2010 at 1:15PM in conference room #229

To the Members of the Senate Committee on Judiciary

The Libertarian Party of Honolulu opposes passage of SB#2025. Incarceration is the most expensive tool Hawaii uses to deal with persons who violate our laws. It is of utmost importance that the Corrections Department, probation officers, and paroling authority do everything they can to process persons through this system efficiently. Doing away with required annual parole hearings may mean missing the opportunity to release a felon into a halfway house or other less costly environment. The extra cost to the tax payer for just one person held in our prisons for an extra year can be \$40,000. Let's be sensible and look for alternatives wherever they may appear.

Sincerely:

A handwritten signature in black ink, appearing to read "Tracy Ryan", with a long horizontal flourish extending to the right.

Tracy Ryan
Oahu County Chair, The Libertarian Party of Hawaii

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

STRONG OPPOSITION - SB 2025, Relating to Parole, Annual Review, Discretionary

Dear Chair Espereo, Vice Chair Bunda and committee members:

I oppose this bill because it will remove the mandatory provision for annual parole reviews for those who have been on parole for at least five years and those who were denied parole at the initial parole hearing. And, to delete the provisions relating to final discharge of paroled prisoner who receives an honorable discharge from the military seems to invalidate their service to country.

It is only through the Paroling Authority's review of the inmates can their progress be measured and acknowledged.

Without these mandatory hearings, inmates who are not a threat to society will be incarcerated longer than necessary, and we, the public, will have to continue to foot the bill.

We continue to "kill" successful programs, like Kulani, and now, we're trying to find ways to keep the inmate population increasing for the benefit of the Corporation of America's stocks to increase. Auwe!

It is so frustrating to see our Aloha State not care about those who are incarcerated and have no voice.

With warm regards,
Elaine Funakoshi

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

STRONG OPPOSITION - SB 2025

Aloha Senator Espero, Senator Bunda, and members of the committee,

I am adamantly opposed to SB 2025. In order to balance the State's budget, decrease crime and heal our state's culture, we must **decrease the prison population**. The duty of the Paroling Authority is to ascertain when an inmate has rehabilitated sufficiently to integrate back into society. Parole hearings need to be mandatory, not optionally scheduled. Without this forum for monitoring an inmate's progress, and changing their sentence appropriately, we will continue to unduly burden taxpayers with room, board and surveillance of people who could be re-united with their families and become contributing members of society.

This bill is a step backwards.

Additionally Office of Hawaiian Affairs points out on its webpage: "Official estimates indicate that Hawai'i's prison population is more than 40 percent Native Hawaiian, more than double the percentage of Native Hawaiians in the overall state population."

Healing is needed, not more punishment.

Mahalo for hearing my concerns,

Netra Halperin, MA

Kihei, Maui

From: Lela M. Hubbard [mailto:lmhubbard@hawaiiantel.net]
Sent: Monday, January 25, 2010 1:44 PM
To: PSM Testimony
Subject: Strong Opposition-SB 2025

Committee of Public Safety and Military Affairs (PSM)
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
Tuesday, January 26, 2010, 1:15p.m. room 229

Aloha! Thank you for hearing this bill and allowing me to give testimony. I oppose this bill SB 2025 because it would not guarantee that the prisoner would have fair and equal treatment. The law should remain the same to prevent favoritism, by allowing "their discretion"

Aloha,
Regina DiasTauala, PH. 488-8114
99-118 Kohomua St.#101, Aiea, Hi. 96701-3846

From: Fattorosi, Erin [mailto:efattorosi@metcalfconstruction.com]
Sent: Monday, January 25, 2010 9:13 AM
To: PSM Testimony
Subject: Bill #2025

Aloha,

I am writing to voice my opposition to Bill #2025 which is currently before the legislature. I have a son in prison in Hawaii and it worries me that this bill says "additional hearings MAY be held at 12 month intervals". I think the inmates deserve to be heard at frequent, regular intervals, guaranteed. The language is too vague and WILL lead to unfairness in granting hearings. Please do not let this bill get passed as it reads now.

Thank you for your time and consideration,

Erin Welsh

VP Administration
(808) 329-1975 Ext. #14
Cell: (808) 960-8395

From: Lela M. Hubbard [mailto:lmhubbard@hawaiiantel.net]
Sent: Monday, January 25, 2010 9:08 PM
To: PSM Testimony
Subject: Opposition to SB 2025

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tues., Jan. 26, 2010, 1:15 PM, Rm229

Parole hearings are a hope for inmates, a way for them to get out if they follow their program, work towards changing their attitudes and creating a new slate for themselves. However, to leave these hearings to the whim of the Paroling Authority would create an unstable situation. Inmates now can count on the annual review. If they are serious, they can set goals and progress.

Unfortunately, it appears as if hearing requests under this bill could be unfairly withheld. Another way to punish the offenders?

Please hold this bill.

Mahalo,

Lela M. Hubbard
Na Koa Ikaika
99-407 Aiea Heights Drive
Aiea, HI 96701-3516
PH 487-2311