

LATE TESTIMONY

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January 27, 2011

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Michelle Kidani, Vice Chair
Thursday, January 27, 2011

2:45 PM

Room 224

SB 43 – Freedom of Information – out-of-state prisons; SB 44 – Rehabilitation, Reentry, Performance Indicators; SB 46 – Two-Year Pilot Day Reporting Center; SB 47 – Relating to Corrections – Electronic Monitoring; Pilot Program;

SB 256 – Early Release of Misdemeanants

STRONG SUPPORT

PGMTestimony@capitol.hawaii.gov

Chair Espero, Vice Chair Kidani and Members of the Committee:

It is a rare moment in the history of our State when doing the right thing – assuring justice and fairness and protecting Hawaii’s families – coincides with doing the economic thing -- saving the State and its citizens millions of dollars.

I very strongly support these five bills and believe, equally strongly, that you should, too.

SB 43 will for the first time insure transparency by the profit-making private prisons in the way they treat Hawaii prisoners and fulfill their contractual obligations. It will go a long way toward preventing the serious and horrible abuses of our prisoners that have generated complaints. While sending our prisoners to other states for incarceration should be reduced to the minimum, passage of this bill will enable us to ensure that so long as our citizens are imprisoned in those states they will have their basic human rights protected.

SB 44 will enable official agencies, such as the Department of Public Safety and the Legislature, to track and measure the success of programs designed to assist and enable prisoners to reenter society. Because most of our incarcerated population will eventually move back into our society, the failure to successfully prepare them for living fruitfully and honestly when they return – to reduce the recidivism rate to the lowest possible level – causes untold harm to the released prisoners, to their families, and to the general public who are exposed to their conduct. Because we are told that most of the required data is already available but needs to be organized and better presented, passage of this bill should be a “no-brainer.”

SB 46 will create a two-year pilot program to test the efficacy of releasing inmates designated as eligible to participate in community release programs such as work furlough or residential transitional living facilities. Evidently 30 percent of the Hawaii men serving sentences in Arizona have been so designated as community custody, while 48% of *all* our incarcerated women and 23% of all our incarcerated men have been so designated. There

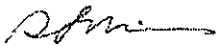
are reasons of justice and preservation of our families plus, at this time of economic crisis, *compelling* reasons of economics to give this program a try.

SB 47 will establish a pilot program on Oahu, under the Dept. of Public Safety, that electronically monitors committed persons who are allowed to live and work in the community, instead of being continuously imprisoned. This will afford reasonable protection to the public against harms that might be committed by these carefully selected non-violent prisoners. While requiring such monitors may raise some questions when non-violent prisoners are involved, the monitors are a far less restraining modality than continued imprisonment. Again, releasing carefully selected prisoners to the community is wise both from a justice and an economic viewpoint. This State just cannot afford to continue to spend huge amounts to imprison non-violent persons who are likely to succeed upon their return to their families and to the community.

SB 256 will allow PSD to release a qualified committed person serving a misdemeanor sentence if the person has served at least two-thirds of the sentence imposed by the court. Other states are allowing early release of these persons because of conditions that exist here in Hawaii: overcrowding and high cost of incarceration. 74% of our women prisoners and 64% of the men jailed in Hawaii are non violent and roughly similar percentages are classified as community or minimum custody. There are more inexpensive and more effective ways of dealing with the problems of these inmates, such as substance abuse treatment or anger management training.

The time is now to adopt these SMART JUSTICE policies which serve both the demands of human dignity for Hawaii's people and families and the need to deal with a horrendous economic situation.

Mahalo nui loa for considering my views. These views are personal to me, as a citizen, and do not necessarily represent those of the University of Hawaii or the William S. Richardson School of Law.

A handwritten signature in cursive script, appearing to read "R. S. Richardson", written in black ink.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Thursday, January 27, 2011 12:06 PM
To: PGM Testimony
Cc: rmiller@aya.yale.edu
Subject: Testimony for SB256 on 1/27/2011 2:45:00 PM

Testimony for PGM 1/27/2011 2:45:00 PM SB256

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Richard S. Miller
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Submitted on: 1/27/2011