

# **SB 1020**

## **RELATING TO ELECTRONIC MONITORING**

Appropriates funds to the department of public safety and the judiciary for the purpose of electronic monitoring of released inmates.

PSM/JDL, WAM



*The Judiciary, State of Hawaii*

Testimony to the  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

and

Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 12, 2015, 9:10 a.m.  
State Capitol, Conference Room 016

by  
Sidney Nakamoto  
Adult Client Service Branch Administrator

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**Bill No. and Title:** Senate Bill No. 1020, Relating to Electronic Monitoring.

**Purpose:** Appropriates funds to the department of public safety and the judiciary for the purpose of electronic monitoring of released inmates.

**Judiciary's Position:**

The Judiciary does not take a position on Senate Bill No. 1020 which provides to the Judiciary \$100,000 per year for two years, "for the purpose of electronic monitoring of released inmates." The bill defines the target population as "released inmates". The Judiciary welcomes the funding for electronic monitoring for inmates who are released to probation. Adding electronic monitoring to the Judiciary's Adult Client Services Branch's responsibilities would require the hiring of additional staff for the required installation/retrieval of equipment, inventory management, conducting service calls, management of telephone line installation, monitoring/reporting of client activity, providing for alert notification, production of reports, etc. Therefore, the most cost effective means of managing the electronic monitoring requirements would be to utilize the services of the Judiciary's electronic monitoring contracted vendor.



Senate Bill No. 1020, Relating to Electronic Monitoring  
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Using basic price guidelines from currently existing mainland programs (which may prove to be different in Hawaii), it is estimated that the \$100,000 would allow ACSB to add GPS electronic monitoring to the supervision of approximately forty-five (45) probationers for a one-year period. (This number could be reduced if equipment were to be damaged or lost.)

Thank you for the opportunity to testify on Senate Bill No. 1020.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Roz Baker, Vice Chair

## COMMITTEE ON JUDICIARY AND LABOR

Sen. Gilbert Keith-Agaran, Chair

Sen. Maile Shimabukuro, Vice Chair

Tuesday, February 12, 2015

9:10a.m.

Room 016

## SUPPORT for SB 1020 - ELECTRONIC MONITORING

Aloha Chairs Espero and Keith-Agaran and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 1020 appropriates funds to the department of public safety and the judiciary for the purpose of electronic monitoring of released inmates.

Community Alliance on Prisons supports this measure that will reduce the incarcerated population *if* staff is trained on how to identify the best candidates for the monitors and the state is not wasting time and resources on individuals who pose no risk to public safety. The monitors should be placed on individuals most likely to reoffend.

We know that there are currently incarcerated persons who are classified as Community or Minimum. The Department of Public Safety's 2013 Annual Report<sup>1</sup> describes Hawai'i's classification system:

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<sup>1</sup> Hawai'i Department of Public Safety, 2013 Annual Report, page 14.

<http://dps.hawaii.gov/wp-content/uploads/2015/01/PSD-ANNUAL-REPORT-2013.pdf>

Hawaii's classification system has five custody levels: (1) maximum inmates who are chronically disruptive, violent, predatory or are a threat to the safe operation of a facility; (2) close for those who have minimum sentences of 21 years or more, who are serious escape risks or have chronic behavioral/management problems; (3) medium for inmates who have more than 48 months to their parole eligibility date; whose institutional conduct and adjustment require frequent supervision/intervention; (4) **minimum** for inmates with less than 48 months until their parole eligibility date; who have demonstrated through institutional conduct that they can function with minimal supervision in a correctional setting, or in the community under direct supervision; and (5) **community** for inmates who have 24 months or less to serve on their sentence and are eligible to participate furlough programs, extended furlough, or residential transitional living facilities.

The National Institute of Corrections released a report in 2011<sup>2</sup> with their overall finding on electronic monitoring:

"The quantitative analysis showed significant decreases in the failure rate for all groups of offenders, and the decreases were similar for all age groups. More specifically, the analysis showed that:

- Electronic monitoring reduces offenders' risk of failure by 31 percent.
- Electronic monitoring based on Global Positioning Systems (GPS) typically has more of an effect on reducing failure to comply than radio frequency (RF) systems.
- Electronic monitoring had less of an impact on violent offenders than on sex, property, drug and other types of offenders. However, the effect remains statistically significant.

The qualitative analysis revealed various perceptions about electronic monitoring. For administrators, the primary goals of the electronic monitoring program are to ensure that offenders comply with the terms of their supervision, track offenders, reduce recidivism and protect the public. Overall, administrators say that although electronic monitoring has achieved these goals, they also see ways to improve the system. In addition, they see monitoring as a tool that helps probation officers do their jobs, not as a replacement for personal contact with offenders. Sometimes the offenders and officers voiced different opinions. For example, 85 percent of offenders said electronic monitoring does not affect the likelihood that they would abscond. In contrast, 58 percent of officers thought electronic monitoring made it less likely that an offender would abscond."

## SOME THINGS TO BE AWARE OF:

The researchers who performed the analysis for the National Institute of Corrections report cited above cautioned<sup>3</sup>:

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<sup>2</sup> ***Electronic Monitoring Reduces Recidivism***, Department of Justice, National Institute of Corrections, IN SHORT – Toward Criminal Justice Solutions, NCJ 234460, September 2011. <http://www.ncjrs.gov/pdffiles1/nij/grants/230530.pdf>

<sup>3</sup> ***A Quantitative and Qualitative Assessment of Electronic Monitoring***, The Florida State University College of Criminology and Criminal Justice Center for Criminology and Public Policy Research, William Bales, Karen Mann, Thomas Blomberg, Gerry Gaes, