



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

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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2026, SD2  
RELATING TO PAROLE

HAWAII PAROLING AUTHORITY  
Albert Tufono, Chair

Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

March 11, 2010, 9:00 a.m.  
State Capital, Room 309

Chair Hanohano, Vice Chair Aquino and Committee Members:

The Hawaii Paroling Authority (HPA) supports Senate Bill 2026, SD2, establishing a parole services fee and a parole services special fund. The practice of collecting a fee associated with parole supervision is a practice that is being utilized by 34 states throughout the country. Fees are either assessed monthly (ranging between \$15 to \$185) or single payment (ranging between \$200 to \$300).

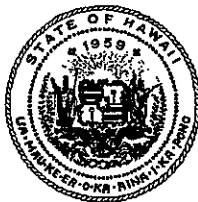
Should this bill become law, the use of these funds would be focused on enhancement of parole services, mainly staff training and database enhancement. HPA has been implementing evidence-based practices since 2002 and has seen a significant decrease in the recidivism rate in the parole population. However, to apply evidence-based skills, a minimum of 60 plus hours of training is required for new staff to get them familiarized with interviewing, assessing and formulating case management strategies. Veteran staff also requires training to maintain their skill level. Due to the current economic condition and budget constraints, funding for training has been eliminated from our agency's budget.

The current database system at HPA does not have the capacity to capture parole supervision information necessary for evidence-based practices. HPA was fortunate in receiving a federal grant in 2009 to enhance our current database system. However, our agency currently lacks the additional funding that will be required to maintain the system on a monthly basis.

Lastly, while HPA supports this bill, we are requesting that several amendments be made. Specifically, we are asking that Section 1 (b) (2) and Section 1 (b) (3) be deleted and that the effective date of this bill under Section 6 be amended.

We thank you for this opportunity to testify.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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THOMAS WATTS  
Commissioner

PAMELA FERGUSON-BREY  
Executive Director

TESTIMONY ON SENATE BILL 2026, SD2  
RELATING TO PAROLE

by

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday, March 11, 2010; 9:00 AM  
State Capitol, Conference Room 309

Good morning Chair Hanohano, Vice Chair Aquino and Members of the House Committee on Public Safety. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission supports the passage of Senate Bill 2026, SD2. Senate Bill 2026, SD2 amends Chapter 353, Hawaii Revised Statutes, by adding two new sections, and also amends section 351-62.5. The first new section authorizes the paroling authority to assess a mandatory parole service fee (the "Fee") against all parolees who have the ability to pay; provides that the Fee is payable after any outstanding restitution or crime victim compensation fees are paid in full; provides that 80% of the Fee shall be deposited to the parole services special fund and 20% to the crime victim compensation special fund; and provides that the Fee be assessed against parolees supervised outside of the state, if allowable under the interstate compact. The second new section creates a parole services special fund; provides that the moneys in the fund be used by the Hawaii paroling authority to defray the expense of operating the parole system and enforcing the conditions of parole; and prohibits the fund from being used to pay paroling authority salaries. Finally, SB 2026 amends section 351-62.5, HRS, to provide that Fees may be deposited into the crime victim compensation fund.

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 the establishment of a mandatory Fee against parolees to defray the expense of operating the parole system and enforcing the conditions of parole. Criminal offenders, rather than taxpayers, should bear the cost of these services.

Thank you for providing the Commission with the opportunity to testify in support of SB 2026, SD2.

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON PUBLIC SAFETY  
ON  
SENATE BILL NO. 2026, S.D. 2

March 11, 2010

RELATING TO PAROLE

Senate Bill No. 2026, S.D. 2, establishes a parole service fee and creates the parole services special fund to defray non-salary expenses of the Hawaii Paroling Authority in operating the parole system. The special fund would generate revenues through deposits of 80% of the new \$60 parole service fee; the remaining 20% of the fee would be deposited into the existing crime victim compensation special fund.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 and 37-53.4 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. It is difficult to determine whether the fund will be self-sustaining.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 11, 2010

9:00 a.m.

