

DAVID Y. IGE
GOVERNOR



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

NOLAN P. ESPINDA
DIRECTOR

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Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 85, HOUSE DRAFT 1
AND HOUSE RESOLUTION 47, HOUSE DRAFT 1
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM.

By
Nolan P. Espinda, Director

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 31, 2016; 2:01 p.m.
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports the overall intent** of House Concurrent Resolution (HCR) 85, House Draft (HD) 1 and House Resolution (HR) 47, House Draft (HD) 1 and offers additional clarifying suggestions.

Hawaii is in a distinct minority of jurisdictions wherein both the Jail and Prison systems fall under the single jurisdiction of the State. Overwhelmingly, across the country, jail systems fall under the jurisdiction of the individual counties. This minority arrangement, therefore, makes for the similarly minority circumstance of corrections overcrowding, being inclusive of both incarcerated jail detainees and incarcerated prison inmates. Any task force contemplated should, therefore, address and reevaluate the current jail detainee system, as well as, the prison inmate incarceration, rehabilitation, reentry, and recidivism system.

There are distinctly different strategies associated with the structure and restructuring of the jail detainee system as compared to the structure and restructuring of the prison incarceration, rehabilitation, reentry, and recidivism system. We therefore recommend, that at every juncture, these resolutions specify the dual roles intended to be addressed by the proposed task force.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MICHAEL A. TOWN
ANNELLE C. AMARAL
FITUINA F. TUA
MEMBERS

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 85, HD1
AND HOUSE RESOLUTION 47, HD1
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM

By

Bert Y. Matsuoka, Chairman
Hawaii Paroling Authority

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 31, 2016; 2:01 p.m.
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Hawaii Paroling Authority (HPA) **strongly supports** HCR 85, HD1 and HR 47, HD1 requesting the establishment of a task force to study effective incarceration policies to improve Hawaii's correctional system. The task force may be able to obtain information from other jurisdictions within and outside of the United States regarding various successful and effective incarceration policies and practices that could be used to improve Hawaii's correctional system.

Thank you for the opportunity to provide testimony on HCR 85, HD1 and HR 47, HD1.



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Representative Karl Rhoads, Chair

Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 31, 2016 2:01 PM
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by

Rodney A. Maile

Administrative Director of the Courts

Bill No. and Title: House Concurrent Resolution No. 85, House Draft 1 and House Resolution No. 47, House Draft 1 Requesting the Establishment of a Task Force to Study Effective Incarceration Policies to Improve Hawai‘i’s Correctional System

Judiciary's Position:

The Judiciary supports the establishment of a task force to study effective incarceration policies to improve Hawai‘i’s correctional system. House Concurrent Resolution No. 85, House Draft 1 and House Resolution No. 47, House Draft 1 recognize the advisability of a comprehensive study of effective incarceration policies, programs and best practices in an effort to address Hawai‘i’s ongoing challenges to its correctional system. With the planned relocation of the O‘ahu Community Correctional Center, there is an opportunity to develop solutions and improve our correctional system.

The governmental body with the greatest expertise relating to incarceration policies and correctional systems is the Department of Public Safety. As such, the Judiciary respectfully suggests that the Director of the Department of Public Safety be requested to serve as co-chair of the proposed task force with the Chief Justice of the Judiciary or their designees.

As this study is likely to incur costs, the Judiciary respectfully requests funding to support expenses associated with this study in an amount to be determined by the Legislature.

Thank you for the opportunity to testify on these measures.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Mall, Suite 600
Honolulu, Hawaii 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI MCCAIG
Chair

ABELINA SHAW
Commissioner

MARTHA ROSS
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 85, HD1/
HOUSE RESOLUTION 47, HD1
REQUESTING THE ESTABLISHMENT OF A TASK FORCE
TO STUDY EFFECTIVE INCARCERATION POLICIES
TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 31, 2016; 2:01 PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary:

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to testify before you today. The Commission supports this resolution with amendment to add representatives from victim advocacy groups to the workgroup. When developing incarceration policies, the needs of victims must be taken into consideration and special considerations must be taken into account regarding perpetrators of sexual assault, domestic violence, and driving under the influence. No single victim advocacy group can adequately represent the interests of all victims of crime.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available. In 2003, the Commission in collaboration with the Department of Public Safety, created the Restitution Recovery Project to collect restitution payments from inmates and parolees, and to disburse those funds to their crime victims, or to the Commission in cases where the Commission previously provided a compensation award to the crime victim.

