

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA  
DIRECTOR

Martha Torney  
Deputy Director  
Administration

Joe W. Booker, Jr.  
Deputy Director  
Corrections

Keith Kamita  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

February 22, 2012

TESTIMONY ON SENATE BILL 2776, SENATE DRAFT 1  
RELATING TO PUBLIC SAFETY

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

Thursday, February 23, 2012; 9:00 a.m.  
State Capitol, Conference Room 211

**WRITTEN**  
**TESTIMONY**  
**ONLY**

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

The Department of Public Safety (PSD) is in strong support of Senate Bill 2776, Senate Draft 1, 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: Senate Bill 2776, relating to Public Safety, addresses the pre-trial process, parole and restitution; and, Senate Bill 2777, relating to Crime, addresses pretrial process, parole, and victim restitution and protection.

## **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.

Included in Senate Draft 1 are two sections with blank appropriations for Fiscal Year 2012-2013. We respectfully request that the following amounts be inserted:

### **Section 7: \$134,393**

Purpose is to expand the number of members of the paroling authority from three (3) to five (5) to increase the number of hearings held and reduce delays.

### **Section 15: \$1,788,640**

Purpose is to 1) increase the number of parole officers to supervise parolees; 2) increase the number of intake services personnel to perform pre-trial risk assessments; and 3) providing purchase of service funding for pre-release and reentry programs.

We have provided the attached Justice Reinvestment Initiative budget to your staff for your consideration.

A Governor's Message will be submitted to this Committee in the very near future recommending that funds be reappropriated from PSD 808, Non-State Facilities, to other programs in order to support the goals of the Justice Reinvestment Initiative.

## **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

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
February 23, 2012  
Page 4

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.

## FY2013-15 Implementation of Justice Reinvestment Initiative

	FY2013		FY2014		FY2015	
	July-Dec	Jan-June	July-Dec	Jan-June	July-Dec	Jan-June
<b>REINVESTMENT*</b>						
<b>Total</b>		<b>\$6,049,036</b>		<b>\$6,402,056</b>		<b>\$6,402,056</b>
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

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

### 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
<b>Pre-Trial Assessments (PSD - 410 Intake Service Center)</b>	<b>FTE</b>			
<b>Staff</b>				
Six (6) FTE Human Services Professional IV	6.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00
<b>Operational Cost</b>				
Professional Equipment (@\$5,260)		\$ 31,560.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<b>TOTAL:</b>	<b>6.00</b>	<b>\$ 336,560.00</b>	<b>\$ 305,000.00</b>	<b>\$ 305,000.00</b>
<b>PSD Research and Planning (PSD- 900 General Administration)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
Professional Equipment (@\$5,260)		\$ 42,080.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<b>TOTAL:</b>	<b>8.00</b>	<b>\$ 452,080.00</b>	<b>\$ 410,000.00</b>	<b>\$ 410,000.00</b>
<b>PSD Reentry Office &amp; Program Training &amp; Oversight (PSD 900)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
Professional Equipment (@\$5,260)		\$ 36,820.00	\$ -	\$ -
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<b>TOTAL:</b>	<b>7.00</b>	<b>\$ 405,820.00</b>	<b>\$ 369,000.00</b>	<b>\$ 369,000.00</b>
<b>PSD Risk Assessment (PSD 900)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>8.00</b>	<b>\$ 415,080.00</b>	<b>\$ 373,000.00</b>	<b>\$ 373,000.00</b>
<b>PSD Community-Based Programs for Pre-Trial &amp; Parolees (PSD 900)</b>				
Evidence-based programs (substance abuse, employment, housing, and other support services)		\$ 1,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00
<b>TOTAL:</b>		<b>\$ 1,000,000.00</b>	<b>\$ 2,000,000.00</b>	<b>\$ 2,000,000.00</b>
<b>HPA Parole Board Member (PSD 611- HPA/D)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
Professional Equipment (@\$5,260)		\$ 10,520.00	\$ -	\$ -
<b>TOTAL:</b>	<b>2.00</b>	<b>\$ 134,392.64</b>	<b>\$ 123,872.64</b>	<b>\$ 123,872.64</b>
<b>HPA Parole Officers (PSD 612- HPA/SC)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>11.00</b>	<b>\$ 616,804.00</b>	<b>\$ 558,944.00</b>	<b>\$ 558,944.00</b>
<b>JUD Probation Drug Treatment/CBT Staff &amp; Training</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>Staff</b>				
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
<b>Operational Cost</b>				

