

DA KINE BAIL BONDS

1381 Queen Emma Street
Honolulu, HI 96813
(808) 921-2245

LATE

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY
AFFAIRS

Senator Will Espero, Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Wednesday, March 21, 2012 • 10:05 a.m.

Conference Room 016

HB 2514, HD 3, Relating to Public Safety

Chair Espero, Chair Hee, and Members of the Public Safety, Government Operations, and Military Affairs Committee, and Members of the Judiciary and Labor Committee,

We are Duane and Beth Chapman, of Da Kine Bail Bonds, testifying against the pre-trial section of HB 2514.

As we have testified in the past, we have had a combined forty-plus years of experience in the bail bonds industry, and have also captured well over 6,000 fugitives. We have also researched pre-trial release around the country and have delivered to Chair Espero and Chair Hee some of the many studies that have proven that the pre-trial system does not work.

Stated plainly, pre-trial is a threat to public safety, and now this bill is making pre-trial release even easier for defendants, including a shocking number of felons, to obtain after a quick assessment. We strongly oppose this.

While this version of the bill clarifies some areas of pre-trial, we reiterate the following issues, and ask for your consideration.

First, there is a vast difference between a pre-trial two-party release on their own recognizance, where the court trusts another person's assessment of the defendant, and a bail bond sold by a bail agent - which is a third-party release, when a family member has paid a premium and placed collateral or indemnity on the line to ensure the defendant shows up at their court date.

In the case of a pre-trial two-party interview, when the defendant is released, there are no consequences to anyone if the defendant fails to show up for their court date. National statistics show the average failure to appear rate for pre-trial is 55%.

Whereas, in a third-party release that involves a bail agent, there is a financial penalty if the defendant does not show up at court, and the failure to appear rate is low. Bail agents are also responsible to retrieve their clients who fail to appear.

The second issue involves cost to the State. In the pre-trial two-party interview format, it will cost the State money to pay the interviewers' wages, not to mention the pension costs, and, if the defendant does not show up for court, the costs to retrieve them.

Under the third-party release bail bond format, there is no cost to the State if the person does not show up in court; In fact, the State makes money. The bail bondsman is responsible to make sure the defendant shows up in court, and must forfeit bail if the defendant fails to appear. Bail bondsmen pay all costs to retrieve the defendant if he/she fails to appear in court.

If the intent of SB 2776, SD 3 is to reduce the overcrowding of our prisons, there are other alternatives to achieve this that will prove more efficient, and save taxpayers money, including allowing bail agents the same access to defendants as pre-trial interviewers, and passing bills like SB 2158, which allows bail on weekends and holidays.

We are also very concerned that allowing felons on the street after a quick interview process, and on their own recognizance, is not in the best interest of the public safety. We also would like to see a lot more accountability on pre-trial: Who is released? How many fail to appear in court? How many re-offend while released? If they fail to appear, how many are retrieved by the State?

We recommend that the pre-trial section be deleted during this session in order to allow for a more thorough study of pre-trial. The studies we've shared with the Chairs show that time and time again pre-trial has failed.

In addition, in 1996, the State of Hawaii started an emergency release program trial, where inmates were released on their own recognizance if they had their bails set at \$11,000 or below. There was a 55% failure to appear at court rate, and the program was terminated due to its failure. Pre-trial will bring the same results because its basis is the same as the emergency release program.

We understand that our jails are over crowded, and that the State wishes to bring inmates home who are serving on the mainland. As we mentioned earlier, there are other ways that are safer and more accountable to alleviate overcrowding.

We sincerely hope you will also oppose and delete the first section of HB 2514, HD 3, for the reasons we have outlined, above.

Mahalo for allowing us to testify.



LATE

Date: March 20, 2012

To: The Honorable Will Espero, Chair
The Honorable Michelle N. Kidani, Vice Chair
Committee on Public Safety, Government Operations, and Military Affairs

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

From: Nanci Kreidman, M.A.

re: H.B. 2514, H.D. 3
Relating to Public Safety

Good morning. Thank you for the opportunity to express **strong support** for H.B. 2514, H.D. 3 which provides positions and funding for crime victims services to the county prosecutor's offices, establishes a victim service program in PSD, continues funding for the Statewide Automated Victim Notification System, and establishes a restitution accountability program in the Crime Victim Compensation Commission.

Crime victims services provide trained advocates that assist victims through the legal process. The advocates help to create a safe environment for victims who are required by the judicial system to be in the same vicinity as their abusers. Likewise, the victim notification services and safety planning services through PSD is vital to the safety of victims. Maintaining and strengthening these programs is essential.

Increasing inmate contribution to restitution to 25% of all income would assist victims in recouping financial losses caused by their abusers. Too many victims are adversely affected financially by injuries and losses caused by their abusers. An increase in restitution payments helps to lessen the financial burden of being a victim.