Room 309

OPPOSITION TO SB 2026 - Parole Service Fee

[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 diverse community initiative working to improve conditions of confinement for Hawai'i's incarcerated individuals, enhance the 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 2026 establishes a parole service fee and specifies proportional deposits of the parole service fee into the parole services special fund and the crime victim compensation special fund.

Community Alliance on Prisons stands in strong opposition to this measure.

Hawai'i has chosen incarceration as a policy and parole is part of the cost of that policy. Parole costs about \$5/day per individual while incarceration costs an average of \$118/day per individual.

If Hawai'i were truly serious about reentry, money would be released to fund reintegration programs that assist individuals in rebuilding their lives, restoring their families and revitalizing their communities.

Bills like SB 2026, only serve as another barrier to reentry. This measure shifts the burden for punishment to the incarcerated individuals and their families.

Hawai'i no longer gives gate money, therefore many individuals leave prison with little to no money and huge debt. Prison jobs are hard to get and pay between twenty five and fifty cents per hour, foreclosing the opportunity for most to save. The little money those who work do make generally goes to purchase the necessary (overpriced) toiletries at the commissary.

Maryland imposed a parole service fee and below are the recommendations made in a 2009 report entitled, **MARYLAND'S PAROLE SUPERVISION FEE - A BARRIER TO REENTRY**  
Source: BRENNAN CENTER FOR JUSTICE Rebekah Diller, Judith Greene, and Michelle Jacobs  
[http://brennan.3cdn.net/fbee4fbc0086ec8804\\_4tm6bp6oa.pdf](http://brennan.3cdn.net/fbee4fbc0086ec8804_4tm6bp6oa.pdf)

The recommendations in the report were based on suggestions made by many reentry professionals, parole personnel and formerly incarcerated persons on parole.

*In light of the detrimental effect that the parole supervision fee has on parolees, the many factors that impede individuals' reentry from prison into society, and the widespread inability of individuals to pay, this report raises serious questions about the continued use of the parole supervision fee as a revenue source in Maryland.*

### **The Report's Recommendations to the Maryland Legislature:**

- *Abolish the parole supervision fee outright. The Maryland Legislature should abolish the supervision fee outright in light of the inability of most parolees to afford it, the limited revenue it raises, and the detrimental effect it has on reentry. This is the path that Virginia chose in 1994 after finding that its parole supervision fee undermined correctional goals and was too difficult to collect.*

*In the alternative, the Legislature should:*

- *Implement a sliding scale fee tailored to an individual's financial circumstances. Those parolees who can pay more should pay more. Those who are able to pay very little or nothing should have their obligations adjusted accordingly.*
- *Ensure that the obligation to pay the fee does not commence until a Division of Parole and Probation agent has done an initial assessment of the parolee's circumstances. The DPP is better positioned than the Parole Commission to evaluate an individual's ability to afford the fees and make payment."*

A Bureau of Justice Statistics report entitled **REPAYING DEBTS**, Bureau of Justice Statistics - Justice Center - Council on State Governments

([http://brennan.3cdn.net/e85b4e2e15de529c09\\_ezm6b62ov.pdf](http://brennan.3cdn.net/e85b4e2e15de529c09_ezm6b62ov.pdf)) recommends that *lawmakers who are considering legislation that would impose or increase fines, fees, or surcharges be provided with an impact statement projecting the legislation's effect on the ability of a person released from prison or jail to meet his or her child support and restitution obligations.*

The report suggests that new fines, fees, and surcharges may be legislated in response to pressure from taxpayers to ensure that people convicted of crimes help contribute to prosecution and incarceration costs, and to fund new criminal justice initiatives, such as a new problem-solving court or treatment program.