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	\$ -	\$ -
<b>TOTAL:</b>	<b>6.00</b>	<b>\$ 827,060.00</b>	<b>\$ 659,980.00</b>	<b>\$ 659,980.00</b>
<b>CVCC (PSD-613)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>5.00</b>	<b>\$ 629,700.00</b>	<b>\$ 465,400.00</b>	<b>\$ 465,400.00</b>
<b>PSD Victim Notification/Services/ Safety Planning (PSD 900)</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>4.00</b>	<b>\$ 416,540.00</b>	<b>\$ 395,500.00</b>	<b>\$ 395,500.00</b>
<b>Hawaii Victim Assistance</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>6.00</b>	<b>\$ 316,177.00</b>	<b>\$ 284,617.00</b>	<b>\$ 284,617.00</b>
<b>Maui Victim Assistance</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
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
<b>TOTAL:</b>	<b>2.00</b>	<b>\$ 133,572.00</b>	<b>\$ 123,052.00</b>	<b>\$ 123,052.00</b>
<b>Oahu Victim Assistance</b>				
<b>Staff</b>				
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
<b>Operational Cost</b>				
Professional Equipment (@\$5,260)		\$ 31,560.00		
Operational Supplies and Cost		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<b>TOTAL:</b>	<b>6.00</b>	<b>\$ 365,250.00</b>	<b>\$ 333,690.00</b>	<b>\$ 333,690.00</b>
<b>GRAND TOTAL:</b>	<b>71.00</b>	<b>\$ 6,049,035.64</b>	<b>\$ 6,402,055.64</b>	<b>\$ 6,402,055.64</b>



**SB2776 SD1**  
**RELATING TO PUBLIC SAFETY**  
Senate Committee on Ways and Means

February 23, 2012

9:00 a.m.

Room 211

---

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2776 SD1, which would implement changes related to pre-trial risk assessments and parole capacity as 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 like those included in this bill. Specifically, the changes to expedite pre-trial risk assessments and increase capacity of the parole commission will reduce needless and expensive incarceration.

OHA urges the committee to PASS SB2776 SD1. Mahalo for the opportunity to testify on this important measure.



HAWAII SUBSTANCE ABUSE COALITION

**SB 2776 RELATING TO PUBLIC SAFETY** pre-trial risk assessment in 3 days; expand parole board; assessments guide decisions; limit incarceration; increase restitution; parole supervision prior to sentence

- SENATE COMMITTEE ON WAYS AND MEANS: Senator David Ige, Chair; Senator Michelle Kidani, Vice Chair
- February 23, 2012 9:00 a.m.
- Conference Room 211

## **HSAC Supports SB2776:**

*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 last 25 years due primarily to mandatory sentencing that removes discretionary decision making from probation/parole who could previously release “reformed” offenders as well as numerous inefficiencies between agencies. Also, research has shown that prisons have expanded to long sentences for non-violent drug offenders.

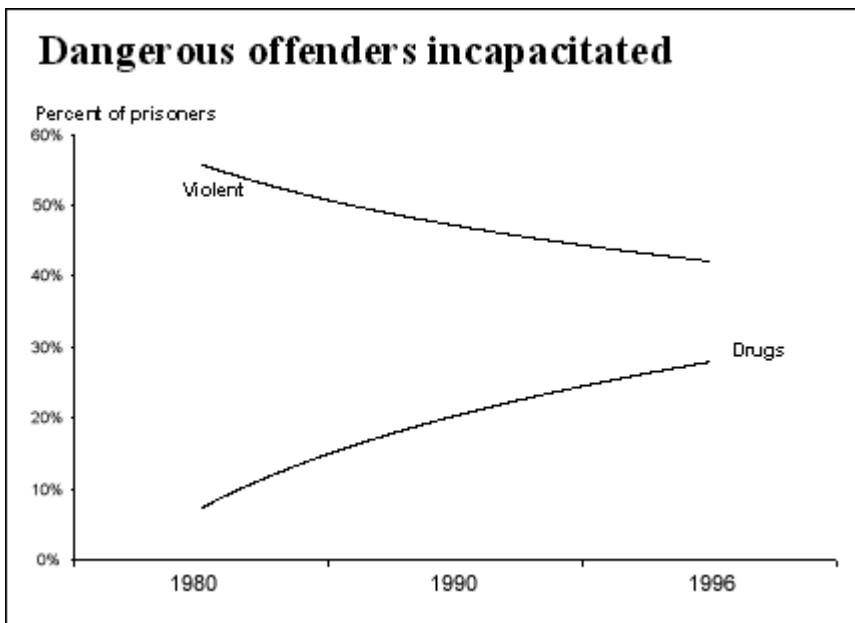
Using competent assessment protocols for each individual are more relevant for determining safety risk and respective sentencing rather than a “1 rule for all” approach. Employing best practices for use of minimum sentences when applicable makes sense and saves money.

