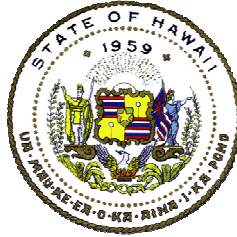


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

TED SAKAI
INTERIM DIRECTOR

Martha Torney
Deputy Director of
Administration

Max Otani
Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 257
RELATING TO PAROLE

by

Ted Sakai, Interim Director
Department of Public Safety

House Committee on Public Safety
Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair

Thursday, February 14, 2013, 10:00 a.m.
State Capitol, Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of House Bill 257, Relating to Parole. This bill will establish a system of earned time that allows our inmates to earn credit toward parole by participating in prescribed programs and activities. We support the concept of earned time as it could provide inmates with incentives to participate in recommended programs, while holding them accountable for their own progress toward parole, as the inmate's release would be directly correlated, to a significant extent, to his or her own behavior. At the same time, such a program can help us with prison management, as inmates' behavior will be positively correlated with time, the most tangible thing in their minds.

The program fits nicely with the concept of the Justice Reinvestment Initiative (JRI). As we more fully implement JRI, we will need to assure that programs, services and activities are responsive to the risks and needs as indicated by our risk assessments. As we develop and prescribe programs, services and activities based on the assessments, we will need mechanisms to

motivate inmates to participate in a meaningful way. An earned time program would help us in this regard.

While we support this bill, we note that an earned time program can be done administratively. Unlike most states, our sentencing laws vest in the Hawaii Paroling Authority (HPA) wide discretion. The HPA fixes minimum sentences, but can also adjust such sentences upward or downward. If an inmate makes active progress toward rehabilitation, the HPA can and does grant early hearings and early parole. In this regard, HB 257 may not be needed if the HPA and PSD could develop a more structured approach to early parole. Such an approach should place a premium on satisfactory progress in recommended programs, services and activities. It should also establish disincentives for inmates. For example, misconducts and participation in prohibited activities should be taken into account. The approach should be transparent, so inmates know what is expected of them, and what they can earn through positive behavior.

If you choose to move HB 257 forward, we ask that you amend this bill by allowing us to deduct credits for poor adjustment, misconducts, or participation in proscribed activities, such as gang activities. We also ask that you clearly state that inmates do not have a right to the earned time. If such a right is established, we fear that we will be embroiled in litigation by inmates who disagree with the amount of earned time we credit them.

Thank you for the opportunity to testify on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY**

**Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai`i**

February 14, 2013

RE: H.B. 257; RELATING TO PAROLE.

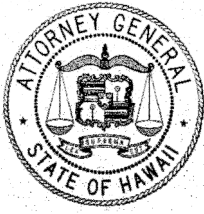
Chair Aquino, Vice-Chair Ing, and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony **in opposition to H.B. 257.**

The purpose of this bill is to provide inmates with earned credit to be deducted from their sentence for making consistent progress in: (1) work and vocational, or occupational training, (2) social adjustment (3) participation in counseling sessions and self-help groups, (4) participation in therapeutic programs, (5) education or literacy programs.

We oppose this bill because it is duplicative of what the Hawaii Paroling Authority (HPA) already considers in determining a minimum sentence or reducing the minimum sentence. Furthermore, in determining the minimum or reducing the minimum sentence, HPA utilizes written guidelines and procedures which include more extensive criteria. Moreover, significant information, such as victim input that is included in the HPA's determinations on minimum sentences, would be missing from the determinations made under this proposal. In essence, this proposal would subvert the authority of HPA and its more comprehensive review process.

We also note that this bill lacks any restrictions in that it applies to any person sentenced to a mandatory minimum term of imprisonment, a prisoner sentenced to a life term without parole, and to any sentenced class A felon. Given that the most serious offenders are likely to have a mandatory minimum, a life term without parole, or a class A felony, it becomes abundantly clear how inappropriate and potentially dangerous this proposal is. There is no consideration of either victim safety or public safety in this bill. Also significantly missing from the evaluation criteria is any measurement of the prisoner's remorse for their offense, development of victim empathy, or progress in the payment of restitution to their victims. Furthermore, victims' rights organizations across the country have widely condemned this type of program as substantially diminishing the victim's role in the criminal justice process.

