

LATE TESTIMONY

SB705

Submitted on: 1/28/2013

Testimony for PSM on Jan 29, 2013 14:50PM in Conference Room 224

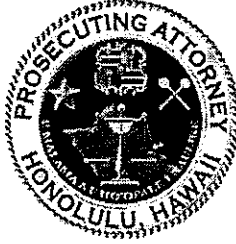
Submitted By	Organization	Testifier Position	Present at Hearing
Tricia Nakamatsu	Dept of the Prosecuting Attorney, C&C of Honolulu	Oppose	Yes

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS**
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

January 29, 2013

RE: S.B. 705; RELATING TO PUBLIC SAFETY.

Chair Espero, Vice-Chair Baker and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to Senate Bill 705.

While the Department understands the philosophy behind S.B. 705, the ultimate effect of these amendments would be to undermine the discretion of the Hawai'i Paroling Authority ("HPA"), and release felony offenders who simply are not ready for early release.

As a single body overseeing all parole cases, HPA inherently has the greatest perspective from which to make informed decisions about an inmate's suitability for release. If HPA has not found an inmate suitable for parole, then it would seem unwise to summarily release that inmate into society any earlier than necessary. In some cases, the inmate may not have complied with treatment, may have had ongoing misconduct while incarcerated, or may not even meet the minimum standards for parole.

Moreover, there is no indication that these "early-release" parolees would have adequate support once released, in terms of counseling and treatment programs, parole officers, and so forth. To prematurely release inmates who are not suitable for early release, and without sufficient support, would only expose the public to a greater level of danger that much sooner.

HPA currently makes the difficult decision of when to release an inmate prior to their maximum term; granting parole to an inmate is like the HPA's vote of confidence that an inmate is able to return to society without recidivating, subject to certain conditions. Public interest is best served if HPA retains this discretion.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes Senate Bill 705. Thank you for the opportunity to testify on this matter.

~~LATE TESTIMONY~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 7:30 PM
To: PSMTestimony
Cc: daphnebarbee@gmail.com
Subject: Submitted testimony for SB705 on Jan 29, 2013 14:50PM
Attachments: supparoltest.pdf

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Submitted By	Organization	Testifier Position	Present at Hearing
Daphne Barbee-Wooten	Individual	Support	No

Comments:

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DAPHNE E. BARBEE

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TESTIMONY IN SUPPORT OF SB 705. SUPERVISED PAROLE

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair

Senator Rose Baker, Vice Chair

Hearing Date: 1-29-13

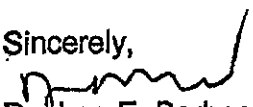
2:50 p.m., Room 224

Dear Chair and Vice Chair and Committee Members:

My name is Daphne Barbee-Wooten and I am an attorney in private practice in Hawaii. I very much support supervised parole of inmates before their release dates. Just opening the prison doors on the date an inmate has mazed out does a disservice to the inmate and society. There needs to be a period of reintegration and assistance to find place to live, a job, food and other basic needs. I am aware of inmates who were told to gather their thing within 20 minutes and discharged from prison without any bus fare or money or phone call to someone from the outside. One person hand to hitchhike from prison to the attorney office to beg for money and food. Had there been no one in the office, there would have been no where to turn. With this bill, a parole officer would supervise and assist inmates with shelter, programs and jobs. This will lead to a higher success rate for parolees.

Please pass this bill.

Sincerely,


Daphne E. Barbee-Wooten
Attorney at Law

NEIL ABERCROMBIE
GOVERNOR



LATE TESTIMONY

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

TESTIMONY ON SENATE BILL 705

RELATING TO PUBLIC SAFETY

BY

HAWAII PAROLING AUTHORITY
Bert Y. Matsuoka, Chairman

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Senator Will Espero, Chair
Senator Roselyn H. Baker, Vice Chair

Tuesday, January 29, 2013; 2:50 p.m.
State Capitol, Conference Room 224

BERT Y. MATSUOKA
CHAIR

MICHAEL A. TOWN
MEMBER

JOYCE K. MATSUMORI-HOSHIJO
MEMBER

ANNELLE C. AMARAL
MEMBER

TOMMY JOHNSON
ADMINISTRATOR

No. _____

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Hawaii Paroling Authority (HPA) respects the legislature's interest in granting parole to offenders whose minimum sentences match their respective maximum sentences for class A, B, C, felony level offenses. The HPA supports the philosophy of Senate Bill 705, but has serious concerns regarding this measure.