### **Prisons are Full Due to Non-Violent Drug Offenders**

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.*

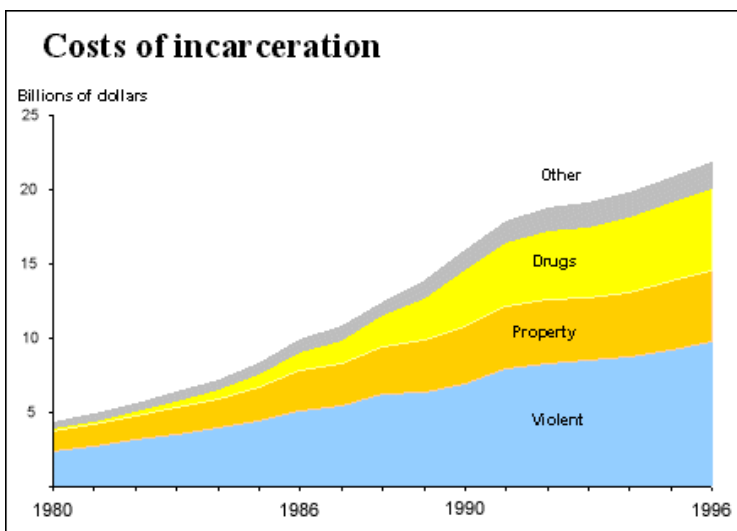
### **The Effects of Tougher Sentences on Drug and Property Crime**



### Most incarcerated drug offenders are not violent offenders:

- ✚ 85% of drug offenders have no history of prior incarceration for violent crimes;
- ✚ 33% of drug offenders are incarcerated for possession, use, or miscellaneous drug crimes;
- ✚ 40% of federal drug offenders have no current or prior violence on their records.

In fact, when we look at all persons in prison, we find that more than half (53 percent) committed a crime that involved neither harm nor threat of harm to a victim. As the next chart shows, more than half the cost of incarceration, which has increased dramatically since 1980, is a result of keeping non-violent offenders in prison.



## **What has been the overall result of putting so many offenders in prison?**

- ✚ The 200 percent increase in incarceration of violent offenders has been accompanied by an estimated 9 percent reduction in violent offenses.
- ✚ The substantial increase in the number of imprisoned drug offenders, however, has had little or no effect on drug dealing or use. Increasing the length of sentences for drug offenders is costing an additional \$1.5 billion a year nationwide, with no reduction in drug crimes.
- ✚ Mandatory sentencing has also led to greater racial disparity in treatment by the justice system.

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

### Sources:

1. William J. Sabol: *Crime Control and Common Sense Assumptions Underlying the Expansion of the Prison Population*, Urban Institute: May 1999. <http://www.urban.org/url.cfm?ID=410405>



*Dedicated to safe, responsible, humane and effective drug policies since 1993*

February 23, 2012

To: Senator David Ige, Chair  
Senator Michelle Kidani, Vice Chair and  
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta

RE: SB 2776 SD1 Relating to Public Safety  
Hearing: February 23, 2012, 9:00 a.m., Room 211

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of SB 2776 SD1 Relating to Public Safety which proposes recommendations made out of the Justice Reinvestment Initiative.

DPFH supports the efforts to make the criminal justice system more efficient and more effective. These changes are necessary because of the ever increasing prison budget. States that have embraced the suggestions of the Initiative have made significant savings, without sacrificing public safety. Strategic and smart changes can reduce costs, allowing for the reallocation of resources to where they will do the most good.

We urge the committee to pass this measure. Thank you for the opportunity to provide testimony.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, February 23, 2012

9:00 a.m.

Room 211

## SUPPORT FOR SB 2776 SD1 with consideration for amendment

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 on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2776 SD1 requires a pre-trial risk assessment to be conducted within three working days, expands the membership on the Hawaii paroling authority, requires the use of validated risk assessments to guide parole decisions, and limits length of re-incarceration for first-time parole violators. It also substantially increases victim restitution payments by inmates and requires release on supervised parole prior to the maximum sentence date. Makes appropriations.

Community Alliance on Prisons is in support of this measure and respectfully asks the committee to **consider an amendment for restitution to be paid on a sliding scale in recognition that many incarcerated individuals come from families that send money to their loved ones are already struggling to make ends meet.**

The justice reinvestment initiative provides the first independent look at our criminal justice system by professional analysts with a broad range of experience. What they have accomplished in six short months is truly amazing. They not only pulled together data across Hawai'i's criminal justice system, they built efficiencies into our data collection system that can be built upon to help you, our policymakers, make more informed decisions based on user-friendly data sets. The Justice Center's experience in many other jurisdictions helped to inform their recommendations as they tracked how some of these recommendations are working in other places. Their recommendations are led by the desire to enhance public safety. The savings are a wonderful by-product of creating a more comprehensive and data-driven approach to dealing with crime and how we respond to it more efficiently.

