



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Testimony HB 2514 HD2
Relating to Public Safety

Governor Neil Abercrombie

HOUSE COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair

February 23, 2012
11:00 am, Room 308

Chair Oshiro, Vice Chair Lee, and committee members, thank you for hearing HB 2514 HD2 Relating to Public Safety. I respectfully request your support of this important measure.

I would also like to thank the Legislature for partnering with the administration and the Judiciary in a historic collaboration called the Justice Reinvestment Initiative. As you know, this is one of the priorities of my administration. We want to stop the practice of sending our prisoners out of state because it sends public dollars out of Hawaii instead of creating jobs and community service opportunities here at home.

In the last 8 months, the Justice Reinvestment Working Group has met with the Council on State Governments Justice Center consultants to analyze our criminal justice system and make policy recommendations to realize cost savings and reinvest those savings back into our system to reduce recidivism, decrease the prison population, and strengthen public safety.

I would like to defer to Director Jodie Maesaka-Hirata and Deputy Director Martha Tourney, of the Department of Public Safety, who will provide more details about the proposed legislation. We have been in discussions with Bert Matsuoka of the Hawaii Paroling Authority and concur with the amendments that are being proposed by the Department.

Thank you again for your consideration of this measure.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

February 23, 2012

**TESTIMONY ON HOUSE BILL 2514, HOUSE DRAFT 2
RELATING TO CRIME**

By
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Thursday, February 23, 2010; 11:00 a.m.
State Capitol, Conference Room 308

Chair Oshiro, Vice Chair Lee, and Members of the Committees:

The Department of Public Safety (PSD) is in strong support of House Bill 2514, House Draft 2, Relating to Public Safety, the result of work by the Justice Reinvestment Working Group. Included in *A New Day in Hawaii* is Governor Neil Abercrombie's initiative to return inmates housed in contracted correctional facilities to Hawaii. The Governor states "The ultimate way to reduce crime is to increase the number of strong, nurturing families and improve economic and social conditions for all." By returning prisoners to Hawaii not only are the opportunities for rehabilitation and family reunification improved, dollars spent out-of-state will be reinvested in creating jobs and community service opportunities here at home.

To this end, the Governor joined with Chief Justice Mark Recktenwald, Senate President Shan Tsutsui, House Speaker Calvin Say and Public Safety Director Jodie Maesaka-Hirata in applying for assistance from the US

Department of Justice, Bureau of Justice Assistance (BJA), and the Pew Center on the States to participate in the national Justice Reinvestment Initiative (JRI).

BJA describes this initiative as follows:

Justice reinvestment is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

The application was accepted and the State was afforded the assistance of the Justice Center of the Council of State Governments in developing Hawaii's strategy. The strategic approach is in three phases:

- 1) Analyze data and develop policy options;
- 2) Adopt new policies; and,
- 3) Measure Performance.

The Justice Center analyzed hundreds of thousands of records, from arrest and court conviction data, to probation, jail, prison and parole data; and solicited input from a wide range of stakeholders, from victim advocates, judges, prosecutors, probation, and parole.

Based on the comprehensive data presented, the Working Group considered options to manage the growth of the State jail and prison population, improve the effectiveness of community corrections and law enforcement, and identify community-based strategies to improve public safety. Two measures are introduced as part of the Governor's package to enact the recommendations of the Justice Reinvestment Working Group: House Bill 2514, Relating to Public Safety, addresses the pre-trial process, parole and offender accountability; and, House Bill 2515, Relating to Crime, addresses the sentencing for felony drug offenders, terms of probation, and felony theft.

Request for Amendments to House Draft 2

A number of amendments were made by the Committee on Public Safety and Military Affairs, and the Committee on Judiciary. We, along with the Hawaii Paroling Authority, respectfully request additional amendments be considered to ensure the bills supports the original intent of the Justice Reinvestment Initiative. These recommended amendments are as follows:

1. On page 11, **delete lines 2-5**, through the word "incarceration." On line 5. Replace with **"so long as the paroling authority has issued a certificate pursuant to section 353-65.5."**
2. On page 11, line 7, **delete the word "not"** so that the line reads **"The prisoner shall be given credit for time"**
3. On page 11, line 9 through 11, **delete the words "but shall receive credit toward the expiration of the prisoner's maximum sentence or sentences."**
4. Page 12, line 16, please **add the word "or"** so the sentence reads **"of imprisonment; or"**
5. Page 12, line 17, please **add the word "or"** so the sentence reads **"Has any pending felony charges in the State; or"**
6. Page 12, line 21, please **replace the word "or" with "and"** so the sentence reads **"treatment programs; and"**
7. Page 13, lines 1-4, please **delete and replace with "(d) The paroling authority has issued a certificate pursuant to section 353-65.5."**
8. Page 15, line 10, please **insert after "minimum term," "so long as the paroling authority has issued a certificate pursuant to section 353-65.5."**
9. Page 15, lines 11 through 14, please **delete "unless it is determined by the authority that the prisoner constitutes a significant risk to the safety of others or the prisoner's self"**

that can only be mitigated by additional incarceration," as the language in item 8 above will replace the need for this phrase.

We are also requesting that section 353-65.5, Hawaii Revised Statutes, relating to the certificate issued by the Hawaii Paroling Authority, be amended to support the recommendations above. To accomplish this, we respectfully request that a new section be added to read as follows:

SECTION __. Section 353-65.5, Hawaii Revised Statutes, is amended to read as follows:

"~~[-]~~ §353-65.5 ~~[+]~~ Reports to county clerk. Whenever the paroling authority grants or revokes parole for any citizen of eighteen years of age or over, the paroling authority, in each case, shall make and promptly transmit to the clerk of the county in which the citizen resides, a certificate showing the fact of the granting or revoking of parole within twenty days after the granting or revoking of parole. The certificate shall include:

- (1) The name, date of birth, and social security number of the citizen and any known aliases;
- (2) The citizen's address or last known address; ~~[and]~~
- (3) The citizen's phone number;
- (4) The citizen's place of employment, if any; and
- ~~[(3)]~~ (5) The date of the grant or revocation of parole.

REINVESTING FUNDS

The Justice Reinvestment Initiative is premised on managing the growth of correctional populations through: 1) valid risk assessments to determine which offenders are better served in community-based programs as opposed to incarceration; evidenced-based approaches, programs and services that do not jeopardize public safety yet reduce admissions to corrections and reduce the length of stay in a correctional facility; 3) expand victim services in all counties; and, 4) reinvest savings generated from reduced corrections spending into communities.

The potential savings that may be realized by reducing the number of inmates placed in Mainland contracted beds through the passage of this measure and House Bill 2515 will be reinvested to support community-based programs and services, increased probation and parole staff, and victim services. Attached is a list of how these funds will be expended.

The Department of Budget and Finance is drafting a Governor's Message to reappropriate the anticipated savings in PSD 808, Non-State Facilities, to the programs identified in the attachment. This includes designating funds for the Hawaii Paroling Authority, Crime Victims Compensation Commission, Judiciary, county prosecutor offices, and other PSD program IDs.

Given the anticipated Governor's Message, we are not recommending funding amounts be inserted into Section 14.

SUMMARY

The Department of Public Safety urges this committee to support the proposals included in this measure as a means to optimize the effectiveness of the Hawaii criminal justice system by realigning our guiding principles and reinvesting in programs and services to promote public safety and reduce recidivism. We owe this to our community. We owe this to victims of crime.

Thank you for the opportunity to testify on this important measure and considering the proposed amendments to House Draft 2.

FY2013-15 Implementation of Justice Reinvestment Initiative

	FY2013		FY2014		FY2015	
	July-Dec	Jan-June	July-Dec	Jan-June	July-Dec	Jan-June
REINVESTMENT*						
Total		\$6,049,036		\$6,402,056		\$6,402,056
Pre-Trial Assessments (PSD 410- ISC)		\$336,560		\$305,000		\$305,000
PSD Risk Assessment (PSD 900)		\$415,080		\$373,000		\$373,000
PSD Reentry Office & Program Training & Oversight (PSD 90)		\$405,820		\$369,000		\$369,000
PSD Community-Based Programs for Pre-Trial & Parolees		\$1,000,000		\$2,000,000		\$2,000,000
HPA Parole Board Members (PSD 611- HPA/D)		\$134,393		\$123,873		\$123,873
HPA Parole Officers (PSD 612- HPA/SC)		\$616,804		\$558,944		\$558,944
PSD Research & Planning (PSD 900)		\$452,080		\$410,000		\$410,000
JUD Probation Drug Treatment/CBT & Staff Training		\$827,060		\$659,980		\$659,980
PSD Victim Notification/Services/Safety Planning (PSD 900)		\$416,540		\$395,500		\$395,500
CVCC Restitution Accountability (PSD 613- CVCC)		\$629,700		\$465,400		\$465,400
Oahu Victim Assistance		\$365,250		\$333,690		\$333,690
Hawaii Victim Assistance		\$316,177		\$284,617		\$284,617
Maui Victim Assistance		\$133,572		\$123,052		\$123,052