Thank you for your consideration.

**TESTIMONY IN SUPPORT OF HB 2514 HD3
RELATING TO PUBLIC SAFETY**

**Robert Coombs, Senior Policy Analyst
Council of State Governments Justice Center**

SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

Sen. Wil Espero, Chair
Sen. Michelle Kidani, Vice Chair

SENATE COMMITTEE ON JUDICIARY AND LABOR

Sen. Clayton Hee, Chair
Sen. Maile Shimabukuro, Vice Chair

March 21, 2012
10:00 am, Room 016

Chair Espero, Chair Hee, Vice Chair Kidani, Vice Chair Shimabukuro and committee members, thank you for hearing HB 2514 HD3 Relating to Public Safety and for the opportunity to discuss the research we at the Council of State Governments Justice Center have conducted over the last year.

In June, Governor Abercrombie, Chief Justice Recktenwald, Senate President Tsutsui, House Speaker Say and Department of Public Safety Director Maesaka-Hirata joined to launch a Justice Reinvestment Initiative (JRI). JRI is a data-driven approach to identify inefficiencies, develop cost-effective policy options, and plan for a reinvestment of savings that reduces recidivism and increases public safety.

To assist them in this inter-branch, research-based effort, they requested assistance from the Pew Center on the States and the U.S. Department of Justice Bureau of Justice Assistance. The CSG Justice Center was selected to provide 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. All of this was done using federal and private funds, meaning this cost the state nothing except the time of staff to participate.

Over the past seven months, an inter-branch JRI working group chaired by the Director of Public Safety, Judge Alm, and the Senate President has guided and informed this effort. Throughout the process, we collected and analyzed data from arrests to court dispositions to probation, prison, and parole. We would like to recognize officials and

staff at the Attorney General's office, the Judiciary and probation, Hawaii Paroling Authority, and of course the Department of Public Safety for their efforts to make data available and assist in the analysis throughout this process. The Department of Public Safety (PSD) deserves particular recognition for the data collection and access that Director Maesaka-Hirata and her staff provided to this process. Along with these quantitative analyses, we convened focus groups and interviews with numerous practitioners and stakeholders from around the state, including prosecutors, victim advocates, judges, parole board members, probation officers, law enforcement officials, and others.

Overview

Overall, we found that despite a decline in crime over the past five years, the overall jail and prison population has not significantly changed. The 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.

1. Analyses found that 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. Prisoners are required to complete programs that don't benefit public safety. 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 behind bars and those offenders most likely to benefit from programs have been unable to get the programs they need to make the public safe.
3. Hawaii often releases those people most likely to reoffend back to communities without any supervision or monitoring. Prisoners likely to commit more crime are exploiting loopholes in the system that allows them to return to the community with nobody holding them accountable.
4. Restitution for victims is not being adequately collected. Current statutes only require people to pay ten cents to victims for every dollar they earn behind bars, even if they have hundreds and thousands of dollars deposited into their individual account.

Justice Reinvestment Policy Framework

In consultation with the inter-branch working group, the CSG Justice Center developed a package of policy options to address these inefficiencies, hold offenders more accountable, and reinvest savings in more effective public safety strategies.

The policy options from the framework included in House Bill 2514 would do the following:

- Increase efficiency in the pre-trial process. The bill requires PSD to conduct a pre-trial assessment within three working days. This will require resources to conduct these assessments proactively and quickly, but is much cheaper than the current process which the data suggests is longer than 39 of the largest counties in the nation.
- Increase efficiency in the parole decision-making process. The parole board in Hawaii has more responsibility and power over the length of time sentenced felony offenders serve than any other board in the country. Yet, they have fewer board members than most other states. With only three parole board members and two required at each hearing, there is little flexibility to ensure timely and complete hearings are held. This bill adds a fourth part-time member to the board to reduce the likelihood of unnecessary delays or incomplete hearings.
- Reduce reoffending by focusing prison-based programs on those who will benefit the most from treatment. This bill requires that a validated risk assessment be conducted on every sentenced offender to determine who is most likely to succeed and not reoffend after release and who is most likely to commit another crime. This bill requires that offenders most likely to be successful should be paroled after serving the sentence set by the parole board. Additional incapacitation beyond the minimum sentence date should be reserved for keeping those offenders more likely to reoffend behind bars until they complete treatment and have a suitable parole plan.
- Increase accountability and reduce recidivism by using swift, certain, and graduated sanctions for parolees. This bill calls for differentiating the severity of the response to violations. By limiting reincarceration for the first condition violation at six months, resources can be reinvested in additional parole officers and community-based programs to strengthen supervision while still imposing stiff sanctions on those that violate repeatedly, abscond, or are charged with a new felony.
- Ensure accountability by requiring a minimum period of supervision after prison for those offenders who have not been previously parole and would otherwise be released without any transition. This bill requires that a small percentage of an offender's maximum sentence be served on parole supervision to monitor their behavior, create a safety plan for victims, and alert law enforcement. Such an approach is commonplace in most states that adopted truth in sentencing during the last two decades. In those states, most require an even greater percentage of each offender's sentence to be served under supervision at the end.
- Improve and increase victim restitution collected from offenders while they are incarcerated. This bill would increase the percentage collected from 10 percent to 25 percent, and would collect from not just wages (which typically amount to