For these reasons, **we strongly oppose House Bill 257** and respectfully ask that it be held. Thank you for your time and consideration.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:
H.B. NO. 257, RELATING TO PAROLE.

BEFORE THE:
HOUSE COMMITTEE ON PUBLIC SAFETY

DATE: Thursday, February 14, 2013 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): David M. Louie, Attorney General, or
Lisa M. Itomura, Deputy Attorney General

Chair Aquino, and Members of the Committee:

The Department of the Attorney General has concerns regarding this bill.

This bill amends chapter 353, Hawaii Revised Statutes (HRS) by adding a section requiring the Department of Public Safety (PSD) to establish and administer an “earned-time program.” Under this bill, all inmates, no matter what their criminal history, their crimes, the crimes’ effect on victims and their families, or their actions while in custody, are eligible to earn an undefined amount of time of their sentences if they “demonstrat[e] progress toward rehabilitation” in each of several categories:

1. Work, vocational, or occupational training and skills, including consideration of factors such as attendance, promptness, performance, cooperation, care of materials, and safety;
2. Social adjustment, including skills such as group living, housekeeping, personal hygiene, and cooperation;
3. Counseling sessions and self-help groups;
4. Therapeutic and other similar departmental programs; and
5. Education or literacy programs.

This undefined “earned time” would then be subtracted from the inmates’ minimum terms of imprisonment set by the Hawaii Paroling Authority (HPA) so that they would be eligible for an earlier release on parole.

By reducing an inmate’s minimum term of imprisonment without consideration of the inmate’s criminal history, crime(s) committed, the crime(s)’ effect on victims and their families,

or the inmate's behavior while in custody, this bill minimizes the punitive and deterrent effect of imprisonment, which are two of the factors considered when imposing a sentence under section 706-606, HRS, and overlooks public safety and the impact earlier release has on victims and their families.

This bill also duplicates the work of HPA which already considers an inmate's criminal history, crime(s), the crime(s)'s effect on victims and their families, and their behavior while in custody when setting the inmate's minimum terms of imprisonment or when deciding whether to grant release on parole. The HPA assumes that inmates will behave appropriately and participate in programming and rehabilitation while in custody, and sets the length of the minimum terms accordingly. If an inmate's behavior and rehabilitation progresses as anticipated, the HPA has the discretion to grant release on parole at the expiration of the minimum term; if the inmate behaves poorly or fails to progress in rehabilitation, the HPA has the discretion to not release the inmate on parole. If an inmate finishes his or her programming and demonstrates significant progress in rehabilitation and behavior after serving a third of his or her minimum term, the inmate can request a reduction of the minimum term and the HPA has the discretion to grant the request and grant release on parole. This bill intrudes into the careful review and judgment the HPA uses in setting minimum terms and severely reduces its purpose and discretion.

Lastly, but significantly, this bill imposes considerable financial and logistical burdens on PSD and the State. PSD is given the responsibility of reviewing the earned time of each inmate under its jurisdiction and granting, withholding, withdrawing, or restoring such credit under this bill. The United States Supreme Court has ruled that if a state institutes an earned-time program, inmates have a liberty interest in the time credits protected by the Due Process Clause of the United States Constitution. Once given, such credits cannot be taken away or withheld without a hearing. Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974). Thus this bill necessitates PSD hiring additional staff to determine, record, and monitor each inmate's earned time and calculate and recalculate each inmate's minimum term expiration date as earned time credits accumulate. PSD will also be required to conduct hearings before withholding or withdrawing any earned time from an inmate. Further, decisions made by PSD concerning earned time could be challenged in court.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96814

BERT Y. MATSUOKA
CHAIR

MICHAEL A. TOWN
MEMBER

JOYCE K. MATSUMORI-HOSHIJO
MEMBER

ANNELLE C. AMARAL
MEMBER

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 257
RELATING TO PAROLE

BY

HAWAII PAROLING AUTHORITY
Bert Y. Matsuoka, Chairman

House Committee on Public Safety

Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair

Thursday, February 14, 2013; 10:00 a.m.
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Hawaii Paroling Authority (HPA) supports the intent of House Bill 257, which seeks to establish an earned-time program that reduces an offender's minimum sentence(s). While the HPA defers most of the provisions of the measure to the Department of Public Safety, we share the following comments/observations:

1. This measure does not provide for the input and/or recommendation(s) from the four County Departments of the Prosecuting Attorney, the victim, nor the surviving victim(s) family members.
2. It is not clear if this measure is intended to replace the current reduction in minimum sentence process as outlined in Hawaii Administrative Rules §23-700-26 and §23-700-29.

