

# **SB 2768**

**Measure Title:**  
Relating to Parole.



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

ALBERT TUFONO  
CHAIR

DANE K. ODA  
MEMBER

ROY W. REEBER  
MEMBER

MAX OTANI  
ADMINISTRATOR

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

TESTIMONY ON SENATE BILL 2768  
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 (HPA) supports Senate Bill 2768, allowing the use of a continuum of administrative sanctions when a parolee violates a term or condition of parole. Intermediate sanctions are currently utilized by HPA after it is determined that the parolee's presence in the community would not compromise public safety. SB 2768 would put HPA's practices into law and possibly reduce litigation alleging unjust punitive action.

Should this committee decide to pass this bill, the following amendments are being recommended:

- Section 1(2)(b) "In lieu of suspension and revocation of parole,..." it is recommended that suspension be removed as we would not be able to apply administrative sanctions on a fugitive.
- Section 1(c) "...the parolee shall be returned to custody for a length of time to be determined by Hawaii paroling authority but not to exceed two years before being eligible for parole consideration in the case of a technical violation."

- Section 1(d) identifying parolees that are excluded from administrative sanctions be amended to include "(3) The parolee has a prior parole revocation."

HPA currently has no funding to implement several of the sanctions listed in this bill and ask this committee for your support in obtaining these resources in the future. We thank you for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 2, 2010

1:25 PM

Room 229

**SUPPORT INTENT - SB 2768 - Relating to Parole**

**[PSMTestimony@capitol.hawaii.gov](mailto:PSMTestimony@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 2768 allows Hawai'i Paroling Authority to use a continuum of administrative sanctions when a Parolee violates a term or condition of parole.

Community Alliance on Prisons supports the intent of SB 2768, however, we believe that HPA can already utilize most, if not all, of the sanctions and programs named in this measure.

Mahalo for this opportunity to testify.

**For: SB2768 Relating to Parole** Allows the Hawaii paroling authority to use a continuum of administrative sanctions when a parolee violates a term or condition of parole.

**To: SENATE COMMITTEE ON PUBLIC SAFETY:** Senator Will Espero, Chair,  
Senator Robert Bunda, Vice Chair

**Time:** Tuesday, Feb. 2, 2010, 1:25: PM, Conference Room 229

## **HAWAII SUBSTANCE ABUSE COALITION**

Good morning Chair Espero, Vice Chair Bunda and distinguished committee members: My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of more than 20 non-profit treatment and prevention agencies.

According to recent Federal studies, the prisons are overcrowded with high recidivism due to a few main factors:

1. Policy makers have passed "get tough" sentencing laws that increased the frequency and length of prison terms, which did not end prison releases—instead, they caused a *deferred or impending* explosion in the number of releases.
2. Since the 1980s, prisons have been increasingly overwhelmed with drug use related offenses.
3. Parole systems have been overwhelmed with huge numbers of prison releases with greater offender challenges, which decreased their effectiveness.
4. Sentencing reforms narrowed the releasing discretion for parole boards resulting in that fewer inmates left prison on parole even if they exhibited potential behavior changes.

The full effects of these policies have not yet been fully felt.<sup>1</sup>

### **HSAC supports SB 2768 with Recommendations:**

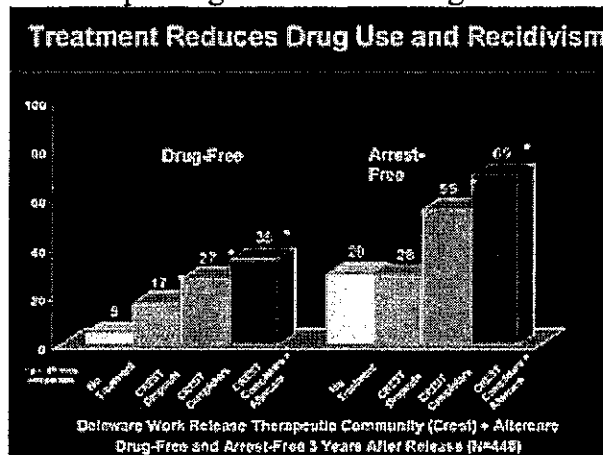
In the late 1960's, the success rate for offenders transitioning back to community was over 70% and today recidivism is approaching 70% or more. As prison populations were growing, states' capacities to manage increased prison releases declined. Faced with revenue shortfalls, legislatures cut appropriations, causing corrections agencies to reduce programs, services, treatments, and staffing in both prisons and community supervision. Corrections and human services agencies increasingly competed for scarce resources, thus heightening barriers to collaboration, resulting in many more offenders released from prison with less structured supervision, support, and services.