As written, Senate Bill 705 conflicts with existing minimum sentencing laws and does not consider court imposed mandatory minimum sentences wherein the HPA lacks jurisdiction to take action. In addition, this measure does not address consecutive sentences imposed by the court. This measure does not address the need of a parole hearing to determine if the barest requirements of parole are addressed (i.e., a place to live and means to sustain a living). In essence with the required terms and conditions of paroles, the HPA may very well be setting up the inmate to fail parole.

Further, if this measure were enacted, the HPA would require additional staff and community-based resources for this volatile and potentially dangerous segment of the parole population, who for the most part, may not be prepared for parole nor the requirements of parole, which is intended to be earned and not an entitlement.

Thank you for the opportunity to provide testimony on Senate Bill 705.

LATE

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Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Brown-McBride	Council of State Governments Justice Center	Support	Yes

JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

Senator Espero, Sen Baker and members of the committee, my name is Suzanne Brown-McBride and I am the Deputy Director of the Council of State Governments Justice Center -- The Council of State Governments is an association of executive, legislative and judicial leaders from every state and the Justice Center is the arm of the council that focuses on public safety and crime policy. Before I came to work for the Justice Center three years ago, I spent about 20 years as an advocate for victims of crime: particularly victims of sexual assault and domestic violence.

Thank you for the opportunity to discuss the research and policy options we have developed over the past two years of our work in Hawaii -- and particularly, how it relates to your discussion of SB 705 today.

In June of 2011, Governor Abercrombie, Chief Justice Recktenwald, then Senate President Tsutsui, then House Speaker Say and the Department of Public Safety 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 while saving taxpayer dollars. All of this was done using federal and private funds, meaning this cost the state nothing except the time of staff to participate.

Throughout this process, we collected and analyzed data from arrests to court dispositions to probation, prison, and parole and provided recommendations which, through your leadership, resulted in Act 139. Since the passage of Act 139, an interbranch JRI working group chaired by the Director of Public Safety and Judge Alm has guided and informed efforts to implement provisions of the legislation.

Hawai'i often releases those people most likely to reoffend back to communities without any supervision or monitoring. We call this "maxing out to the streets." Prisoners likely to commit more crime are exploiting this loophole in the system that allows them to return to the community with nobody holding them accountable.

SB 705 requires that a small percentage of an offenders maximum sentence be served on parole supervision to monitor their behavior, create a safety plan for victims and alert law enforcement. Such an approach is a commonplace in most states that have adopted truth in sentencing during the last two decades. In those states, most require an even greater percentage of each offender's sentence to be served under supervision at the end of their sentence.

While it is reasonable for additional incapacitation beyond the minimum sentence date to be reserved for keeping those offenders more likely to reoffend behind bars until they complete treatment and have a suitable parole plan, they should not be allowed to bide their time ensuring they will have no accountability and no supervision when they get out -- during the course of our research we discovered that offenders that max out from prison with no supervision have a recidivism rate of over 61%, almost double the rate of recidivism of supervised offenders. As a victim's advocate, I find this reason alone to be a particularly compelling reason to ensure some sort of term of supervision.

By requiring a minimum period of supervision after prison for everyone, you can ensure that some period of transition will occur. This transition period the critical time in which public safety officials can assure that reentering offenders get stable housing, gainful employment, and that they are adhering to standards of supervision including things like random drug tests.

During our work last year on Justice Reinvestment, we learned of a number of cases in which this would have been incredibly useful. One in particular stood out to a member of our staff. He learned from a victim advocate on a neighboring island, that a sex offender had maxed out to the streets. This man returned to the very same community in which he had offended. He began posting signs for a children's soccer team that he started. He recruited children who fit the exact same age and racial profile of the children he had been convicted of molesting years earlier. This highly predatory behavior was done publicly and nobody could do anything about it because he had returned to the community with no supervision whatsoever. The state and local law enforcement had no authority on which to stop his behavior or send him back to prison, at least not until he had another victim.

SB 705 represents an important opportunity for Hawai'i to ensure that people at the end of their prison sentences max out to supervision instead of maxing out to the streets.

Thank you for your consideration.
Suzanne Brown-McBride
Deputy Director
Council of State Governments
Justice Center

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Lisa Jaramillo	Individual	Support	No