3. This measure does not address court ordered mandatory minimum sentences. The HPA lacks jurisdiction to reduce any court ordered mandatory minimum sentence.
4. Annual updates to the expiration of the minimum sentences could cause inmates to have late parole consideration hearings. Thus, possibly exposing the State to costly litigation.
5. Each year, there may be a requirement to publish amended and/or corrected Notices and Orders of Fixing Minimum Term(s) of Imprisonment for all offenders serving prison sentences.
6. This measure does not provide required additional resources needed to comply with the provisions contained in this bill.

Thank you for the opportunity to provide comments and observations on House Bill 257.

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 12, 2013

TO: Honorable Henry J.C. Aquino, Chair
House Committee on Public Safety

FROM: Gladys C. Baisa *GCB*
Council Chair

SUBJECT: **SUPPORT OF HB 257, RELATING TO PAROLE**

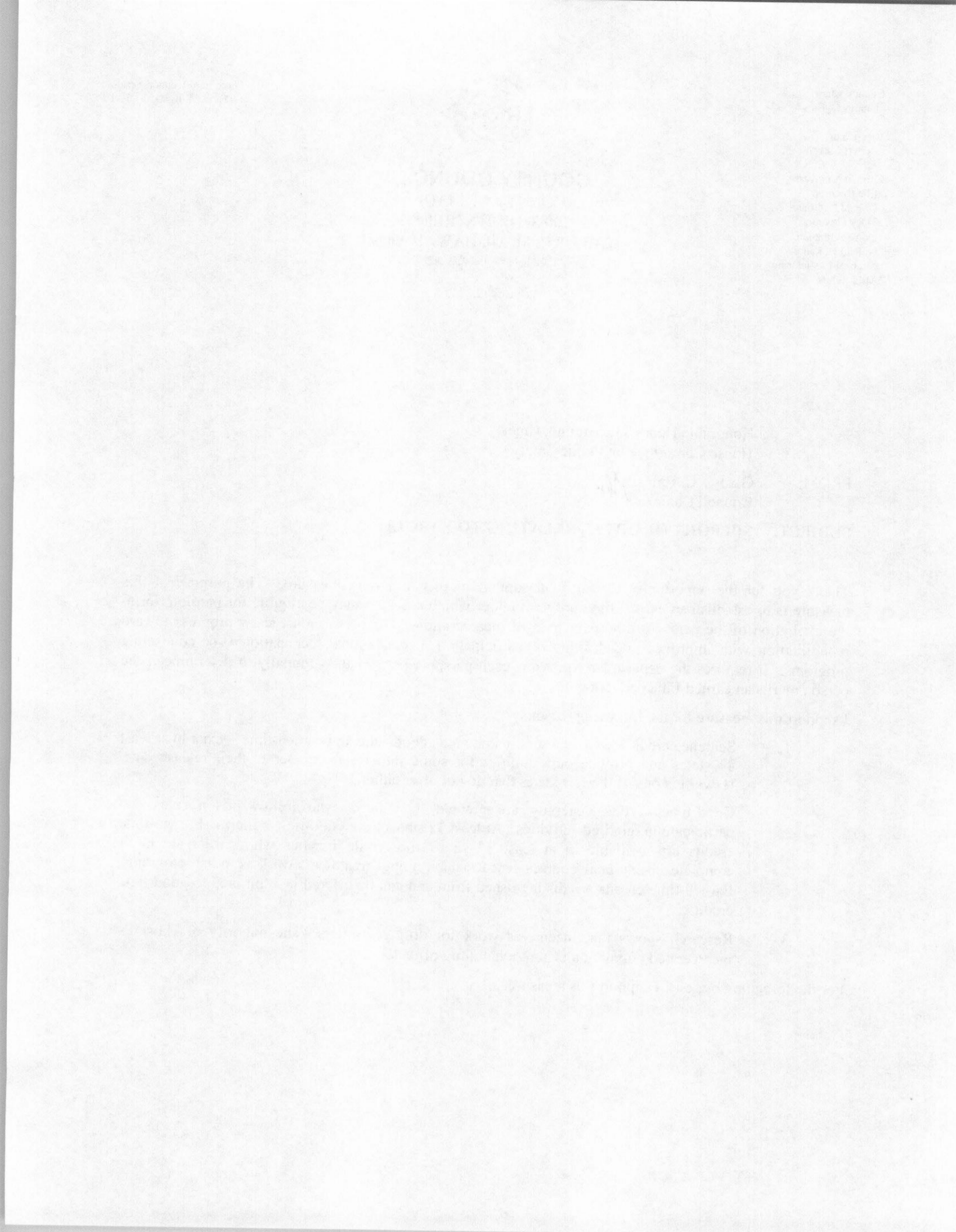
Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to establish an earned-time program under which a person may be eligible for parole prior to the expiration of the person's minimum term of incarceration. The person must show progress toward rehabilitation with improved social skills or participation in educational, occupational, or counseling programs. It requires the department to review each person's performance annually to determine if the person merits an earned-time deduction.

