



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Ways and Means

Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, March 29, 2012, 9:00 a.m.
State Capitol, Conference Room 211

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN COMMENTS.

Bill No. and Title: House Bill No. 2515, H.D. 3, S.D. 1, Relating to Crime

Purpose: Allows a sentence of probation for certain second-time convictions for certain drug offenses. Allows probation for a period of four years for certain class B or class C felonies. Requires the defendant's probation officer to report to the court concerning compliance or non-compliance with conditions of probation. Effective upon approval.

Judiciary's Position:

The Judiciary supports Section 3 of House Bill No. 2515, H.D. 3, Relating to Crime.

The Governor, Chief Justice, Senate President, House Speaker, and Department of Public Safety Director established a bipartisan, inter-branch Justice Reinvestment Working Group comprised of leading state and local officials to receive intensive technical assistance from the Council of State Governments (CSG) Justice Center. The CSG Justice Center assisted the working group in analyzing data from every aspect of Hawaii's criminal justice and corrections system. The Judiciary supports the intent of the Justice Reinvestment Initiative process.

Overall, the analysis found that crime and victimization rates as well as arrests and felony convictions for violent and property crimes have declined. However, despite these declines, from 2006 to 2010, the probation population increased 11%, from 16,079 to 17,771.



House Bill No. 2515, H.D. 3, S.D. 1, Relating to Crime
Senate Committee on Ways and Means
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Probation terms for Class B and C felons in Hawaii are much longer at five years than the national average of three years. These exceptionally long probation terms relative to other states results in a less effective allocation of scarce criminal justice resources.

The risk of recidivism is most likely during the first and second year of probation, and, therefore, the public safety benefit of supervising offenders for subsequent years is much less significant. Besides offering diminishing benefits, supervising offenders for such long periods requires resources that could otherwise be spent supervising offenders who pose a higher risk or have recently been placed on probation.

In addition, this bill includes an amendment to Section 706-603, HRS, to require a probation officer, prior to early discharge of a defendant, to report to court concerning the defendant's compliance or non-compliance with terms of probation. This will ensure that, in every case, a court considering early discharge will have, in addition to information provided by the defendant or the prosecutor, information on the defendant's probation performance from a court official responsible for the defendant's supervision.

Thank you for the opportunity to testify on House Bill No. 2515, H.D. 3, S.D. 1.

NEIL ABERCROMBIE
GOVERNOR



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

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No. _____

March 29, 2012

COMMENTS ON HOUSE BILL 2515, SENATE DRAFT 1
RELATING TO CRIME

By

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

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

March 29, 2012; 9:00 a.m.
State Capitol, Conference Room 211

WRITTEN
COMMENTS
ONLY

Chair Ige, Vice Chair Kidani, and Members of the Committees:

The Department of Public Safety (PSD) supports House Bill 2515, Senate Draft 1, and requests it be passed out of this Committee so that it may proceed to Conference. This measure has been amended several times and we would like the opportunity to continue the discussion and reach consensus with stakeholders on a measure that would achieve the goals of the Justice Reinvestment Initiative.

The goals of the Justice Reinvestment Initiative are based on a data driven approach to determine what factors contribute to recidivism, how best to address those factors in our community, and how to develop and implement evidence-based best practices to help individuals break their cycle of reoffending. Our recommendations are formulating through careful analysis of a wealth of Hawaii criminal justice data in order to protect the public through sound policy and practice.

We respectfully request that this Committee **amend** this draft by **replacing** line 1, page six, with the words "**chapter 709, and part I of chapter 712 and three years...**" This change would reflect the recommendations of the Working Group concerning the length of a probation sentence for class B and C felons, except for those who are convicted of certain violent crimes, child abuse and prostitution.

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 delegated to the counties and among the largest counties, 83% of felony probationers receive terms of three years or less. In Hawaii, 95% of felony probationers are ordered to terms of more than three years. Should an offender sentenced to three years of probation prove to require extended supervision, the Courts can so order under certain conditions.

The potential savings that may be realized through the passage of this measure by reducing the number of inmates placed in Mainland contracted beds will be reinvested to support community-based programs and services, increased probation and parole staff, and victim services. Attached is the proposed budget to support the initiative through reinvesting funds from the Department of Public Safety's Non-State Facilities Branch (PSD 808) to various other programs at the State and County levels. In the Governor's Message dated March 1, 2012, to Speaker Calvin Say and President Shan Tsutsui concerning the State Budget, Item 12 identifies the request to re-appropriate PSD 808 funds to the programs included in the attached budget proposal.