BED SAVINGS W/ REINVESTMENT/ADMINISTRATIVE IMPLEMENTATION

SB2776 & 2777 / HB2514 & 2515	299	522	702	885	1013	1089
Projected Maximum Savings From Reduction in AZ-Contra	\$9,828,380		\$19,506,848		\$26,490,403	

IMPACT ON PAROLE (Assuming Administrative Implementation Beyond Statute)

Estimated increase in parole population	84	244	404	565	673	727
Estimated additional parole officers required	2	5	8	11	13	15

Breakdown of What Policies Contribute to Additional Parolees (Assumes Impact of Reinvestment)

A. Low-Risk @ Min (1 yr add'l parole LOS)	20	53	87	121	154	188
B. Parole Violator (1 yr add'l parole LOS)	54	162	270	380	435	438
C. High-Risk Mandatory (9 mos avg. parole LOS)	11	29	47	65	83	101

*See attached reinvestment budget detail.

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
Pre-Trial Assessments (PSD - 410 Intake Service Center)	FTE			
Staff				
Six (6) FTE Human Services Professional IV	6.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 31,560.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL	6.00	\$ 336,560.00	\$ 305,000.00	\$ 305,000.00
PSD Research and Planning (PSD- 900 General Administration)				
Staff				
Planner VI	1.00	\$ 62,000.00	\$ 62,000.00	\$ 62,000.00
Planner V (2 FTE)	2.00	\$ 114,000.00	\$ 114,000.00	\$ 114,000.00
Research Statistician V	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Program Specialist II	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Office Assistant (2 FTE)	2.00	\$ 58,000.00	\$ 58,000.00	\$ 58,000.00
CIP Coordinator	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 42,080.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL	8.00	\$ 452,080.00	\$ 410,000.00	\$ 410,000.00
PSD Reentry Office & Program Training & Oversight (PSD 900)				
Staff				
Program Manager	1.00	\$ 78,000.00	\$ 78,000.00	\$ 78,000.00
Program Specialist (4 FTE)	4.00	\$ 228,000.00	\$ 228,000.00	\$ 228,000.00
Office Assistant (2 FTE)	2.00	\$ 58,000.00	\$ 58,000.00	\$ 58,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 36,820.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL	7.00	\$ 405,820.00	\$ 369,000.00	\$ 369,000.00
PSD Risk Assessment (PSD 900)				
Staff				
Corrections Supervisor I	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Five (5) FTE Human Services Professional IV	5.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Office Assistant III (2 FTE)	2.00	\$ 56,000.00	\$ 56,000.00	\$ 56,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 42,080.00	\$ -	\$ -

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Travel (Big Island, Kauai, and Maui)		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL	5.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
PSD Community-Based Programs for Pre-Trial & Parolees (PSD 900)				
Evidence-based programs (substance abuse, employment, housing, and other support services)		\$ 1,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00
TOTAL		\$ 1,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00
HPA Parole Board Member (PSD 611- HPA/D)				
Staff				
Two (2) Part Time Board Members	2.00	\$ 106,414.08	\$ 106,414.08	\$ 106,414.08
Full Funding for Current Part-Time Members (@ 128 hrs/month)		\$ 17,458.56	\$ 17,458.56	\$ 17,458.56
Operational Cost				
Professional Equipment (@\$5,260)		\$ 10,520.00	\$ -	\$ -
TOTAL	2.00	\$ 123,972.64	\$ 123,972.64	\$ 123,972.64
HPA Parole Officers (PSD 612- HPA/SC)				
Staff				
Parole Officer VI	1.00	\$ 64,920.00	\$ 64,920.00	\$ 64,920.00
Parole Officer V	1.00	\$ 60,024.00	\$ 60,024.00	\$ 60,024.00
(5) FTE Parole Officer IV	5.00	\$ 227,880.00	\$ 227,880.00	\$ 227,880.00
Parole Officer III	1.00	\$ 42,132.00	\$ 42,132.00	\$ 42,132.00
Parole Officer II	1.00	\$ 38,988.00	\$ 38,988.00	\$ 38,988.00
Secretary I	1.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00
Office Assistant	1.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 57,860.00		
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Office Space		\$ 60,000.00	\$ 60,000.00	\$ 60,000.00
TOTAL	11.00	\$ 618,912.00	\$ 618,912.00	\$ 618,912.00
JUD Probation Drug Treatment/CBT Staff & Training				
Staff				
Four (4) FTE Social Worker IV to Provide In-House Programming	4.00	\$ 173,184.00	\$ 173,184.00	\$ 173,184.00
Fringe		\$ 68,856.00	\$ 68,856.00	\$ 68,856.00
Operational Cost				
MIS Upgrade to track treatment program participation		\$ 135,520.00	\$ -	\$ -
Contracts with Community-Based SA Programs for Probationers		\$ 208,478.00	\$ 208,478.00	\$ 208,478.00
Staff				
Two (2) Trainer to Train In-House Program Staff and Probation Staff	2.00	\$ 133,416.00	\$ 133,416.00	\$ 133,416.00
Fringe		\$ 53,046.00	\$ 53,046.00	\$ 53,046.00
Operational Cost				