This resolution seeks to create a task force that would develop policies focused on reducing correctional spending, alleviating inmate overcrowding at correctional facilities, lowering recidivism, and addressing other challenges. In developing these policies, the needs and safety of the crime victims and the community must be taken into consideration. Special considerations also must be taken into account in the rehabilitation of perpetrators of sexual assaults, domestic violence, and fatalities involving driving under the influence. The advocacy groups for the victims of these crimes have the specialized knowledge necessary to adequately address the specialized treatment/rehabilitation needs of the perpetrators of these crimes and the safety issues of the victims.

Thank you for providing the Commission with the opportunity to testify in support of House Concurrent Resolution 85, HD1/House Resolution 47, HD 1 with amendment to add victim advocacy groups to the workgroup.



HCR85 HD1/HR47 HD1
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM.
House Committee on Judiciary

March 31, 2016

2:01 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR85 HD1/HR47 HD1. This resolution would establish a task force to study effective incarceration policies and make recommendations that may ultimately reduce the growing social and economic burdens of our criminal justice system.

Decades of following a traditional criminal justice approach have now led to the highest prison population in Hawai'i's history. The number of people incarcerated in Hawai'i increased by more than 900 percent between 1977 and 2008,¹ and by 1,400 percent between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40 percent of our prison population today.² The rapid growth of our incarcerated population, much higher than the national rate, strongly counsels the reexamination of our criminal justice approach, including our policies with respect to criminal liability, prisoner rehabilitation, and reintegration. In addition, the overrepresentation of Native Hawaiians in the criminal justice system indicates the existence of larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.³

The Native Hawaiian Justice Task Force brought to light the systemic issues that have contributed to the disproportionate impact of the current criminal justice system on the Native Hawaiian community, and recommended the exploration of new and progressive criminal justice approaches.⁴ It is our hope that this dedicated study by our

¹ OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_exs_disparatetreatmentofnativehawaiians_rd-ac.pdf.

² In contrast, Native Hawaiians represent only 24% of the general public in Hawai'i. *Id.* at 36.

³ OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

⁴ THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012), http://lrhawaii.info/reports/legrpts/oha/2013/act170_slh11.pdf.

State's preeminent experts on criminal justice will effectuate some of the recommendations made by the NHJTF, and lead to a much-needed and long-awaited strategy to reduce the State's incarcerated population, reduce corrections costs, and proactively invest in public safety and recidivism reduction initiatives.

In light of the above, OHA urges the Committee to **PASS** HCR85 HD1/HR47 HD1. Mahalo nui loa for the opportunity to testify on this important measure.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Representative Karl Rhoads, Chair

Representative Joy San Buenaventura, Vice Chair

Thursday, March 31, 2016

2:01 p.m.

Room 325

SUPPORT with SUGGESTION - HCR 85 HD1 - EFFECTIVE INCARCERATION

Aloha Chair Rhoads, Vice Chair San Buenaventura 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 in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people 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.

HCR 85 HD1 requests the establishment of a task force to study effective incarceration policies to improve Hawai'i's correctional system.

Community Alliance on Prisons supports this measure although without the political will to actually reform our broken correctional system, all the task force groups in the world will not make any difference. There is a plethora of information on criminal justice reform research, analysis and evidence-based strategies available. We have provided research and data for decades highlighting proven and effective strategies to reduce the imprisoned population, enhance public safety, and increase community-based services.

The HD1 increased the task force to include a member from Adult Probation and a member from the Holomua Pu'u honua Task Force.

SUGGESTION:

Community Alliance on Prisons respectfully suggests adding two members to the task force:

- a member from the Office of Hawaiian Affairs since Kanaka Maoli are disproportionately represented in the criminal justice system
- a formerly incarcerated woman since women's issues are very different from those of incarcerated men.

Hawai'i has a golden opportunity to reform the criminal justice system with Justice Reinvestment and sentencing reform, among other things. The problem has been that the political will has not been there, despite reform efforts being led by many very conservative states and groups. Criminal justice reform has become a huge bi-partisan issue across the nation.