I support this measure for the following reasons:

1. Sentence credit laws – commonly known as good-time and earned-time – exist in at least 44 states and provide opportunities for some inmates to accelerate their release date. Hawai'i is one of the few states that do not offer either.
2. Good-time credits generally are granted to inmates who follow prison rules and participate in required activities. At least 32 states have good-time policies. Earned-time credits are available in at least 37 states for certain inmates who participate in or complete educational courses, vocational training, treatment, work or other programs. Earned-time credits are distinguished from and can be offered in addition to good-time credits.
3. Research shows that incentives work for drug offenders. The majority of Hawaii's incarcerated population is nonviolent drug offenders.

For the foregoing reasons, I support this measure.

GCB:amm



COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) [533-3454](tel:533-3454), (808) [927-1214](tel:927-1214) / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Henry Aquino, Chair

Rep. Kaniela Ing, Vice Chair

Thursday, February 14, 2013

10:00 a.m.

Room 309

STRONG SUPPORT FOR HB 257 - EARNED TIME

Aloha Chair Aquino, Vice Chair Ing and Members of the Committee!

My name is Kat Brady and I am the Coordinator of 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 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i 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.

HB 257 establishes an earned-time program under which a person may be eligible for parole prior to the expiration of the person's minimum term of incarceration. The person must show progress toward rehabilitation with improved social skills or participation in educational, occupational, or counseling programs. Requires the department to review each person's performance annually to determine if the person merits an earned-time deduction.

Community Alliance is in strong support of this measure. Most states have an earned time program that they use as an incentive for incarcerated individuals to work on their rehabilitation and reentry back to their communities.

The National Council of State Legislators cited a Pew report¹ that concluded:

States are creating and expanding earned time programs that reduce the length of stay for certain offenders while maintaining public safety. Among policies that states use to reserve prison beds for the most dangerous offenders, earned time also creates an incentive for motivated offenders to work, take part in rehabilitation, and otherwise prepare to be successful in the community. Earned time is helping states reduce the corrections budget burden and allows funds saved to be invested in programs that reduce recidivism and help build safe communities.

¹ **CUTTING CORRECTIONS COSTS** Earned Time Policies for State Prisoners, By Alison Lawrence, National Council of State Legislatures, Pew Center on the States, July 2009.

http://www.pewcenteronthestates.org/uploadedFiles/Earned_time_report_%20NCSL.pdf?n=6022

In 2009, the Michigan State Bar Association issued a report on the Restoration of Earned Credits for Prisoners²:

Position:

In 1998, Michigan enacted legislation, known as “truth in sentencing”, which requires that all prisoners serve every day of their minimum sentences, thereby prohibiting any form of earned credit for good conduct, work or participation in treatment, academic or vocational programs. It is the position of the State Bar Prisons and Corrections Section that a system of earned sentence credits should be restored. This system should be given immediate effect and applied, prospectively, to all prisoners currently serving indeterminate sentences who are not already eligible for earned credits because of their conviction dates, as well as to everyone sentenced to an indeterminate term in the future. It is further the position of the Section that judges should be required to place on the record at sentencing the extent to which earned credits may affect the service of the minimum sentence.

