

**TESTIMONY IN SUPPORT OF HB 2515 HD3
RELATING TO CRIME**

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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 2515 HD3 Relating to Crime 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 at less cost.

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. With respect to HB2515, 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. Probation terms are longer in Hawaii than the national average. Nationally, felony offenders are typically supervised for no more than three years. In Hawaii, the statute calls for five years of probation for Class B and C offenders.
2. Individuals convicted of a second drug possession offense must be sentenced to a state prison term. Most states allow greater flexibility for judges to determine whether a second time drug possession offender should be sentenced to prison, jail, or probation depending on the circumstances of the case.
3. Hawaii's felony theft level has remained unchanged since at least 1986. Currently theft of more than \$300 constitutes a felony. Nationally, many states have recently been raising their thresholds to adjust for inflation. The national average threshold is more than \$700.

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 2515 would do the following:

- Focus probation supervision resources where they can do the most to affect criminal behavior. Recidivism studies repeatedly demonstrate that the offenders

who reoffend are most likely to do so within the first two or three years. This bill would limit probation terms for most Class B and C offenders to three years. If the judge determines more time is necessary for supervision due to violations, the offender could be revoked and placed on a new term of supervision.

- Provide judges with the discretion to sentence a second time drug possession offender to probation, jail, treatment, or prison.
- Raise the felony theft threshold to \$750.

Impact

Based on the analysis we conducted, we anticipate that this bill along with HB2514 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, while requiring 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

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 8:37 AM
To: PGM Testimony
Cc: elizabeth.torres96@yahoo.com
Subject: Testimony for HB2515 on 3/21/2012 10:05:00 AM

Testimony for PGM/JDL 3/21/2012 10:05:00 AM HB2515

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 support of bill HB 2515.