Right on Crime is one of those ultra-conservative groups. Their website describes them as *"The conservative approach to criminal justice"*. Below is a recent article¹ about how the Conservative Political Action Conference (CPAC) that took place in early March framed criminal justice reform:

Conservative criminal justice reform advocates are making the case that reducing the prison population, treating drug addiction, and giving a second chance to lawbreakers are policy prescriptions that mesh with conservative ideals.

While advocates cite [polls](#)² that show that most conservatives support ideas like providing alternatives to prison for low-level drug offenders, GOP leaders on the criminal justice reform cause know they have more work to do to overcome a tough-on-crime mentality that came to define the 1980s and '90s.

"No one is beyond redemption, and hope springs eternal," said Ken Cuccinelli, the former Republican attorney general of Virginia who spends his time these days speaking out against the harsher sentences from the War on Drugs that helped lead to massive overcrowding in America's prisons.

Cuccinelli used his appearance this past week at the Conservative Political Action Conference, or CPAC, outside Washington, D.C., as an opportunity to speak before thousands of conservative activists and leaders about why they should care about mass incarceration in America.

Some of the findings from the Pew poll cited above were:

"A Strong Majority Believes Federal Prisons House Too Many Drug Offenders

Statistics show that nearly half the people in federal prison are there for drug crimes like dealing drugs on the street or illegally transporting drugs. Which comes closer to your point of view about these people?

- **61% A:** That is too many drug criminals taking up too much space in our federal prison system. **More of that space should be used for people who have committed acts of violence or terrorism**
- **35% B:** If that's the number of people committing federal drug crimes, that's the number we need to have in federal prisons
- **4% Not Sure**

Few Want Low-Level Drug Offenders To Serve 10-Year Mandatory Minimum Sentences

% Believing Offender Should Get 10-Year Mandatory Minimum Sentence

- **68%** A drug kingpin, that is, the top leader of an illegal drug organization
- **49%** A distributor who supplies relatively large amounts of drugs to dealers who then sell in smaller quantities to individual users

¹ **Conservatives Make Their Case for Criminal Justice Reform**, [Josh Siegel](#) / [@SiegelScribe](#) / March 07, 2016

² **The Public Safety Performance Project Of The Pew Charitable Trusts**. The Mellman Group & Public Opinion Strategies National Survey Key Findings – Federal Sentencing & Prisons, February 10, 2016
http://www.pewtrusts.org/~media/assets/2016/02/national_survey_key_findings_federal_sentencing_prisons.pdf

- **47%** A drug organization manager or supervisor who is not the top leader but someone in charge of managing illegal drug operations
- **37%** A drug grower or producer
- **35%** A drug dealer, someone who sells illegal drugs on the street
- **20%** A drug courier or mule, who is paid to carry drugs from one location to another

Support For Earned Time Programs Remains High Regardless Of 15% Or 30%

Allow people in federal prison to earn up to an additional 15% off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training

- **86%** Acceptable
- **13%** Unacceptable
- **2%** Unsure

Allow people in federal prison to earn up to an additional 30% off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training

- 85%** Acceptable
- 13%** Unacceptable
- 2%** Unsure

The way to “effective incarceration” is to reserve imprisonment for those whose violent behavior is a threat to the community. Sadly, Hawai`i has used imprisonment for those with whom we are mad. This has led us into the morass of mass incarceration and a large criminal underclass.

Our policies have created more problems than we have solved.

In 1970 Hawai`i had 300 incarcerated individuals. Today, we have approximately 6,000 individuals under the “care and custody” of the state on any given day, despite crime being at its lowest rate in decades. WHY??? The answer is clear – it is the policies enacted that have driven mass incarceration in Hawai`i.

In conclusion, this measure talks about “effective incarceration” while all across the nation, the conversation is about de-carceration. This is disturbing to Community Alliance on Prisons as we have been researching and recommending alternatives to incarceration and smarter sentencing policies for years.

Please help your colleagues understand that what we are doing is unsustainable. We cannot build our way out of our social problems, we must address them head-on!

Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 9:15 AM
To: JUDtestimony
Cc: hlusk@chowproject.org
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	The CHOW Project	Support	No

Comments: Thank you for the opportunity to testify. With national momentum for criminal justice reform, the time is now for Hawaii to examine its system and determine why Native Hawaiians are so disproportionately incarcerated among other issues.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2016 9:34 AM
To: JUDtestimony
Cc: ssalmers@hawaii.rr.com
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

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

Comments: Please support establishing a task force to study effective incarceration policies to improve Hawaii's correctional system. The correctional system in Hawai'i requires significant reform. Other states are successfully reducing their prison population and decreasing recidivism by implementing much needed criminal justice reforms (eliminating mandatory minimums and establishing community based drug treatment programs). Criminal justice reforms in many states have been effective in reducing crime, rehabilitating individuals, and saving taxpayer dollars.

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House Committee on Judiciary

**Testimony on
House Resolution 85**

**Requesting the Establishment of a Task Force to Study Effective
Incarceration Policies to Improve Hawaii's Correctional System**

**March 31, 2016
2:01 p.m.
Room 309**

Thank you Representative Rhodes and Representative San Buenaventura, for convening this extremely important hearing.

My name is Meda Chesney-Lind. I am currently a Professor of Women's Studies at the University of Hawaii at Manoa. I am also a past Vice-President of the American Society of Criminology. Today, however, I am speaking as an individual.

As you know, Hawaii's correctional system is at a crossroads. Our "get tough on crime" policies of the 1980s and 1990s filled our prisons to overflowing and forced us to send almost one-third of our inmates to private prisons on the mainland where they are isolated from their families, land and culture. The state also put off repairing its correctional facilities for decades, with the result that many of them are now falling apart, including the largest facility, the Oahu Community Correctional Center (OCCC). The cost of our correctional system has risen steadily to over \$230 million in 2013¹, yet our correctional outcomes are consistently poor as evidenced by the fact that over half of our parolees reoffend within three years, with the average time to recidivism just 15 months.² And if all that was not enough, in August of 2014 the Council of State Government Justice Center gave policy makers more bad news, including:

¹ Hawaii Department of Public Safety, 2013 Annual Report, p. 85.

² David T. Johnson, Janet T. Davidson, Paul Perrone, *Hawaii's Imprisonment Policy and the Performance of Parolees Who Were Incarcerated In-State and On The Mainland*. University of Hawaii Department of Sociology and Hawaii Department of The Attorney General, January 2011 p. 2.

- Hawaii's combined prison and jail population increased by 18% between 2000 and 2011. During roughly the same time period (2003-2012) Hawaii's crime rate decreased by 39.0%. Violent crime decreased by 10.3% and property crime decreased by 40.5%³.
- Between 2006 and 2011 the average length of probation increased 25 percent, stretching the supervisory capabilities of the Judiciary's probation division almost to the breaking point;
- The parole approval rate declined from 40% in 2006 to 34% in 2010 because prisoners are unable to get the programming they need;
- The number of prisoners who chose to serve their maximum sentences rather than being paroled, and who must, therefore be released from without supervision of any kind, more than doubled, from 121 in FY2006 to 247 in FY2011.⁴

All of this points to the conclusion that our sentencing and correctional policies are not working. They are not producing acceptable, cost-effective and sustainable outcomes for the people of Hawaii.

Regarding facilities, the state has plans to tear down the 950-bed OCCC and replace it with a new and larger facility that would house pretrial detainees, sentenced misdemeanants and reentry programs for sentenced felons. There is a high likelihood that these plans will be implemented because the 16-acre OCCC site in urban Honolulu has become extremely valuable due to its proximity to a planned station on the new Honolulu Rail Transit Line. There is also a great deal of discussion about building a new correctional facility on the island of Maui to replace the aging Maui Community Correctional Center which sits on 7 acres of valuable land in Wailuku. The Maui facility houses pretrial detainees, and provides reintegration programs for sentenced felons and parole violators who will be released to Maui.

If Hawaii builds one or more new, traditional, correctional facilities and follows the same criminal justice and corrections models as we have in the past, we will continue to have poor outcomes and ever-rising costs.