Summary of Findings:

The Section’s position is based on the following findings:

1. There is no evidence that permitting earned credits presents a risk to public safety.
2. There are alternate means of promoting transparency in sentencing.
3. Permitting earned credits is a common correctional practice nationally and on the county level in Michigan.
4. The opportunity to earn sentence credits provides a significant incentive to prisoners who currently are penalized for misconduct but rarely rewarded for positive efforts.
5. Permitting earned credits does not require the release of any particular prisoner, make institutional management more difficult or interfere with the discretion of the parole board. On the contrary, it provides the Department of Corrections with a useful tool for managing institutional behavior and promoting participation in rehabilitative programs.
6. The restoration of earned credits would significantly help reduce the prison population and save taxpayers tens of millions of dollars.

A Report of the NCSL Sentencing and Corrections Work Group³ defined Good Time and Earned Time credits as:

Good-time credits generally are granted to inmates for following prison rules and participating in required activities.

Earned-time credits are distinguished from and can be offered in addition to good-time for certain inmates who participate in or complete educational courses, vocational training, treatment, work or other productive activities.

² **Restoration of Earned Credits for Prisoners**, Michigan State Bar, Prisons and Corrections Section, March 21, 2009. <http://www.michbar.org/PRISONS/pdfs/RestoreEarnedCredits.pdf>

³ **Principles of Effective State Sentencing and Corrections Policy** *A Report of the NCSL Sentencing and Corrections Work Group*, Prepared By Alison Lawrence and Donna Lyons, August 2011. <http://www.ncsl.org/documents/cj/pew/wgprinciplesreport.pdf>

4. Sentencing and corrections policies should be resource-sensitive as they affect cost, correctional populations and public safety. States should be able to effectively measure costs and benefits.

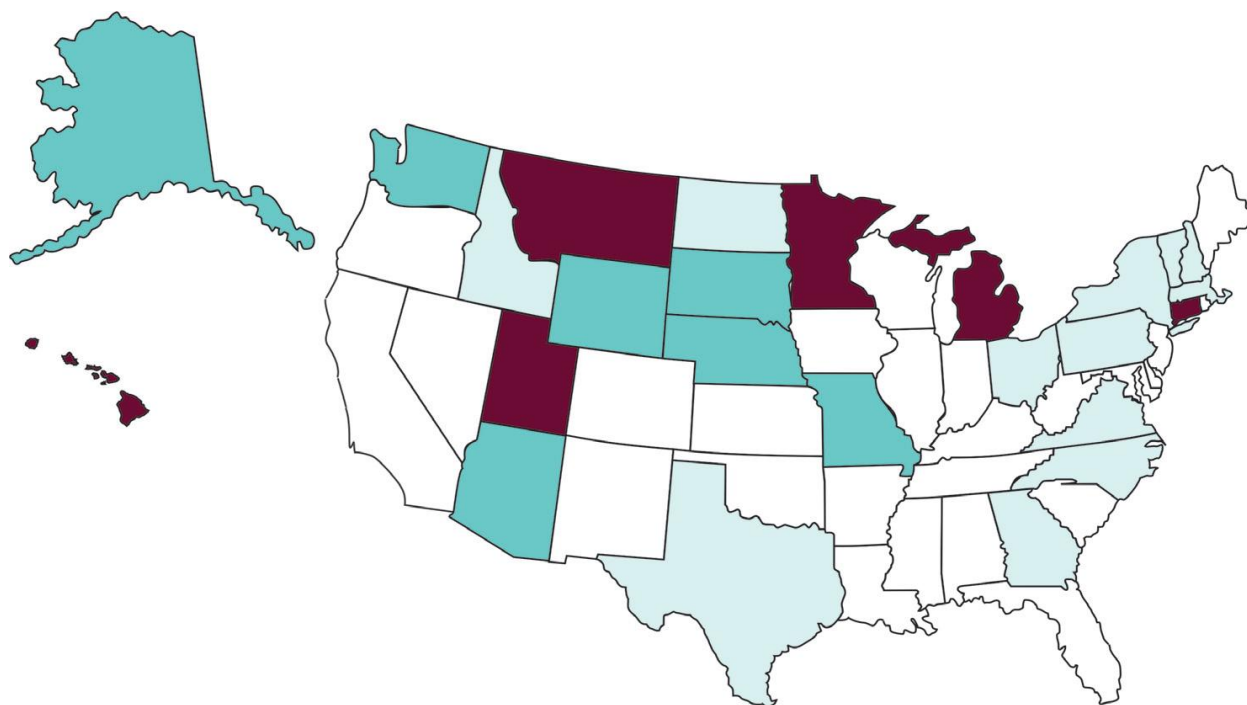
Consider how state-level policies affect state and local correctional populations, costs, and state-local fiscal partnerships.