Thank you for the opportunity to testify on this important measure.

FY2013-15 Implementation of Justice Reinvestment Initiative

	FY2013		FY2014		FY2015	
	July-Dec	Jan-June	July-Dec	Jan-June	July-Dec	Jan-June
REINVESTMENT*						
Total		\$6,017,796		\$5,954,716		\$5,954,716
Pre-Trial Assessments (PSD 410- ISC)		\$170,780		\$155,000		\$155,000
PSD Research & Planning (PSD 900)		\$355,560		\$324,000		\$324,000
PSD REENTRY OFFICE:						
<i>PSD Program Planning & Training (PSD 900)</i>		\$226,040		\$205,000		\$205,000
<i>PSD Risk Assessment Unit (PSD 900)</i>		\$216,040		\$195,000		\$195,000
<i>PSD Victim Notification Services/Safety Planning Unit (PSD 900)</i>		\$346,780		\$331,000		\$331,000
PSD and Community-Based Programs for Pre-Trial, Inmates, & Parolees (PSD 900)		\$2,000,000		\$2,500,000		\$2,500,000
HPA Parole Board Members (PSD 611- HPA/D)		\$134,393		\$123,873		\$123,873
HPA Parole Officers (PSD 612- HPA/SC)		\$390,984		\$348,904		\$348,904
JUD Probation Drug Treatment/CBT & Staff Training		\$827,060		\$659,980		\$659,980
CVCC Restitution Accountability (PSD 613- CVCC)		\$476,300		\$317,000		\$317,000
Hawaii Victim Assistance		\$303,177		\$271,617		\$271,617
Maui Victim Assistance		\$134,512		\$123,992		\$123,992
Kauai Victim Assistance		\$70,920		\$65,660		\$65,660
Oahu Victim Assistance		\$365,250		\$333,690		\$333,690

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				
Human Services Professional IV (3 FTE)	3.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Operational Cost				
Start Up and Operational Cost		\$ 20,780.00	\$ 5,000.00	\$ 5,000.00
TOTAL:	3.00	\$ 170,780.00	\$ 155,000.00	\$ 155,000.00
PSD Research and Planning (PSD 900)				
Staff				
Planner VI (1 FTE)	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 FTE)	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Office Assistant (1 FTE)	1.00	\$ 29,000.00	\$ 29,000.00	\$ 29,000.00
CIP Coordinator (1 FTE)	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Operational Cost				
Start Up and Operational Cost		\$ 36,560.00	\$ 5,000.00	\$ 5,000.00
TOTAL:	6.00	\$ 355,560.00	\$ 324,000.00	\$ 324,000.00
PSD REENTRY OFFICE:				
PSD Program Planning & Training (PSD 900)				
Staff				
Program Specialist (3 FTE)	3.00	\$ 171,000.00	\$ 171,000.00	\$ 171,000.00
Office Assistant (1 FTE)	1.00	\$ 29,000.00	\$ 29,000.00	\$ 29,000.00
Operational Cost				
Start Up and Operational Cost		\$ 26,040.00	\$ 5,000.00	\$ 5,000.00
TOTAL:	4.00	\$ 226,040.00	\$ 205,000.00	\$ 205,000.00
PSD Risk Assessment Unit In Reentry Office (PSD 900)				
Staff				
Corrections Supervisor I (1 FTE)	1.00	\$ 57,000.00	\$ 57,000.00	\$ 57,000.00
Human Services Professional IV (2 FTE)	2.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
Office Assistant III (1 FTE)	1.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00
Operational Cost				
Start Up and Operational Cost		\$ 31,040.00	\$ 10,000.00	\$ 10,000.00
TOTAL:	4.00	\$ 216,040.00	\$ 195,000.00	\$ 195,000.00