As a criminologist, I believe Hawaii needs to think "beyond bricks and mortar". We need to develop a community "road map" to guide our criminal justice and correctional system into the future, starting with the new facility that will replace OCCC. The new model must address ways to reduce our prison population through new and better sentencing policies and greater use of community based alternatives to incarceration. The new model must also focus on developing successful, evidenced-based restorative and rehabilitative strategies for those who do go to prison.

³ Crime in Hawaii, 2012, p. iii.

⁴ Justice Reinvestment in Hawaii, Justice Center of the Council of State Governments. August 2014 pp. 2- (missing page range)

Fortunately, the proposed Task Force gives us many of the tools to explore innovative approaches to the challenges Hawaii's criminal justice system faces. Specifically, it brings together all of the key stakeholders to review effective incarceration policies in place in other jurisdictions, and it does so at a very important moment in Hawaii's correctional history. Let's build on the strong work that the Hawaii Legislature initiated to significantly overhaul the juvenile justice system a few years ago with Act 201, and bring the same fresh approaches to the adult system.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 4:50 PM
To: JUDtestimony
Cc: gladys.baisa@mauicounty.us
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments: I'm in SUPPORT of HCR 85 HD1 REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM: I support CAP who supports all efforts to improve the conditions of confinement. The task force should include OHA since Kanaka Maoli are over represented and the task force should also include at least one formerly incarcerated female since women's incarceration issues and needs are very different from those of men.

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Brie Williams, MD, MS
Associate Professor of Medicine
UCSF Division of Geriatrics, Department of Medicine

3333 California Street – Box 1265, Suite 380
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Representative Karl Rhoads, Chair
House Committee on the Judiciary
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Chair Rhoads, Vice Chair San Buenaventura, and members of the Committee on Judiciary:

I am writing to lend my strongest possible support to House Concurrent Resolution No. 85, “Requesting the establishment of a task force to study effective incarceration policies to improve Hawaii’s correctional system.”

I am an Associate Professor of Medicine at UC San Francisco where I conduct research to improve correctional healthcare and help policy and law makers translate research into policy to achieve better health outcomes and lower costs in correctional systems. As examples of my work, in 2014, I served on the Institute of Medicine’s Workshop on Incarceration and Health and, following the 2011 publication of my review of U.S. compassionate release policy in the *Annals of Internal Medicine*, I now work with jurisdictions to help revise compassionate release policies. I recently provided testimony on compassionate release policy reform to the U.S. Sentencing Commission. Currently, I am the Founding Director of the UC Criminal Justice & Health Consortium, an interdisciplinary community of over 100 researchers from across the University of California system working to advance evidence-based policy reform at the intersection of criminal justice and health.

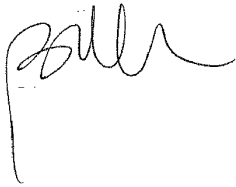
I am also a Founding Director of the U.S.-European Criminal Justice Innovation Program, a program that supports policy makers, government officials and criminal justice leaders to create transformative change in their home criminal justice systems through exposure to alternative criminal justice models in Europe. Through this program, I visited Hawaii in 2015 and met with officials from the Department of Public Safety, the Hawaii Paroling Authority, the medical school, and the judiciary. I subsequently accompanied several officials from the State of Hawaii to Norway

to tour prisons there and hear from thought-leaders in criminal justice reform from Norway, Sweden, Ireland, and the UK.

I am deeply impressed by Hawaii's dedication to seeking ways to improve their criminal justice and correctional systems to the betterment of both public safety and prisoner outcomes. As an independent academic with extensive experience translating research into policy change in the areas of criminal justice and corrections, I believe that the creation of the proposed task force (per the resolution) would be a critical first step to identifying and implementing methods and strategies to improve Hawaii's criminal justice system by reducing recidivism, saving money, and making communities safer.

I thank you for your consideration of this important resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brie Williams', with a long, sweeping underline.