\$20 per month) but any deposits made to the individual offender's account. This will increase restitution collected for victims dramatically. In addition, the bill allows for reinvestment in a stronger system of accountability within the Crime Victim Compensation Commission to document restitution collection rates and progress.

Impact

Based on the analysis we conducted, we anticipate that this bill would contribute to increasing public safety in three ways. First, by addressing the inefficiencies that tie up resources in ways that do not reduce crime and reinvesting in ways that do. Second, by focusing resources spent 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. Third, by increasing accountability in Hawaii's criminal justice system by mandating a period of supervision and increasing the amount of victim restitution collected.

Unless policymakers take action, the inefficiencies identified will cost Hawaii \$150 million over the next six years alone. Adopting the policies would avert all of those costs by gradually reducing the pre-trial jail population and the sentenced population as fewer people are delayed for release due to lack of information, first time parole violators come back to prison for shorter, swifter sanctions, and people are released in ways that most likely benefit public safety. Nearly all offenders who come into PSD's jail and prison facilities each and every year will be released at some point. This bill aims to improve how they are released, to require supervision, to avoid delaying someone's release simply because of inefficient processes and a lack of timely assessment or decision-making.

At the same time, the bill requires an estimated \$7 million to be spent annually on investments in each of the following critical areas of the criminal justice system:

- Victim Services, Notification & Restitution Collection
- Prison, Reentry and Community Based Treatment Programs
- Probation and Parole Supervision
- Research and Planning

Thank you, Chair Espero, Chair Hee, Vice Chair Kidani, Vice Chair Shimabukuro, and members of the committee, for the opportunity to share our research and findings with you as you work to find ways of increasing public safety while containing costs.

LATE

HSCADV HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Will Espero, Chair
The Honorable Michelle N. Kidani, Vice Chair
Committee on Public Safety, Government Operations, and Military Affairs

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Re: H.B. 2514, H.D.3, Relating to Public Safety – SUPPORT

Committee Hearing: PGM/JDL 3/21/2012 10:05:00 AM

Good morning Chair Espero, Chair Hee and Members of the Joint Committee. My name is Veronika Geronimo and I am the Executive Director of the Hawaii State Coalition Against Domestic Violence. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The Hawai'i State Coalition Against Domestic Violence lends its strong support to H.B. 2514, H.D. 3.

Sections 14 and 15 of the bill provides much needed staff positions and funding for crime victim services in the Department of Public Safety and county prosecutor's offices; establishes a victim service program in PSD; continues funding for the statewide Automated Victim Notification System; and establishes a restitution accountability program in the Crime Victim Compensation Commission. These services are necessary for the safety of the domestic violence survivors in criminal cases.

The crime victim services in the prosecutor's offices assists domestic violence survivors through the unfamiliar and emotionally trying court process. The crime victim services also help to keep domestic violence survivors safe throughout the legal process which forces the domestic violence survivors to confront their abuser. The Automated Victim Notification System provides another measure of safety for the domestic violence survivor.

The requirement for validated risk assessments before bail can be set, increases the likelihood that dangerous defendants remain in custody. Moreover, requiring validated risk assessment be utilized also increases the likelihood that dangerous defendants are identified.

Section 14 and 15 are critical in light of the Justice Reinvestment Initiative's (JRI) proposals to increase supervised release of felons. These provisions will work hand-in-hand with other JRI proposals to increase victim and public safety.

Thank you for your consideration.



LATE

Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.com

March 21, 2012

To: Senator Will Espero, Chair –Senate Committee on Public Safety, Government Operations, and Military Affairs; Senator Michelle N. Kidani, Vice Chair; Senator Clayton Hee, Chair - Senate Committee on Judiciary and Labor; Senator Maile S.L. Shimabukuro, Vice Chair; and members of the committees

From: Carol McNamee - Co-chairman, Public Policy Committee - MADD Hawaii

Re: House Bill 2514, HD3 – Relating to Public Safety

I am Carol McNamee, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of House Bill 2514, HD3, relating to Public Safety.