Target resources to make the best use of incapacitation, interventions and community supervision.

Partner with and consider incentives to local jurisdictions as part of adequately funded and accountable community programs and services.

Take into account how funding reductions to prison services or to state or local supervision programs affect short-term operations and long-term program benefits.

Sentence Credits Sentence credit laws – commonly known as good-time and earned-time – exist in at least 44 states and provide opportunities for some inmates to accelerate their release date.



BLUE = Good-time
LIGHT BLUE = Earned-time
WHITE = Both good- and earned-time
Maroon = No time

Good-time credits generally are granted to inmates who follow prison rules and participate in required activities. At least 32 states have good-time policies. **Earned-time credits are available in at least 37 states for certain inmates who participate in or complete educational courses, vocational training, treatment, work or other programs.** Earned-time credits are distinguished from and can be offered in addition to good-time credits.

These release incentives not only trim inmate time served and lower costs of incarceration, but also provide programs that improve offender success in the community and reduce recidivism. Even though some earned-time laws offer inmates a fairly small reduction in prison terms, those few days can add up to a significant cost savings when applied to hundreds or thousands of inmates. Mindful that any policy involving release of inmates must consider public safety, it is noteworthy that recidivism rates in states with earned-time provisions either remain unchanged or actually drop. This is attributed in large part to the benefits of prison-based programs inmates must complete to earn time off their sentences. More savings are captured when offenders who are better prepared to be in the community do not violate their supervision conditions or commit new crimes that create new crime and punishment costs.

A case study: Kansas⁴:

In 1996 Kansas had an incarcerated population of 7,455 individuals. If they continued doing the same thing, their projection for 2016 was an incarcerated population of 11, 231 – an estimated cumulative cost over 10 years of \$500 million.

Kansas' solutions to this dilemma:

- Grant program to local community corrections to reduce revocations by 20%
- 60-day credit for risk-reduction programs
- **Restore earned time for non-violent inmates**
-

Kansas' results:

- Prison population down 3.8%
- Parole revocations down 46%
- Probation revocations down 28%
- Costs averted and counting...\$80 million

The research is clear: Incentives work; sanctions don't for drug offenders. The majority of Hawai'i's incarcerated population is nonviolent drug offenders.

Let's do what works. Prison is for those people we are afraid of, not for those we are just mad at. The data is clear; prisons should be used for violent criminals. Earned time provides incentives and hope to those who are working to change their lives.

Hope is the power that gives us the power to step out and try.

We urge the committee to give hope to our incarcerated people by passing this bill so they will step out and try!

Mahalo for this opportunity to testify.

⁴ **Smarter Choices, Safer Communities**, Pew Center on the States, Richard Jerome.
<http://www.nga.org/files/live/sites/NGA/files/pdf/1109CJPAJEROME.PDF>



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

February 14, 2013

TO: Rep. Henry Aquino, Chair
Rep. Kaniela Ing, Vice Chair and
Members of the Committee on Public Safety

FROM: Jeanne Y. Ohta, Executive Director

RE: HB 257 Relating to Parole
Hearing: Thursday, February 14, 2013, 10:00 a.m., Room 309

POSITION: SUPPORT

The Drug Policy Forum of Hawai'i writes in strong support of HB 257 Relating to Parole which allows an inmate to received "earned time" credit to reduce the length of prison sentences.

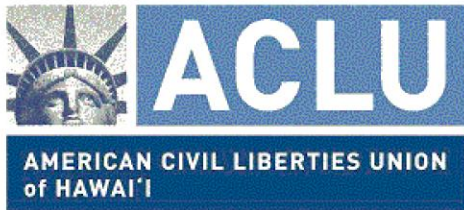
Hawai'i uses incarceration as the main criminal justice tool. It is an expensive choice. As the prison budget has skyrocketed, we are poorer, but not safer. Drug treatment programs are less expensive and more effective than prison; yet, we continue to send those with drug problems to prison rather than to treatment programs. Since Hawai'i has taken this path to use incarceration instead of other alternatives, an earned time policy makes sense.