Brie Williams, MD, MS
Associate Professor of Medicine
Division of Geriatrics - University of California, San Francisco

Medical Director, SFVAMC Geriatrics Clinic

Email: brie.williams@ucsf.edu

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 2:00 PM
To: JUDtestimony
Cc: maukalani78@hotmail.com
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileana Funakoshi	Individual	Support	No

Comments: MAHALO, ARIGATO, SALAMAT PO,ETC. WE NEED TO REVIEW AND UPDATE OUR CORRECTIONAL SYSTEM. IT IS LONG OVERDUE AND I SINCERELY APPRECIATE THE COMMITTEE'S EFFORT TO LOOK AT IT WITHOUT PREJUDICE.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 12:27 PM
To: JUDtestimony
Cc: zumbahonolulu@gmail.com
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Heather McVay	Individual	Support	No

Comments: The task force should include OHA since Kanaka Maoli are overrepresented The task force should also include one formerly incarcerated female since women's incarceration issues and needs are very different from those of men

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Robert K. Merce
2567 Aha Aina Place
Honolulu, Hawaii 96821
808-732-7430

March 29, 2016

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary
State Capitol
Honolulu, HI 96813

Hearing: HCR 85
House Committee on Judiciary
March 31, 2:01 p.m. Room 325
Strong Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and members of the committee:

My name is Bob Merce. I am a retired attorney and have been working on prison reform as an individual and with several community organizations for the past five years. I am writing in strong support of HCR 85.

For the past 40 years Hawaii has pursued incarceration policies similar to those in other states. In response to the high crime rates of the 1970s and 1980s we locked up more people for longer periods of time by increasing the severity of sentences and adopting mandatory minimum sentences that took discretion out of the hands of judges no matter what the circumstances of the offense. We locked up drug users for decades without providing them with effective treatment. We focused almost entirely on punishment rather than rehabilitation, we largely ignored mental health issues and the need for effective re-entry programs, and we let our jails and prisons deteriorate into harsh and often brutal places that we hoped would deter inmates from returning.

But these policies haven't worked. They have not caused a reduction in crime, they have not made our neighborhoods safer, and they have not deterred criminals from reoffending as evidenced by the fact that in Hawai'i more than half of former inmates recidivate within two years. The policies have, however, caused the cost of incarceration to skyrocket to unsustainable levels.

Throughout the country there is recognition that the "get tough on crime" policies that Hawaii and other states pursued in the 1970s and 1980s have not worked, and literally hundreds of communities are searching for new, better, smarter, and more sustainable ways to deal with

crime and punishment.¹ Experts and lay people are collaborating to re-think criminal justice and correctional policies and they are increasingly looking to other states and countries for ideas that have been proven to work.

Hawaii is at a crossroads. It is planning to spend hundreds of millions for a new jail on Oahu and a new prison on Maui, and it is struggling with overcrowded jails and prisons on the Big Island and Kauai. We, as a state, have to decide whether to blindly follow the failed policies of the past or develop smart, new policies to guide our correctional system into the future. The task force is an excellent vehicle for examining the critical issues that will affect Hawaii's criminal justice and correctional outcomes for the next 50 to 75 years. We need to get it right, and the task force, in my view, could go a long way toward achieving that objective.

Thank you for the opportunity to testify on this important matter and I hope you will pass HRC 85.

Aloha,

A handwritten signature in black ink, appearing to read 'Robert K. Merce', written in a cursive style.

Robert K. Merce

¹ When the MacArthur Foundation launched a 5-year \$75 million initiative to reduce incarceration by changing the way America thinks about jails, it received nearly 200 applications from 45 states and territories.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 10:43 AM
To: JUDtestimony
Cc: fhyun01@gmail.com
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund "Fred" Hyun	Individual	Support	No

Comments: I stand in STRONG SUPPORT of HCF 85. The problems facing our prisons and jails will only become worse and the "overflow" negatively impact our communities, businesses, tourist trade unless we address them now.

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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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 10:03 AM
To: JUDtestimony
Cc: lady.flach@gmail.com
Subject: *Submitted testimony for HCR85 on Mar 31, 2016 14:01PM*

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 9:17 AM
To: JUDtestimony
Cc: hokuokekai50@msn.com
Subject: Submitted testimony for HCR85 on Mar 31, 2016 14:01PM

HCR85

Submitted on: 3/29/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments: Please include the Office of Hawaiian Affairs on the task force since so many Hawaiians are incarcerated and one formerly incarcerated female since women's incarceration issues and needs are very different from those of men.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2016 1:15 PM
To: JUDtestimony
Cc: carpenterd@hawaiiantel.net
Subject: *Submitted testimony for HCR85 on Mar 31, 2016 14:01PM*

