

Honolulu, Hawaii

FEB 14 2012

RE: S.B. No. 2776
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 2776 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

beg leave to report as follows:

The purpose and intent of this measure is to require a pre-trial risk assessment of adult offenders to be conducted within three working days of admission to a community correctional facility; expand the membership of the Hawaii paroling authority and require the use of validated risk assessments to guide parole decisions; limit the length of incarceration for first-time parole violators; increase victim restitution payments by inmates; and require a period of supervised parole prior to the expiration of the maximum term.

Your Committees received testimony in support of this measure from the Governor, Department of Public Safety, Hawaii Paroling Authority, Crime Victim Compensation Commission, The Council of State Governments Justice Center, Hawaii Substance Abuse Coalition, Community Alliance on Prisons, Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawai'i, and five individuals. Testimony in opposition was received from the Honolulu Prosecuting Attorney.

Your Committees find that:



- (1) Hawaii's pre-trial process is one of the longest in the nation. The pre-trial assessment process takes much longer in Hawaii (several months on average, whereas it takes just days or a few weeks in other jurisdictions) and budget cuts have caused these already long processes to be delayed even further. The result has been millions of dollars spent needlessly on a growing pre-trial population;
- (2) Inmate assessments are not currently being used appropriately to put the right people in the right programs, based on the research. As a result, offenders who are most likely to be successful upon release have been spending longer periods incarcerated because they are unable to get into rehabilitation and reintegration programs;
- (3) Hawaii often releases people who are most likely to reoffend back to the communities without the necessary supervision or monitoring. Parolees lacking supervision also lack accountability for their actions; and
- (4) Restitution for victims is inadequate.

This measure is a recommendation of the Council of State Governments Justice Center, which provided intensive technical assistance to Hawaii to conduct a comprehensive analysis of the State's criminal justice system and to help state leaders develop policy options that could increase public safety while saving taxpayer dollars. The Justice Center utilized a data-driven approach to identify inefficiencies, develop cost-effective policy options, and develop a plan for a reinvestment of savings that reduces recidivism and increases public safety.

The Justice Center concluded that despite a decline in crime over the past five years, the overall jail and prison population has not significantly changed. From July 1, 1999, to June 30, 2011, the State's prison and jail population grew eighteen percent, from 5,118 to 6,043. During the same period, expenditures for the corrections division of the department of public safety increased seventy percent, from \$112,000,000 to \$190,000,000. Approximately one-third of Hawaii's prison population is housed in out-of-state facilities on the mainland. The cost of housing these offenders out-of-state was \$45,000,000 from July 1, 2010, to June 30, 2011. The Justice Center's



analysis found that key areas of the criminal justice system are not operating as cost-effectively as they could to reduce crime and increase public safety.

Your Committees believe that this measure would contribute to increasing public safety by:

- (1) Addressing the inefficiencies that tie up resources in ways that do not reduce crime and reinvesting in ways that do;
- (2) Focusing resources on supervision, incarceration, and treatment on those individuals who are most likely to benefit from those investments in terms of reducing their likelihood of committing another crime;
- (3) Increasing accountability in Hawaii's criminal justice system by mandating a period of supervision and increasing the amount of victim restitution collected; and
- (4) Bringing mainland prisoners home.

According to information provided by the Justice Center, fully implementing this measure could gradually reduce the current prison and jail population and generate savings of approximately 500 beds and \$9,000,000 by the end of fiscal year 2013, 850 beds and \$19,000,000 in fiscal year 2014, 1,050 beds and \$26,000,000 in fiscal year 2015, 1,150 beds and \$30,000,000 in fiscal year 2016, 1,200 beds and \$32,000,000 in fiscal year 2017, and 1,200 beds and \$32,000,000 in fiscal year 2018. Your Committees anticipate that these savings will be applied to initial and continued reinvestment in expanding and strengthening victim services, notification, and restitution collection; reentry and community-based treatment programs for pre-trial, probation, and parole populations; pre-trial and risk assessments; probation and parole officers; and research and planning staff at the Department of Public Safety.

The intent of your Committees is to realize cost savings and reinvest those savings back into the corrections system to reduce recidivism, decrease the prison population, and strengthen public safety. Your Committees strongly emphasize to your Committee on Ways and Means that implementation and success of this measure is ultimately contingent upon adequate funding. If it is determined



that funding for this measure is inadequate, if savings are less than anticipated, or if substantive provisions are changed, then your Committees may consider withholding prior concurrence to any changes to this measure.

Your Committees have amended this measure by:

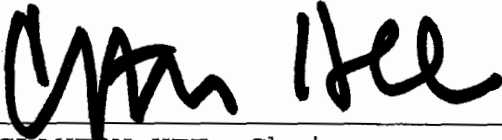
- (1) Clarifying the purpose section to include the most recent statistics and to provide cost savings analyses that could be utilized to apply the saved funds to other needed areas of improvement as contained in this measure;
- (2) Changing the membership of the Hawaii Paroling Authority to add two part-time members instead of one full-time member, and making an unspecified appropriation accordingly;
- (3) Adding that parole shall be granted upon completion of the minimum sentence unless the Hawaii Paroling Authority determines that the inmate poses a significant risk to the safety or property of other persons that can only be mitigated by additional incarceration; and applying that same standard to the retaking and reimprisonment for more than six months for a parole violation;
- (4) Adding an unspecified appropriation to implement this measure;
- (5) Requiring the Department of Public Safety to report to the Legislature annually for the next five years on specified information concerning the implementation of this measure and the commensurate cost savings;
- (6) Adding a savings clause; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2776, as amended herein, and recommend that it pass Second

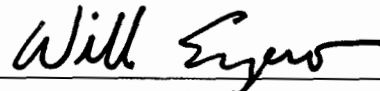


Reading in the form attached hereto as S.B. No. 2776, S.D. 1, and
be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Government Operations, and
Military Affairs and Judiciary
and Labor,



CLAYTON HEE, Chair




WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB2776	Committee Referral: PGM/JDL, WAM	Date: 2-7-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes