

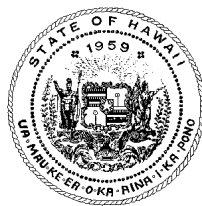
TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2026, S.D. 1

February 22, 2010

RELATING TO PAROLE

Senate Bill No. 2026, S.D. 1, 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.



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

TESTIMONY ON SENATE BILL 2026, SD1
RELATING TO PAROLE

HAWAII PAROLING AUTHORITY
Albert Tufono, Chairman

Committee On Ways and Means
Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair

Chair Mercado Kim, Vice Chair Tsutsui and Committee Members:

The Hawaii Paroling Authority (HPA) would like to provide additional information to supplement our original testimony that was submitted to the Committee on Public Safety and Military Affairs. It was reported that since the use of evidence-based practices, HPA has seen a significant decrease in the recidivism rate in the parole population. Cohort groups released on parole in 1999 and 2006 showed recidivism rates of 72.9% and 51.2%, respectively. While some would still consider 51.2% high, the decrease would translate to 21% less parolees returning to prison and a reduction of victimization in the community. It will be difficult at best for HPA to continue implementing evidence-based practices without training funds.

HPA is asking that an amendment be made in section 353-A (e) to reflect 20% of the fee collected not be deposited automatically into the crime victim compensation special fund under section 351-62.5 as this bill further states that HPA could collect the fee on our own or enter into memorandum of agreement with a government agency to collect the fee.

We thank you for your support on this bill.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON WAYS AND MEANS

Sen. Donna Mercado Kim, Chair

Sen. Shan Tsutsui, Vice Chair

Monday, February 22, 2010

10:05 a.m.

Room 229

STRONG OPPOSITION TO SB 2026 SD1 - Relating to Parole

WAMTestimony@capitol.hawaii.gov

Aloha Chair Kim, Vice Chair Tsutsui 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 2026 establishes a parole service fee to be made a condition of parole by the Hawai'i paroling authority. It establishes a parole service special fund and specifies proportional deposits of the parole service fee into the parole services special fund and the crime victim compensation special fund. The SD1 amended the bill by: (1) Clarifying that the parole service fee is not a precondition of granting parole; (2) Establishing a parole service fee amount of \$60; (3) Allowing the Hawaii Paroling Authority to waive the parole service fee if it is determined that the parolee is unable to pay the fee within forty-eight months of parole; (4) Requiring the Hawaii Paroling Authority to waive the parole service fee or balance of the fee owed if no payment or only partial payment is made within forty-eight months immediately following release on parole; (5) Allowing the Hawaii Paroling Authority to enter into a memorandum of agreement with another state agency to collect the parole service fee; and (6) Clarifying that the parole service fee, whether collected by the Hawaii Paroling Authority or by another state agency, is to be deposited 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 SD1, 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

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) 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.

Although we understand the intention of this measure, CAP opposes it because even though the parole fee was reduced from \$150 to \$60, this bill still creates a barrier to reentry for individuals exiting incarceration. 80% of the fee (\$48) would go into a Parole Services Special Fund and 20% would go to the Crime Victims Compensation Special Fund (\$12). The Parole Services Special Fund can only be used to defray expenses to monitor parolees and enforcing conditions of parole, but **HPA needs money for training**, so this bill wouldn't give them what they need. If an individual has not paid the fee within 48 months the fee is waived. This just seems like a bookkeeping nightmare and not worth it!

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
Monday, February 22, 2010

COMMITTEE ON WAYS AND MEANS

Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair

Monday, February 22, 2010

10:05 A.M.

Conference Room 211

State Capitol, Hawaii

OPPOSE- SB 2026 SD1
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 anyone who can't object is not a solution to the budget shortfalls, much less anywhere close to a jackpot of significance worth considering. In fact, it may cost us more in additional expenses to enforce and collect the meager fee that is proposed than its worth. This bill is also 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.

Mahalo,

Andy Botts



February 22, 2010

To: Senator Donna Mercado Kim, Chair
Senator Shan Tsutsui, Vice Chair and
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta, Executive Director

RE: SB2026 SD1 Relating to Parole
Hearing: Monday, February 22, 2010, 10:05 a.m., Room 211

Position: Strong Opposition

The Drug Policy Forum of Hawai'i writes in opposition to SB 2026 SD1, Relating to Parole. This measure establishes a parole service fee of \$60 to be made a condition of parole by the Hawaii Paroling Authority. Fees not collected within 48 months will be waived.

This measure hinders reentry of those exiting incarceration. Many individuals leave prison with little money and limited resources; and many have other financial obligations like child support.

This fee would raise limited revenue and in fact may be false revenue. Collecting the money and the negative impact of imposing the fee on those who cannot afford it may actually cost the state more than the funds actually raised by increased rates of recidivism.

Since fees are waived after 48 months, it may actually cause the state to spend more money on costs (labor, postage, and other fees) associated with collecting the money than on the actual revenue collected.

Financial obligations that cannot be met will hinder reentry and may increase incarceration rates. Public policy should encourage successful reintegration with society, not place barriers that lead to failure.

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

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Senate WAYS AND MEANS COMMITTEE

Senator Donna Mercado Kim, Chair

Senator Shan Tsutsui, Vice Chair

February 22, 2010

10:05AM

conference room 211

SB 2026 - STRONG OPPOSITION

Aloha Senator Mercado Kim, Senator Tsutsui and members of the committee,

I am strongly against SB 2026. It appears that the legislature is attempting to save taxpayer money by shifting the financial burden of parole supervision to reintegrating inmates. Unfortunately it will have the exact opposite effect and cost the taxpayers millions more in the long run. The majority of Hawaii's inmates are parole violators. Prison costs between \$50 for out-of-state and \$100 per day in-state. That is \$18K to \$36K per year to feed, clothe and provide surveillance for each inmate. Parole costs approximately \$4./day. *Any* barrier to parole is a serious mistake which will cost us exponentially in the long run.

Parole/probation programs such as Judge Alm's HOPE on Oahu and Judge Rafetto's Special Services on Maui give extra attention to parolees. This decreases the chance they will receive more lengthy prison stays. The cost of this service goes up from the usual \$4/day, however it is still drastically less than the cost of incarceration. It also saves in social costs as the parolee can begin to integrate with his/her family and become a contributing member of society.

During this recession even competent, record free people are having difficulty earning a living. To believe that ex-cons, returning from a traumatic prison experience, with few job skills and a criminal record can earn enough money to pay their living expenses *and* parole fees is unrealistic.

The way to help both offenders and victims is through restorative justice programs. Seeing an offender get years of punishment isn't as healing as, when appropriate and with sufficient support, receive a genuine apology and appropriate restitution. This is the only way to make things pono.

The traditional punishment based system isn't decreasing crime. The US has the highest per capita rate of incarcerated citizens of any country in the world. Many states are going broke under the weight of the private prison system (who, just like hotels, strives for maximum occupancy).

There is an organization, Justice Reinvestment (www.justicereinvestment.org) who will work with any state who requests a data-driven analysis of its corrections system. They will help policy-makers: “reduce spending on corrections, increase public safety and improve conditions in the neighborhoods to which most people released from prison return.”

I respectfully request that you investigate Justice Reinvestment before making decisions that will inadvertently cost Hawaii taxpayers millions more, and continue the intergenerational cycle of crime and punishment.

Mahalo for hearing my concerns,

Netra Halperin, MA (psychology)
Kihei, Maui, Hawaii