The report cautions that *"while understandable, these actions can have unintended consequences: the fines, fees, and surcharges already imposed on people sentenced to prisons and jails can collectively impair people's ability to meet their financial obligations to their victims and families and to complete the conditions of their sentence."*

The report also urges legislators/policymakers to curb the extent to which the operations of criminal justice agencies rely on the collection of fines, fees, and surcharges from people released from prisons and jails. *“Doing so will likely require tough decisions. Nevertheless, the limited ability of people released from prisons and jails to meet all of their financial obligations, and the primacy of ensuring that these individuals remain able to pay child support and restitution, means that policymakers must confront recent trends and revisit how they are funding criminal justice operations.”*

This last point is very important. In these trying economic times it is tempting, we’re sure, to shift costs to lower the burden on the general fund. Community Alliance on Prisons respectfully reminds policymakers that policies cost money.

Part of our economic troubles are caused by the policies enacted to incarcerate low level lawbreakers instead of directly addressing their pathways to crime in more cost-effective and efficient alternatives to incarceration. Prison is the most expensive sanction and should be reserved for people we are afraid of, not those we are mad at.

This economic crisis presents us with tremendous opportunities to rethink our policies and to create policies that are just, humane, compassionate, and reasonable.

Community Alliance on Prisons respectfully asks the committee to hold this bill.

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



THE HEPATITIS NETWORK OF HAWAII  
PRISONER REINTEGRATION PROGRAM

Andy Botts, Director  
1286 Queen Emma Street  
Honolulu, Hawaii, 96813  
Thursday March 11, 2010

COMMITTEE ON PUBLIC SAFETY

Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday March 11, 2010

9:00 A.M.

Conference Room 309

State Capitol, Hawaii

**OPPOSE- SB 2026 SD2**  
**RELATING TO PAROLE**

I'm in strong opposition to this bill for various reasons. Primarily, it's a cheap shot directed at a group of the most disadvantaged citizens in our state. Although we are experiencing financial difficulties nationwide, nickel and diming handicapped minorities is not a solution to the budget shortfalls. In fact, this proposal may cost us more in additional expenses to enforce and collect than its worth.

Additionally, this bill is an obstacle to reentry, at a time when we must take a serious look at recidivism and the enormous costs associated with it. To add an extra burden on the recently released offender could very well be the straw that breaks the camel's back, so I strongly oppose this extra burden.

However, in the event that this committee should feel waste any additional time on this frivolous measure, I'd like to ask that a revision be added that would prohibit this fee, or any portion of it, from being collected until the parolee has completed at least one year of parole.

Mahalo,

Andy Botts

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Dear Senators,  
SB 2026 SD2 - PBS, FIN  
Parole Services Fee

Establishes a parole service fee. Establishes a parole service special fund. Specifies proportional deposits of the parole service fee into the parole services special fund and the crime victim compensation special fund.

**MY POSITION: STRONG OPPOSITION**

I have heard, from a very credible authority, that the following is true:

Hawai'i has chosen incarceration as a policy and parole is part of that policy.

All policies have a cost

This bill shifts the cost burden for punishment to the inmate and the family.

Hawai'i no longer gives gate money.

Individuals exit incarceration with little money and lots of expenses, challenges, and conditions – this will only hinder reentry and create another burden on HPA.

A study by the Brennan Center for Justice entitled MARYLAND'S PAROLE SUPERVISION FEE – A BARRIER TO REENTRY: ([http://brennan.3cdn.net/fbee4fbc0086ec8804\\_4tm6bp6oa.pdf](http://brennan.3cdn.net/fbee4fbc0086ec8804_4tm6bp6oa.pdf)) recommended that the Legislature:

- **Abolish the parole supervision fee outright.** The Maryland Legislature should abolish the supervision fee outright in light of the inability of most parolees to afford it, the limited revenue it raises, and the detrimental effect it has on reentry. This is the path that Virginia chose in 1994 after finding that its parole supervision fee undermined correctional goals and was too difficult to collect.

HPA needs training money. CAP understands that and suggest they seek other sources of funding and assistance from the National Institute of Justice and other entities

HPA should be accessing Second Chance Act funding and other reentry funding from the federal government

PSD should repurpose some funding to HPA for more programs to help individuals reintegrate – these individuals certainly don't need any more barriers!

Thank you for considering my testimony. It reflects my private opinion as well as that of CAP.

With much Aloha,