By the late 1990s, 67% of prison admissions were supervision violators and 97% percent are being released from prison at some point, and many would return to communities under conditions that increased the odds they would fail—many by committing new crimes that would expose the public to greater risk of harm.<sup>1</sup> Critics warn that the problem will worsen in the future.

The number of adults involved in the criminal justice system has soared from about 1.8 million in 1980 to 7.3 million in 2007. Knowing that crime and drug abuse is closely

related and despite two decades of research that demonstrate treatment's effectiveness, of the 70% inmates who need treatment, only 7% to 18% receive treatment so that most of the over 700,000 inmates released back into the community are drug-abusing offenders who relapse to drug use and return to criminal behavior.<sup>2</sup> This jeopardizes public health and public safety, leads to re-arrest and re-incarceration, and further taxes an already over-burdened criminal justice system.

Blending criminal justice supervision with drug abuse treatment is supported by research to demonstrate that providing treatment decreases future drug use and criminal behavior while improving social functioning.<sup>3</sup>



Not only does appropriate treatment reduce crime, it also saves money and lives. Research shows that for every dollar spent on addiction treatment programs, there is a \$4 to \$7 reduction in the cost of drug-related crimes. With some outpatient treatment programs, total savings can exceed costs by a ratio of 12:1. Untreated substance abuse adds significant costs to communities, including violent and property crimes, prison expenses, court and criminal costs, emergency room visits, child abuse and neglect, lost child support, foster care and welfare costs, reduced productivity, unemployment, and victimization.<sup>4</sup>

Prisoner reentry challenges parole authorities to provide more services with fewer resources, especially considering that the average inmate coming home will have served a longer prison sentence than in the past, be more disconnected from family and friends, have a higher prevalence of substance abuse and mental illness, and be less educated and employable than those in prior prison release cohorts. Each of these factors is known to predict recidivism, yet few of these needs are addressed while the inmate is in prison or on parole.<sup>5</sup>

### Recommendations:

Probably the most significant procedural difference would be to revise the supervision planning process. Under the old methodology, an officer would develop a supervision plan largely on his or her own and submit it, along with the case file, to the supervisor for review and comment.

1. **The new methodology stresses interaction between the various players (officer, supervisor, and treatment specialist) in the development of the plan.**
2. **In the jargon of probation officers, "staffing the case," both during the initial planning process and throughout the revision of supervision plans for the life of the case, should be the key to ensuring that an appropriate supervision plan is developed, implemented and monitored for all offenders.<sup>1</sup>**

### **Summary**

Specifically, current offenders are more likely to have been in prison, have substantially more serious criminal records, and are more likely to be drug-involved offenders. All of these factors contribute to making them a higher risk on community supervision and more likely to require more services than prior offenders have required. Given the significant changes the population has undergone, it has become apparent that supervision policies and procedures have to change.

We appreciate the opportunity to testify today and are available for questions, if needed.

### **References:**

- 1) Dale G. Parent and Liz Barnett Avt Associates Inc. *Improving Offender Success and Public Safety Through System Reform: The Transition from Prison to Community Initiative*. Federal Probation Volume 68 Number 2: September 2004
- 2) Nora D. Volkow, M.D. Director, National Institute on Drug Abuse (NIDA), a component of the National Institutes of Health (NIH), an agency of the Department of Health and Human Services (HHS): *An Examination of Drug Treatment Programs Needed to Ensure Successful Re-entry - Testimony Before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives*, February 8, 2006
- 3) National Institute on Drug Abuse: Topics in Brief, *Treating Offenders with Drug Problems: Integrating Public Health and Public Safety, A Research Update from NIDA* March 2009 [www.drugabuse.gov](http://www.drugabuse.gov)
- 4) National Institute on Drug Abuse, *Principles of Drug Abuse Treatment for Criminal Justice Populations*, September 2006 [http://www.nida.nih.gov/PODAT\\_CJ/](http://www.nida.nih.gov/PODAT_CJ/)
- 5) Petersilia, Joan. *When Prisoners Come Home: Parole and Prisoner Reentry*, Oxford University Press, New York (2003) p. 53.