HCR85

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dante K. Carpenter	Individual	Support	No

Comments:

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Sent: Wednesday, March 30, 2016 12:42 PM
To: JUDtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HCR85 on Mar 31, 2016 14:01PM*

HCR85

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:01PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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Charlotte A. Carter-Yamauchi
Acting Director

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Testimony

HCR85 HD1

REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Judiciary

Thursday, March 31, 2016, 2:01 p.m.
Conference Room 325

Chair Rhoads and Members of the Committee:

Good afternoon Chair Rhoads and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.C.R. No. 85, H.D. 1, Requesting the Establishment of a Task Force to Study Effective Incarceration Policies to Improve Hawaii's Correctional System.

The purpose of this measure, among other things, is to request that the Chief Justice establish a task force to study effective incarceration policies in Hawaii and other jurisdictions and to suggest improvements for Hawaii's correctional system, including recommendations for designs of future correctional facilities. The measure also requests that the task force submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2018. In addition, the measure requests that the Legislative Reference Bureau assist the task force in the preparation of its report; provided that the task force delivers to the Legislative Reference Bureau all information and materials deemed necessary by the Legislative Reference Bureau for the preparation of the report no later than forty days prior to the convening of the Regular Session of 2017.

While the Legislative Reference Bureau takes no position on the measure, we submit the following comments for your consideration.

As a general matter, we note that the Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the Legislature. Thus, if the Legislature feels that this is an appropriate use of the Bureau's

resources, then the Bureau would provide report writing and drafting services; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting other studies, writing or finalizing other reports, and drafting legislation, for legislators, other state agencies, task forces, committees, or working groups, that may be requested or required under other legislative measures.

That said, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau. Our concern is with clarifying the scope of the work requested and the timeframe in which the task force is requested to submit information to the Bureau in order for the Bureau to draft the report (i.e., twenty days prior to the date of the report's submission to the Legislature). We note that, if the Bureau is only being asked to **finalize** a draft report, then the twenty-day timeframe will probably be sufficient. However, if the Bureau is being asked to **actually write the report in its entirety**, based upon data and other information provided by the task force, then the twenty-day timeframe is far too short to accomplish this task. Our experience has shown that, inevitably, such entities are not timely in their submission of material to the Bureau. Moreover, in addition to providing for adequate time to actually write the report, a more reasonable timeframe must also allow sufficient time for the Bureau to verify that all submitted information has been gleaned from credible sources and for the review and approval of drafts of the report not only internally by Bureau staff, but by the task force as well.

Accordingly, if the Committee decides to recommend the adoption of this measure and to keep the Bureau involved, we respectfully request that the measure be amended to either:

- (1) Limit the Bureau's involvement to assisting the task force with the finalization of any draft report of the task force submitted to the Bureau and the drafting of any proposed legislation in relation thereto; or
- (2) Request that the task force submit all information necessary to draft a report and proposed legislation to the Bureau by **no later than September 30, 2016**.

Thank you again for your consideration.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

March 30, 2016

To: House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair



From: Michelle Rocca, Training and Technical Assistance Director
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of House Concurrent Resolution 85 HD1

Good afternoon Chair Rhoads, Vice Chair San Buenaventura, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of House Concurrent Resolutions 85 HD1** to study effective incarceration policies to improve Hawaii's correctional system.

The Hawaii State Coalition Against Domestic Violence is a partnership of 22 domestic violence service providers throughout the state of Hawaii. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice. The Hawaii State Coalition Against Domestic Violence (HSCADV) is a private, not-for-profit organization and is a statewide partnership of domestic violence programs and shelters.

This resolution seeks to create a task force that will address many of the current challenges that the correctional system currently experiences. We also urge the committee to consider the amendment recommended by the Crime Victim Compensation Commission to include the advocacy groups for the victims of a variety of crimes (domestic violence, sexual assault, driving under the influence among them) to participate in this task force. Specialized knowledge of the impact of these crimes will provide context and insight to the current community climate of these specialized areas and inform the needs of specialized treatment areas for the perpetrators of these various types of crime.

Thank you for your consideration and for the opportunity to provide testimony on this matter.