Earned time is a concept that provides incentives to participate in programs while in prison. It allows inmates the ability to reduce the length of prison sentences. While in prison, attendance in programs like drug treatment, vocational training, and education should be encouraged. Earned time is the incentive. Longer sentences are not necessarily more effective.

Forty-four states offer earned time or good time credits; Hawai'i is one of the few states that doesn't offer either; in addition, 37 states offer earned time credits for certain inmates who participate in or complete programs. Research shows that incentives work for drug offenders, the majority of Hawai'i's incarcerated population

Earned time allows prison officials to better manage prison populations and release those who are most appropriate for early release. It is also a fiscally responsible way to reduce prison costs while keeping the community safe. It encourages inmates to use their time while in prison productively.

DPFH urges the committee to pass the measure so that prison costs can be kept under control during these tough economic times.



Committee: Committee on Public Safety
Hearing Date/Time: Thursday, February 14, 2013, 10:00 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of H.B. 257, Relating to Parole

Dear Chair Aquino and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 257, allowing an inmate to receive “earned time” credit to reduce their prison sentence length.

The ACLU of Hawaii supports every effort to develop programs aimed at rehabilitating Hawaii’s inmates. Good-time credits incentivize good behavior (rather than simply punishing bad behavior), help inmates to develop positive habits and reduce recidivism rates. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members.

Furthermore, as the Legislature is aware, many of Hawaii’s prisons are overcrowded. We should be mindful that, in 2010, a three-judge federal judicial panel in California ruled that overcrowding was so severe and pervasive in California’s prisons that the release of prisoners was the only way to resolve the innumerable constitutional violations. *Plata v. Schwarzenegger*, Civ. Nos. S-90-0520, C01-1351 (E.D. Cal. & N.D. Cal., Feb. 9, 2009). The Legislature should take proactive steps to manage its prison population, and offering earned-time programs is a common method throughout the United States for relieving some of the pressure on the prison system.

Thank you for this opportunity to testify.

Sincerely,

Laurie Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The ACLU has been the nation’s guardian of liberty since 1925 and the ACLU of Hawaii since 1965 and works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808-522-5900
F: 808-522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Hon. Rep. Aquino, Chair, PBS Committee
and Members Thereof
February 14, 2013
Page 2 of 2

United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
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Erin Welsh
73-1142 Oluolu Street
Kailua-Kona, Hawaii 96740
(808) 325-5322

February 12, 2013

COMMITTEE ON PUBLIC SAFETY

Rep. Henry Aquino, Chair

Rep. Kaniela Ing, Vice Chair

STRONG SUPPORT for HB 257 - Earned Time

Good Morning Chair Aquino, Vice-Chair Ing and Committee Members:

I am in strong support of HB255. My son has been in prison for almost 5 years for possession of ice. He would have gotten about 18 months, but while out on bail, he cut off his ankle bracelet and disappeared. At that time, he was so addicted to ice that he looked like he was going to die. His actions were a result of his addiction.

After entering prison, away from the drugs, he became the great person he used to be, and never had one incident in jail. He was never written up or punished for anything. I do not believe it is fair to penalize him at his arrest, and not reward him for turning himself around. He has a little daughter, who was 2 when he went in, and is now 7. She adores her dad and needs him back. He should have been returned to her long ago. Murderers have gotten less time.

We need to do something to reduce our prison population. This bill makes sense. In my opinion, it is the compassionate, right thing to do. Please pass this bill.

Thank you,



Erin Welsh

ing2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 11, 2013 11:34 PM
To: pbstestimony
Cc: shannonkona@gmail.com
Subject: *Submitted testimony for HB257 on Feb 14, 2013 10:00AM*

HB257

Submitted on: 2/11/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ing2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 8:33 AM
To: pbstestimony
Cc: shaglund@hotmail.com
Subject: Submitted testimony for HB257 on Feb 14, 2013 10:00AM

HB257

Submitted on: 2/12/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Haglund	Individual	Support	No

Comments: I am writing in full support for HB257. There are forty-four states that offer earned time or good time credits; Hawai`i is one of the few states that doesn't offer either. Research shows that incentives work for drug offenders, the majority of Hawai`i's incarcerated population. By passing HB257 Hawai`i will join the ranks of 37 states that offer earned time credits for certain inmates who participate in or complete programs. Please pass HB257. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ing2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 11, 2013 6:14 PM
To: pbstestimony
Cc: pamelapcm@gmail.com
Subject: *Submitted testimony for HB257 on Feb 14, 2013 10:00AM*

HB257

Submitted on: 2/11/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Williams	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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John J.H. Yoo

University of Hawaii, Manoa School of Social Work

COMMITTEE ON PUBLIC SAFETY

Rep. Henry J.C. Aquino, Chair

Rep. Kaniela Ing, Vice Chair

Thursday, February 14, 2013

State Capitol, 415 South Beretania Street, Conference Room 309

RE: HB257 RELATING TO PAROLE.