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
Travel		\$ 18,000.00	\$ 18,000.00	\$ 18,000.00
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Professional Equipment (@\$5,260)		\$ 31,560.00	\$ -	\$ -
TOTAL	6.00	\$ 827,060.00	\$ 659,980.00	\$ 659,980.00
CVCC (PSD-613)				
Staff				
Project Coordinator	1.00	\$ 70,000.00	\$ 70,000.00	\$ 70,000.00
Recovery Coordinator	1.00	\$ 65,000.00	\$ 65,000.00	\$ 65,000.00
Restitution Specialist (3)	3.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Fringe		\$ 114,000.00	\$ 114,000.00	\$ 114,000.00
Operational Cost				
Office Space		\$ 18,000.00	\$ 18,000.00	\$ 18,000.00
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Professional Equipment (@\$5,260)		\$ 26,300.00	\$ -	\$ -
Other Operational Cost		\$ 23,000.00	\$ 23,000.00	\$ 23,000.00
Computer Database		\$ 150,000.00	\$ 12,000.00	\$ 12,000.00
Travel		\$ 8,400.00	\$ 8,400.00	\$ 8,400.00
TOTAL	5.00	\$ 629,700.00	\$ 465,400.00	\$ 465,400.00
D Victim Notification/Services/ Safety Planning (PSD 900)				
Staff				
Program Supervisor	1.00	\$ 62,000.00	\$ 62,000.00	\$ 62,000.00
Program Specialist (3 FTE)	3.00	\$ 171,000.00	\$ 171,000.00	\$ 171,000.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 21,040.00		
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
SAVIN Costs		\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Travel		\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
TOTAL	4.00	\$ 416,540.00	\$ 395,500.00	\$ 395,500.00
Hawaii Victim Assistance				
Staff				
Victim Assistance Counselor I (Kona)	1.00	\$ 40,512.00	\$ 40,512.00	\$ 40,512.00
Victim Assistance Counselor I (Hilo)	1.00	\$ 40,512.00	\$ 40,512.00	\$ 40,512.00
Legal Clerk I (Hilo)	1.00	\$ 27,756.00	\$ 27,756.00	\$ 27,756.00
Legal Clerk I (Kona)	1.00	\$ 27,756.00	\$ 27,756.00	\$ 27,756.00
Victim Assistance (Hilo)	1.00	\$ 31,212.00	\$ 31,212.00	\$ 31,212.00
Victim Assistance (Kona)	1.00	\$ 31,212.00	\$ 31,212.00	\$ 31,212.00

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
Fringe		\$ 65,657.00	\$ 65,657.00	\$ 65,657.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 31,560.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Travel		\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL	6.00	\$ 316,927.00	\$ 284,617.00	\$ 284,617.00
Maul Victim Assistance				
Staff				
Victim Witness Counselor I	1.00	\$ 42,132.00	\$ 42,132.00	\$ 42,132.00
Victim Witness Counselor I	1.00	\$ 42,132.00	\$ 42,132.00	\$ 42,132.00
Fringe		\$ 32,728.00	\$ 32,728.00	\$ 32,728.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 10,520.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Travel		\$ 1,060.00	\$ 1,060.00	\$ 1,060.00
TOTAL	2.00	\$ 130,542.00	\$ 120,952.00	\$ 120,952.00
Oahu Victim Assistance				
Staff				
Victim Witness Counselor II (4 FTE)	4.00	\$ 173,184.00	\$ 173,184.00	\$ 173,184.00
Legal Clerks (2 FTE)	2.00	\$ 57,072.00	\$ 57,072.00	\$ 57,072.00
Fringe		\$ 98,434.00	\$ 98,434.00	\$ 98,434.00
Operational Cost				
Professional Equipment (@\$5,260)		\$ 31,560.00		
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL	6.00	\$ 365,250.00	\$ 333,690.00	\$ 333,690.00
GRAND TOTAL	7.00	\$ 6,419,035.61	\$ 6,402,056.64	\$ 6,402,056.64

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

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February 22, 2012

Testimony in Support, HB 2514

To: Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
Members of the House Committee on Finance

From: Catherine Betts, Esq., Executive Director, Hawai'i State Commission on the Status of Women

Re: Testimony in Support of HB 2514, Relating to Public Safety

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on this issue. I would like to express my support for HB 2514.

The Justice Reinvestment Initiative has provided an independent inquiry into the flaws of our criminal justice system. This bill is based on the sound data culled by the Justice Reinvestment Initiative and would amend statutes to require a quickly conducted pre trial risk assessment, an expansion of the parole board to increase frequency and efficiency of parole board hearings, an increase in restitution to victims of crime and a required period of parole supervision prior to the maximum sentence date. By focusing on how to best reintegrate the incarcerated and support their rehabilitation, this legislation would allow for safer communities, less recidivism by offenders and less waste of state funds. Further, this bill provides for victim services, including continued funding for the Automated Victim Notification System, which the Commission wholeheartedly supports. The Commission respectfully urges this Committee to pass HB 2514.

Thank you for this opportunity to testify.

Catherine Betts, Esq.
Executive Director, Hawaii State Commission on the Status of Women

NEIL ABERCROMBIE
GOVERNOR



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

TESTIMONY ON HOUSE BILL 2514, HD2, (HSCR 630-12)
RELATING TO PUBLIC SAFETY

BY

HAWAII PAROLING AUTHORITY
Bert Y. Matsuoka, Chairman

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Thursday, February 23, 2012; 11:00 a.m.
State Capitol, Conference Room 308

Chair Oshiro, Vice Chair Lee and Members of the Committee:

The Hawaii Paroling Authority (HPA) supports HB 2514, HD2.

Thank you for this opportunity to provide testimony on this matter.

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MEMBER

MICHAEL A. TOWN
MEMBER

TOMMY JOHNSON
ADMINISTRATOR

No. _____

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE MARCUS R. OSHIRO, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai`i

February 23, 2012

RE: H.B. 2514, H.D. 2; RELATING TO CRIME.

Chair Oshiro, Vice-Chair Lee and members of the House Committee on Finance, the Department of the Prosecuting Attorney submits the following testimony expressing concerns regarding--and suggesting amendments to--H.B. 2514, H.D. 2.

While the Department understands the State's desire "to bring out-of-state prisoners back to Hawaii, reduce spending on corrections, and reinvest savings generated in strategies that would reduce recidivism and crime and increase public safety," multiple sections of this bill seem to strive for saving money or decreasing the prison populations, without retaining or including sufficient measures to uphold public safety.

First, we note that none of the proposed measures specifies a timeline for transition to 3-day pretrial assessments (Section 3), or for developing parole officers and support programs to serve the anticipated influx of "low-risk" (Section 8) and "nearly-maximum term" (Section 12) parolees. These things must be in place before any of the proposed measures could be reasonably implemented.

Regarding pretrial assessments, it is unclear what the repercussions would be if the 3-day mandate is not met, or how the proposed actuarial/assessment tool differs from the Hawaii Paroling Authority's ("HPA") current standards. If HPA standards are adequate, there is no need for this provision, and if they are insufficient, there should be an administrative initiative to change them.

We disagree with the proposed amendments in Section 7, which would limit re-incarceration of a parole violator to six-months. If there are factors that lead HPA to believe a particular offender should be incarcerated for longer than six months--up to his or her maximum term--then HPA should have the discretion to make that decision, as this is clearly within their area of expertise.

Section 8 reserves some discretion for HPA, regarding those persons assessed by the tool as "low-risk for re-offending," and we will defer to HPA and its counsel as to the sufficiency of this language. However, we note that Section 12 should include similar discretion for the HPA to assess the safety of releasing inmates who are nearing-maximum term. If HPA has previously found an inmate not suitable for parole, it seems unwise to release that person into the public any earlier than necessary, particularly if an inmate does not want to be released on parole, or is likely to re-offend as soon as they are released. In addition, we suggest that an exception be added to both Section 7 and Section 12, to deny early release if the person "has local, state or federal detainers or holds."

While we agree that collection of restitution for crime victims is very important, Section 9 of H.B. 2514, H.D. 2 would do very little to improve on current collections. Incarcerated persons only account for a small portion of offenders who owe restitution--which will get even smaller if many inmates are released due to other measures proposed in this bill. To more effectively facilitate payment of restitution to crime victims, the Department suggests that language from H.B. 2349 be incorporated into H.B. 2514, H.D. 2, to:

1. include unpaid restitution as valid "debt," for purposes of withholding State income tax refunds (similar to outstanding child support or judgments owed to State agencies);
2. remove a court's ability to revoke restitution once ordered as part of a defendant's sentencing (which would not affect their abilities to appeal a conviction);
3. create standards and procedures for income-withholding, fashioned after similar statutes used to enforce outstanding child support payments; and
4. extend victims' access to adult probation records, to include access to payment compliance records, for purposes of enforcing restitution orders civilly.

In addition, the Committee should consider an amendment to HRS §706-746, to apply bail monies toward any restitution owed, once a defendeant is sentenced. These measures would do much to assist in payment of restitution, and require little or no State funding.

Although the Department supports the goals of increasing public safety and increasing the efficiency and effectiveness of our criminal justice system, proposals raised in H.B. 2514, H.D. 2 require further revisions before they can purport to achieve those goals. For these reasons, the Department of the Prosecuting Attorney continues to have concerns about--and suggests amendments to--H.B. 2514, H.D. 2. Thank you for this opportunity to testify on this bill.



Committee: Committee on Finance
Hearing Date/Time: Thursday, February 23, 2012, 11:00 a.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawaii in Support of and with Comments to H.B. 2514, HD2, Relating to Public Safety

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The ACLU of Hawaii generally supports H.B. 2514, HD2 and the other proposals submitted as part of the Justice Reinvestment Initiative (JRI). However, we respectfully suggest the following improvement to the bill:

- o **Amend Section 8 to reduce maximum prison time for parole violations to 90 days**

Currently, H.B. 2514, HD1 reduces the maximum prison/jail time for a technical parole violation to six months, which is a step in the right direction. However, other states that have gone through the JRI process have settled on 90 days as the maximum time, with no adverse public safety effects and significant cost savings. Although this measure is a positive one, we strongly recommend that the Committee cap the prison/jail time at 90 days rather than six months.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 4:35 PM
To: FINTestimony
Cc: ajohnson@hinamauka.org
Subject: Testimony for HB2514 on 2/23/2012 11:00:00 AM
Attachments: HB2514 HD2 Relating to Public Safety.doc

Testimony for FIN 2/23/2012 11:00:00 AM HB2514

Conference room: 308
Testifier position: Support
Testifier will be present: Yes
Submitted by: Alan Johnson
Organization: Hawaii Substance Abuse Coalition
E-mail: ajohnson@hinamauka.org
Submitted on: 2/21/2012

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, February 21, 2012 2:48 PM
To: FINTestimony
Cc: ewelsh@metcalfconstruction.com
Subject: Testimony for HB2514 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2514

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Erin Welsh
Organization: Individual
E-mail: ewelsh@metcalfconstruction.com
Submitted on: 2/21/2012

Comments:

I am in strong support of this bill. Please pass it.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 11:31 AM
To: FINTestimony
Cc: maukalani78@hotmail.com
Subject: Testimony for HB2514 on 2/23/2012 11:00:00 AM

Testimony for FIN 2/23/2012 11:00:00 AM HB2514

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: elaine funakoshi
Organization: Individual
E-mail: maukalani78@hotmail.com
Submitted on: 2/22/2012

Comments:

Dear Chair Oshiro, Vice Chair Lee, and Members of the Committee:

I support HB2514, HD1.

The changes the bill proposes in the pre-trial risk assessment, increasing the parole board, using validated risk assessments to guide parole decisions, limit incarceration for first-time parole violators, and a period of parole supervision prior to the maximum sentence date will be beneficial to the state in its operation of the prisons.

Thanks you for the opportunity to submit my testimony in support of HB2514 HD1.

Aloha,
elaine funakoshi