MADD is one of the largest victim organizations in the country, serving 60,000 victims of drunk and drugged driving in 2011 – one every 9 minutes. Our mission has three parts: to stop drunk driving; to support the victims of this violent crime, and to prevent underage drinking. The organization’s slogan is “the voice of the victim.” Not only does MADD provide an understanding and comforting environment for victims, the organization is a strong advocate for the rights of individual victims of highway crashes and for the general rights of the entire universe of victims of violent crime across the country.

MADD in Hawaii has been serving victims for over 28 years – providing grief materials, comfort and support, access to counseling, and criminal justice system advocacy. Almost exactly nine years ago, MADD dedicated its beautiful bronze Memorial to all victims of violent crime. It is located at the ewa end of Kaka’ako Waterfront Park. House Bill 2514, HD3 will provide improved treatment for the thousands of victims of violent crime throughout the state.

This bill incorporates major recommendations of the Justice Reinvestment Initiative. MADD is especially supportive of the JRI legislative package’s inclusion of significant funding for victim services. In fact, under this proposal, Hawai`i will become the only state where funds are reinvested in victim services. JRI recommendations include funding for 13 new victim assistance staff in the several county prosecutors’ offices, funding to continue the Statewide Automated Victim Notification Program (the “SAVIN Program”), funding to establish a Victim Services Unit in PSD, and funding for a restitution accountability program in the Crime Victim Compensation Commission.

The JRI reinvestment in victim services promises to improve restitution collections. MADD has identified issues surrounding restitution as a major concern to our victims and a source of revictimization.

This bill also ensures that, through an automated system providing information about offenders' parole hearings and release dates, victims will receive enough advance notification to speak at the hearings if they so wish.

MADD also understands the value of, and supports the concept of, risk assessment so that higher risk individuals, which would include negligent homicide - 1st^o and manslaughter offenders will be assured the appropriate programs and oversight to protect the safety of the public.

MADD believes that, as an organization with a huge stake in an efficient and effective justice system and a mission to support victims in the very best ways possible, we owe it to all who support our organization or who use our services to strongly support HB 2514, HD3. We urge the committees to pass this measure.

Thank you for this opportunity to testify.

March 21, 2012

Julie McFarland
Radiation Therapist, BSW

LATE

Attn:

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY
AFFAIRS

Senator Will Espero, Chair

Senator Michelle N. Kidani, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Conference Room 016

Dear Chairs Espero and Hee, Vice Chairs Kidani and Shimabukuro,

I am writing in **support** of HB 2514, HD 3 RELATING TO PUBLIC SAFETY.

This bill is vital if we are to bring our local prisoners back to Hawaii while supporting an O'hana based plan of reintegrating criminals back into society. I am a local resident and part Hawaiian ancestry and understand the importance of keeping our local inmates here at home. This Bill also supports victims and restitution fulfillment of the criminals while incarcerated.

Having been a victim of crime, I can tell you firsthand how important the inclusion of the local office of Crime Victim Compensation Commission and the recovery of restitution. Crime victims demand this support and deserve to be supported by this important legislation.

The other arm of this vitally necessary legislation is the Risk Assessment piece. How many of us have to be re-victimized by those arrested and not assessed before being released back to our communities. This current practice is not only unfair to those of us that live by the rules of society, but it does not send a positive message to those that chose to break the law. Some of those arrested are not career criminals nor pose a danger to society but are being kept in custody for an average of 110 days as they are unable to post bond, is in my opinion unnecessary and immoral.

I have reviewed the Ohio Risk Assessment System
([www.assessments.com/.../ORAS Final Report and Validation.pdf](http://www.assessments.com/.../ORAS_Final_Report_and_Validation.pdf))

and suggest you do so as well. This risk assessment procedure is very basic and highly insightful as to the actual risk of someone released from custody reoffending while awaiting trial.

Thank you for the opportunity to give testimony.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 7:32 AM
To: PGM Testimony
Cc: jim@808bail.com
Subject: Testimony for HB2514 on 3/21/2012 10:05:00 AM

Testimony for PGM/JDL 3/21/2012 10:05:00 AM HB2514

Conference room: 016
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: James Waldron Lindblad
Organization: Bail Agents
E-mail: jim@808bail.com
Submitted on: 3/21/2012

Comments:
Oppose only Part 2, section 2 on 3 day assessment.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 8:37 AM
To: PGM Testimony
Cc: elizabeth.torres96@yahoo.com
Subject: Testimony for HB2514 on 3/21/2012 10:05:00 AM

Testimony for PGM/JDL 3/21/2012 10:05:00 AM HB2514

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Elizabeth Torres
Organization: Individual
E-mail: elizabeth.torres96@yahoo.com
Submitted on: 3/21/2012

Comments:
I am in full support of bill HB 2514.