

NEIL ABERCROMBIE
GOVERNOR



JODIE F. MAESAKA-HIRATA
DIRECTOR

Martha Torney
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LATE

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

No. _____

February 23, 2012

**TESTIMONY ON HOUSE BILL 2515, 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 is in strong support of House Bill 2515, House Draft 2, Relating to Crime, 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 on the Mainland 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

A number of amendments were made by the Committee on Public Safety and Military Affairs, and the Committee on Judiciary, with which we concur. The amendments respond to concerns raised by the City and County of Honolulu, Office of the Prosecuting Attorney, and victim advocates.

FELONY DRUG OFFENDERS

The Department of Public Safety (PSD) strongly supports substance abuse treatment to address behavior that not only contributes to but may be the root cause of criminal acts that harm victims and the community. It is the criminal justice system's responsibility to the community to prevent further criminal acts by providing effective treatment.

Current law allows the Courts to place first-time felony drug offenders on probation with treatment in the community, but second-time offenders are subject to mandatory incarceration regardless of the circumstances surrounding their drug offense.

Research in the field of substance abuse treatment has shown that prisoners who present a low risk of reoffending are more successful when placed in community-based treatment, freeing up beds and program space for more serious offenders.

Section 2 of this measure allows, but does not require, the Courts to impose a probation sentence upon a second conviction.

TERMS OF PROBATION

The length of probation terms in Hawaii exceeds the national average. Valuable probation resources are spent on supervising offenders who have a very low risk of recidivism after the first three years of a probation term. Based on the findings of the Justice Center, Hawaii could make better use of its limited resources by focusing services on high risk offenders.

Extensive research has shown that recidivism, defined as any new arrest for this purpose, is most likely to take place during the first three years of community supervision. In the majority of states, probation services are

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 900)		\$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
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
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
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	\$ -	\$ -
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
Five (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
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
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
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
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

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Phone: (808) 831-0811

February 22, 2012

Chair: Marcus Oshiro
Vice chair: Marilyn Lee
and Committee members

I am responding to bill HB2515 which is scheduled for hearing on 2/23/12. I will not be able to attend, but I would like to indulge in the topic of raising the theft threshold for a felony theft in the second degree from the current \$300 to the proposed \$750.

My name is Brian Iwaishi and I am the Loss Prevention Manager for Times Super Market. I have been involved in the retail security business for over 32 years and have come to know quite a few thieves who have been stealing for years some having more than 60+ arrest for theft alone. Some of them would tell me that they know the value they are stealing as they do not want to be charged with a felony.

I am opposed as is Times Super Market, to this measure as this will only increase the theft problems retail establishments face everyday. As some of you have noticed many retail establishments have increased their efforts to combat the rising problem of theft by installing EAS security systems, more cameras, security guards and loss prevention personnel in an effort to reduce the theft problem and losses from associated with theft. This investment is not cheap but has become increasingly necessary to survive in the competitive retail industry.

I feel that this bill could have a bigger impact on the retail industry where there would be a trickle down effect which will have an affect on everyone, customers, employees and companies as well.

Thank You,

Brian Iwaishi
Loss Prevention Manager
Times Super Market