It is no secret that competent assessments are crucial to programming an individual for successful reintegration back to his/her community. Hawai'i has been wasting precious resources by mandating some services/programs to individuals who don't really need that level of service. This has created a

backlog in our system that has resulted in 65% of individuals being denied parole because they have not had access to the programs mandated. For instance, we know that the majority of our incarcerated population has substance abuse issues and needs, but the data show that only 14% of these individuals need in-prison treatment. Research shows that community-based treatment is more effective and less costly than in-prison treatment; therefore, many low-level lawbreakers would be better served in community-based treatment, which would keep our money flowing in our economy.

Increasing the number of parole board members would enable them to do hold more hearings and along with a better assessment and information, they could move people through the system more effectively. Correctional best practices deem that we should be working to provide the services needed so that individuals can be released at their minimum sentence to successfully reenter the community. On average, the Board hears 25 cases a day; therefore, increasing it with two additional part-time members would expedite the system and help to avoid burn-out.

Community Alliance on Prisons supports restitution to make victim whole, although we have some concerns about the dramatic increase in restitution payments. The families that we work with are struggling to make ends meet and they are the ones who provide funds for their loved ones to purchase items like toiletries and food and needed clothing in the over-priced prison commissaries. Our concern is the impact of taking 25% of those funds from inmates who have little to spare. **Perhaps a sliding scale can be implemented so that inmates with ample funds pay more than those with meager funds. Our concern is that lack of funds for needed items will create a management problem at facilities and a thriving underground economy.**

We support the release of individuals before their maximum term expiration with supervision, provided that it also includes support for successful reentry. The latest data from the Interagency Council on Intermediate Sanctions (ICIS) show that the rate of recidivism for those serving their maximum term and then released with no supervision or support from the 2008 cohort studied is 69.3%, while the recidivism rate for those on probation for the same period was 48.4% and parole was 48.5%. This dramatically illustrates the need for supervision and support for those exiting incarceration.

This approach requires a philosophical shift in how people are supervised. A shift from looking for missteps to "How can we help you successfully reenter your community and reach your goals?" We have spoken with parole and probation officials in other jurisdictions and have been told that a supportive environment is what seems to work best for most individuals and systems elsewhere. The data show and many, many experts have asserted that incentives, not sanctions, are what work for those with substance abuse problems. Since the majority of Hawai'i's crime is rooted in substance abuse, this strategy seems a logical one for us to pursue.

Community Alliance on Prisons urges the committees to support this data-driven, thoroughly researched, and thoughtful approach to reforming our criminal justice system by passing SB 2776 SD1.

Mahalo for this opportunity for us to share our perspective and testify on this important measure.



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
**Subject:** Testimony for SB2776 on 2/23/2012 9:00:00 AM  
**Date:** Sunday, February 19, 2012 2:00:37 PM

---

Testimony for WAM 2/23/2012 9:00:00 AM SB2776

Conference room: 211  
Testifier position: Support  
Testifier will be present: No  
Submitted by: elaine funakoshi  
Organization: Individual  
E-mail: [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
Submitted on: 2/19/2012

Comments:

Chair Ige, Vice Chair, Kidani, and Committee Members:

I strongly support SB2776 SD1 - Justice Reinvestment Bill.

Sixty-five percent (65%) of inmates are held back from parole because of backlog in programming adding unnecessarily to the cost of incarceration, through no fault of their own. This bill will help to expedite the assessment of incarcerated individuals to program them more efficiently and effectively; expedite the parole process; improve the risk assessment tools to help HPA; limits the time for reincarceration for individuals whose parole is revoked; etc. However, I do not support the 25% increase in victim restitution of the amount in an individual's account at the beginning of the month. It is not money the inmate earned. It is a penalty on the family's hard-earned money that they are providing for the inmate's needs. The inmates presently pay 10.7% in taxes on their commissary purchases.

Whether it is a former police officer, attorney, a homeless, person - in whatever walk of life, people do make bad decisions, but that does not mean all of them are dangerous to the general public.

Our society is every changing and the state of Hawai`i needs to seriously consider this bill which offers us the opportunity to be more innovative in our approach to incarceration as a whole. Change is very difficult but stagnancy is a swampland.

Many of the families of the incarcerated are struggling in many ways without their loved ones and would sincerely appreciate your approving this bill with its amendment.

Mahalo to all of you for caring enough to seriously consider this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [shannonkona@gmail.com](mailto:shannonkona@gmail.com)  
**Subject:** Testimony for SB2776 on 2/23/2012 9:00:00 AM  
**Date:** Saturday, February 18, 2012 7:18:02 PM

---

Testimony for WAM 2/23/2012 9:00:00 AM SB2776

Conference room: 211  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Shannon Rudolph  
Organization: Individual  
E-mail: [shannonkona@gmail.com](mailto:shannonkona@gmail.com)  
Submitted on: 2/18/2012

Comments: