

LINDA LINGLE  
GOVERNOR



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

# LATE TESTIMONY

MAX OTANI  
ACTING CHAIR

ROY W. REEBER  
MEMBER

GAIL MURANAKA  
MEMBER

TOMMY JOHNSON  
ADMINISTRATOR

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

## TESTIMONY ON SENATE BILL 44 RELATING TO PUBLIC

### AMENDED

HAWAII PAROLING AUTHORITY  
Max Otani, Acting Chair

Committee on Public Safety, Government Operations and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair

Thursday, January 27, 2011, 2:45p.m.  
State Capitol, Conference Room 224

Chair Espero, Vice Chair Kidani and Committee Members:

The Hawaii Paroling Authority appreciates the legislature's interest in collecting various forms of data as required by Senate Bill 44.

However, it should be noted that the Department of Public Safety is already required to provide approximately thirty (30) separate annual reports to the legislature and/or the Department of Budget and Finance on a variety of issues, some of which contain a portion of the information required of Senate Bill 44. While, the Hawaii Paroling Authority does not speak for PSD, we would respectfully request that the legislature consider reviewing the annual reports already provided by PSD to see if some of them can be collapsed into a single and more comprehensive report that fits the needs of the legislature, provides for a more efficient reporting system, and is not burdensome to PSD. **Doing so would assist PSD in complying with Section 2(a)(4) – Improving departmental efficiencies in staffing, budgeting, and data management and analysis of this measure.**

As written, this measure requires the use of resources, which PSD simply does not currently have.

For example, the Variance Report, ACT 219 (Strategic Plan to Provide Services to Female Offenders Returning from the Mainland), HRS 367D-008 (Gender Responsive Community Based Programs for Women), ACT 100, Section 6 & 7 Session of Laws of Hawaii 1999 (Goals and Objectives), ACT 8, 2008 Special Session, Part 1, Section 7(c) (Return of Out-of-State Inmates), and HRS 353G (Criminal Offender Treatment Act) just all provide the legislature with at least some of the information required of SB 44. It may be more efficient and less arduous if these reports can be considered for consolidation and/or elimination in lieu of a single report.

It is also recommended that the legislature seek the assistance of the Interagency Council on Intermediate Sanctions (ICIS) to review the extensive work that has already been done and continues with respect to reducing the adult offender recidivism rate. The ICIS should be able to provide the legislature with detailed information regarding this matter that provides the information required in Section 2 (a)(1) – Improving recidivism rates of this measure.

With respect to Section 2(c) (6) and (7) that directly impact the Hawaii Paroling Authority (HPA), this agency can comply with this measure as written. However, it is noted that the reasons provided and language used when notifying applicants of the parole board's decision regarding requests for reductions of minimum term(s) of imprisonment are very specific and contained in Hawaii Administrative Rules (HAR) (23-700-28 and 23-700-29). The parole board is not free to utilize other language and/or reasons not specifically listed in HAR when granting or denying an application.

Thank you for this opportunity to testify and we ask that this bill be held, as PSD does not have the resources to comply with the requirements SB 44.

# LATE TESTIMONY

Richard S. Miller  
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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](mailto: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

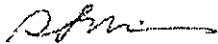
are reasons of justice and preservation of our families plus, at this time of economic crisis, *compelling* reasons of economics to give this program a try.

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

Committee of Public Safety and Military Affairs  
Sen Will Espero – Chair  
Sen Michelle Kidani – Vice Chair  
Thursday January 27, 2011  
2:45 PM  
Room 224  
SB 44 – Rehabilitation, Reentry, Performance Indicators  
STRONG SUPPORT

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

My name is Paulette Kaleikini. I believe that the programs as well as the progress of inmates in the programs should be tracked and evaluated to measure its success or failure. It sickens me to think that such programs have not been issuing performance indicators in the past. It amounts to monies being wasted and inmates getting re-incarcerated instead of rehabilitated or being entered into a wrong program.

Please support this measure