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
PSD Victim Notification/Services/ Safety Planning Unit in Reentry Office (PSD 900)				
Staff				
Program Specialist (3 FTE)	3.00	\$ 171,000.00	\$ 171,000.00	\$ 171,000.00
Operational Cost				
Start Up and Operational Cost		\$ 25,780.00	\$ 10,000.00	\$ 10,000.00
SAVIN Costs		\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
TOTAL:	3.00	\$ 346,780.00	\$ 331,000.00	\$ 331,000.00
PSD and Community-Based Programs for Pre-Trial, Inmates & Parolees (PSD 900)				
Evidence-based Programs (Inclusive of substance abuse, workforce development, transitional housing, education, on-site community based programs and other support services)				
		\$ 2,000,000.00	\$ 2,500,000.00	\$ 2,500,000.00
TOTAL:		\$ 2,000,000.00	\$ 2,500,000.00	\$ 2,500,000.00
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				
Start Up and Operational Cost		\$ 10,520.00	\$ -	\$ -
TOTAL:	2.00	\$ 134,392.64	\$ 123,872.64	\$ 123,872.64
HPA Parole Officers (PSD 612- HPA/SC)				
Staff				
Parole Officer V (Island of Hawaii/1 FTE)	1.00	\$ 60,024.00	\$ 60,024.00	\$ 60,024.00
Parole Officer IV (5 FTE)	5.00	\$ 227,880.00	\$ 227,880.00	\$ 227,880.00
Office Assistant (1 FTE)	2.00	\$ 56,000.00	\$ 56,000.00	\$ 56,000.00
Operational Cost				
Start Up and Operational Cost		\$ 47,080.00	\$ 5,000.00	\$ 5,000.00
TOTAL:	8.00	\$ 390,984.00	\$ 348,904.00	\$ 348,904.00

FY2013-15 Implementation of Justice Reinvestment Policies

PROGRAM		FY 2013	FY 2014	FY 2015
JUDICIARY Probation Drug Treatment/CBT Staff & Training				
Staff				
Social Worker IV to Provide In-House Programming (4 FTE)	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) Trainers 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				
Start Up and Operational Cost		\$ 54,560.00	\$ 23,000.00	\$ 23,000.00
TOTAL:	6.00	\$ 827,060.00	\$ 659,980.00	\$ 659,980.00
CVCC (PSD-613)				
Staff				
Project Coordinator (1 FTE)	1.00	\$ 70,000.00	\$ 70,000.00	\$ 70,000.00
Recovery Coordinator (1 FTE)	1.00	\$ 65,000.00	\$ 65,000.00	\$ 65,000.00
Restitution Specialist (3 FTE)	3.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Operational Cost				
Start Up and Operational Cost		\$ 41,300.00	\$ 20,000.00	\$ 20,000.00
Computer Database		\$ 150,000.00	\$ 12,000.00	\$ 12,000.00
TOTAL:	5.00	\$ 476,300.00	\$ 317,000.00	\$ 317,000.00
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				
Start Up and Operational Cost		\$ 38,560.00	\$ 7,000.00	\$ 7,000.00
TOTAL:	6.00	\$ 303,177.00	\$ 271,617.00	\$ 271,617.00
Maul Victim Assistance				
Staff				
Victim Witness Counselor I (2 FTE)	2.00	\$ 84,264.00	\$ 84,264.00	\$ 84,264.00
Fringe		\$ 32,728.00	\$ 32,728.00	\$ 32,728.00
Operational Cost				
Start Up and Operational Cost		\$ 17,520.00	\$ 7,000.00	\$ 7,000.00
TOTAL:	2.00	\$ 134,512.00	\$ 123,992.00	\$ 123,992.00
Kauai Victim Assistance				
Staff				
Victim Witness Counselor II (1 FTE)	1.00	\$ 43,296.00	\$ 43,296.00	\$ 43,296.00
Fringe		\$ 16,364.00	\$ 16,364.00	\$ 16,364.00
Operational Cost				
Start Up and Operational Cost		\$ 11,260.00	\$ 6,000.00	\$ 6,000.00
TOTAL:	1.00	\$ 70,920.00	\$ 65,660.00	\$ 65,660.00
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				
Start Up and Operational Cost		\$ 36,560.00	\$ 5,000.00	\$ 5,000.00
TOTAL:	6.00	\$ 365,250.00	\$ 333,690.00	\$ 333,690.00
GRAND TOTAL:	56.00	\$ 6,017,795.64	\$ 5,954,715.64	\$ 5,954,715.64

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PROSECUTING ATTORNEY

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FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE DAVID Y. IGE, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai`i**

March 29, 2012

RE: H.B. 2515, H.D. 3, S.D. 1; RELATING TO PUBLIC SAFETY.