Establishes an earned-time program under which a person may be eligible for parole prior to the expiration of the person's minimum term of incarceration.

Aloha Committee on Public Safety,

My name is John Yoo and I am a graduate student at the Myron B. Thompson School of Social work at UH Manoa. I am testifying in **STRONG SUPPORT** of **HB257**.

Parole recidivism is a major social issue in Hawaii, over the past 25 years; the prison population has increased dramatically. One day, the majority of these prisoners will be released on parole and in our communities. Whether or not they will be successful during their release depends upon a number of factors. I feel that creating and expanding earned time programs that reduces the length of stay for certain offenders while maintaining public safety would be beneficial not just for the offenders, but for the state. While maintaining policies which states use to reserve prison beds for the most dangerous offenders, earned time also creates an incentive and motivation for offenders to work, take part in rehabilitation, and prepare to be successful in reintegration process back into the community. The HB257 bill will support a person's eligibility for parole prior to the expiration of the person's minimum term of incarceration.

Thank you for your time and the opportunity to comment on this bill. I strongly urge the committee to PASS the bill HB257.

ing2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 3:13 PM
To: pbstestimony
Cc: ssalmers@hawaii.rr.com
Subject: Submitted testimony for HB257 on Feb 14, 2013 10:00AM

HB257

Submitted on: 2/12/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Salmers	Individual	Support	No

Comments: I support HB257. Earned time programs will give offenders who demonstrate progress in work, rehabilitation, counseling, and educational programs the opportunity to be released before completing their mandatory minimum term. Earned time programs will help inmates who have substance abuse problems in Hawaii. These programs work in many other states. Earned time programs will also save money for the Department of Public Safety (DPS) and the State of Hawaii as it costs \$51,000.00 a year to incarcerate an inmate. Please support HB257 and reforms in the DPS. Thank you.

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ing2-Brandon

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HB257

Submitted on: 2/12/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
elaine funakoshi	Individual	Support	Yes

Comments: Dear Chair Henry Aquino, Vice Chair Kaniela Ing, and Committee Members: I am elaine funakoshi, a resident of Hawai`i since plantation days. I strongly support this bill which establishes an earned-time program. At present, there is no incentive program or credits for good behavior for the inmates. They get recognized for bad behavior, by getting write-ups, put in the "hole," or other punishments; but NOTHING FOR GOOD BEHAVIOR. In every facet of life, starting in school, there is some kind of incentive program for people to try harder. Whether it is better grades, promotion, or monetary rewards. There is that goal to strive for. In prison, you may get laughed at for doing good or even punished for trying to help others because it's against the rules. This bill would bring in a breath of fresh air to let the inmates know that we do care and want to reward them when they do good. The reviewing of each person's performance will show them that we are watching their behavior and not uncaringly writing rote reports. The inmates are paying for their misdeeds by giving their life as payment, surely, for those who are trying their best to be good wards, should be recognized versus those who are wasting their time in our prisons at our expense. Thank you for the opportunity to submit this testimony. Please approve House Bill 204. We are one of only six (6) states that do not recognize good behavior. Aloha, elaine funakoshi

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ing2-Brandon

From: mailinglist@capitol.hawaii.gov
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To: pbstestimony
Cc: Kekai_one@yahoo.com
Subject: Submitted testimony for HB257 on Feb 14, 2013 10:00AM

HB257

Submitted on: 2/13/2013

Testimony for PBS on Feb 14, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Tyson-Marchino	Individual	Support	No

Comments: 44 states offer earned time or good time credits; Hawai`i is one of the few states that doesn't offer either · 37 states offer earned time credits for certain inmates who participate in or complete programs · Research shows that incentives work for drug offenders, the majority of Hawai`i's incarcerated population

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