Chair Ige, Vice Chair Kidani and members of the Senate Committee on Ways and Means; the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony expressing concerns regarding H.B. 2515, H.D. 3, S.D. 1.

The Department is concerned about Section 3 (page 6, lines 7-9), and strongly recommends keeping the language of HRS §706-623(1)(b) as it currently exists. At this time, the courts already have--and utilize--discretion to impose shorter periods of probation for class B or C felonies, as deemed appropriate on a case-by-case basis.

Once an offender is on probation, probation officers can also "bank" a case if someone proves to be compliant over a period of time; this requires little or no monitoring for probation officers, in comparison to their "problem clients." In addition, courts already have discretion to grant early discharge from probation, at any time, upon application of a probation officer or defendant, or on its own motion.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu continues to have concerns about H.B. 2515, H.D. 3, S.D. 1. Thank you for the opportunity to testify on this bill.

**Testimony of the Office of the Public Defender, State of Hawaii,
to the Senate Committee on Ways and Means**

March 29, 2012

H.B. No. 2515 HD3 SD1: RELATING TO CRIME

Chair Ige and Members of the Committee:

We support passage of H.B. No. 2515 HD3 SD1 which contains a number of recommendations made by the Governor's Justice Reinvestment initiative. We believe that the proposals contained in this bill can greatly relieve stress upon the criminal justice system while maintaining public safety.

H.B. No. 2515 HD3 SD1 amends H.R.S. § 706-622.5 to allow probation for second time drug offenders convicted of possession or use crimes. Currently, such offenders fall under the repeat offender statute, § 706-606.5, and must receive a prison sentence. Rather than filling our prisons with these offenders, the community would be better served by requiring them to enroll in substance abuse treatment programs. The success of programs such as drug court and recently, Hawaii's Opportunity Probation with Enforcement (HOPE), illustrate that offenders can be safely released into the community with proper treatment and supervision. Hawaii must take advantage of these alternatives to incarceration to relieve overpopulation in our correctional facilities.

Second, the bill, in section 3 on page 5, amends § 706-623, to provide for four-year probation terms for certain class B or C felonies which are not sexual or child abuse offenses. Currently, many probationers after two or three years are "administratively banked" by the probation department which means that, due to their good conduct on probation and compliance with all court-imposed conditions, are no longer on active supervision. Many of these probationers also petition the court for early release from their terms of probation. These motions require attorneys to have them filed and spaces on court calendars to hold hearings. Thus, they are costly to the system. For most offenders, a three-year term of probation is a sufficient amount of time to determine whether he/she can become a productive member of the community and is amenable to rehabilitation.

Hawaii is in need of reform to its criminal justice system. The Justice Reinvestment project conducted a data-driven analysis of our current system and formulated a number of suggestions to make the system more efficient while not sacrificing public safety. H.B. No. 2515 HD3 SD1 would accomplish some of the reforms suggested by this project. We support these changes and urge the passage of this measure.

Thank for the opportunity to comment on this measure.



HB2515 HD3 SD1
RELATING TO CRIME
Senate Committee on Ways and Means

March 29, 2012

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** HB2515 HD3 SD1, which would implement the changes suggested by the Justice Reinvestment Initiative.

OHA's 2010 report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System," and the recently completed study by the Justice Reinvestment Initiative indicate that there is a clear need for smart justice solutions, such as those that are part of this bill. These changes bring the criminal justice system current with the realities of law enforcement for low-level drug offenses and related crimes.

OHA urges the committee to revert back to the HD3 version. Hawai'i's felony threshold for theft lags behind the standard practice of other states and is an ineffective and heavy-handed way to deal with crime.

OHA urges the committee to AMEND HB2515 HD3 SD1. Mahalo for the opportunity to testify on this important measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
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DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE JM-TA

March 29, 2012

The Honorable David Y. Ige, Chair
and Members
Committee on Ways and Means
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

SUBJECT: House Bill No. 2515, H.D. 3, S.D. 1, Relating to Crime

I am John McEntire, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 2515, H.D. 3, S.D. 1, Relating to Crime.

In keeping with our commitment to reduce crime, create a safe environment, and enhance the quality of life in our community, we are strongly opposed to House Bill No. 2515, H.D.3, S.D. 1, Relating to Crime. This bill amends section 706-623 of the Hawaii Revised Statutes to allow defendants convicted of certain class B and C felonies to be sentenced to a shorter term of four years probation. As written, defendants convicted of such felonies involving the distribution of dangerous, harmful, or detrimental drugs would be subject to the shorter terms of probation. We do not believe that persons convicted of narcotics distribution should be given the same consideration as those convicted of mere possession. These amendments do not constitute strategies that will reduce recidivism and crime and increase public safety.

The Honolulu Police Department urges you to oppose House Bill No. 2515, H.D. 3, S.D. 1, Relating to Crime.

The Honorable David Y. Ige, Chair
and Members
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March 29, 2012

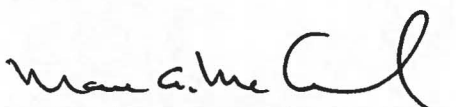
Thank you for the opportunity to testify.

Sincerely,



JOHN McENTIRE, Major
Narcotics/Vice Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police



HAWAII SUBSTANCE ABUSE COALITION

HB2515 HD3 SD1 RELATING TO CRIME Permits a sentence of probation for certain second-time drug offenders and a three-year probation term for individuals convicted of certain class B and C felonies. Increases the threshold property and services valuation for theft in the second degree to more than \$750.

- SENATE COMMITTEE ON WAYS AND MEANS: Senator David Ige, Chair; Senator Michelle Kidani, Vice Chair
- Thursday, March 29, 2012 - 9:00 a.m.
- Conference Room 211

HSAC Supports HB2515:

Good Morning Chair Ige; Vice Chair Kidani; And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, a hui of about 20 treatment and prevention agencies across the State.

SUMMARY

Extensive research has demonstrated that our prison populations have grown substantially over the 25 years due primarily to mandatory sentencing that removes discretionary decision making from probation/parole who could previously release “reformed” offenders as well as a growing number of inefficiencies between agencies.

Allowing discretionary decision making based on results and removing inefficiencies will improve outcomes and reduces costs.

Also, research has shown that competent assessment protocols for each individual are more relevant for determining safety risk and respective sentencing rather than an approach that uses a mandatory rule for all.

While mandatory sentencing has helped keep violent offenders off the streets, most of the exorbitant population growth and upward spiraling costs are due to non-violent drug addicts receiving longer mandatory sentencing.

These offenders are typically not a violent safety threat to community and have a drug problem that if properly treated by professionals while under the supervision of probation/parole personnel, the vast majority of offenders are no longer committing drug related crimes.

We appreciate the opportunity to testify and are available for questions.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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COMMITTEE ON WAYS AND MEANS

Senator David Ige, Chair

Senator Michelle Kidani, Vice Chair

Thursday, March 29, 2012

9:00 a.m.

Room 211

STRONG SUPPORT for the ORIGINAL HB 2515 - JUSTICE REINVESTMENT

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2515 SD1 allows a sentence of probation for certain second-time convictions for certain drug offenses. Allows probation for a period of four years for certain class B or class C felonies, requires the defendant's probation officer to report to the court concerning compliance or non-compliance with conditions of probation. (SD1)

Community Alliance on Prisons prefers the original version of this measure. We find it hard to justify burdening the community with \$250,000 for a \$300 theft. Our review of other states reveals that Hawai'i in the handful of the lowest felony threshold states. The SD1 keeps that threshold at \$300. How can a \$301 theft justify \$250,000 taxpayers will be taxed for 5 years of incarceration?

We have been advised by the Judiciary that most probationers violate within 12-18 months, therefore, it makes no sense to extend probation to 4 years.

Please restore the original version of this bill and let's bring sanity back!

Mahalo for this opportunity to testify.



Committee: Committee on Ways & Means
Hearing Date/Time: Thursday, March 29, 2012, 9:00 a.m.
Place: Conference Room 211
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2515, H.D.3, S.D. 1, Relating to Public Safety

Dear Chair Ige and Members of the Committee on Ways & Means:

The ACLU of Hawaii supports H.B. 2515, H.D.3, S.D.1 and every effort to develop programs and policies that are more cost-efficient and more effective at reducing recidivism than incarceration. Every effort should be made to provide Hawaii's inmates with the support and services they need to become productive and responsible community members.

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
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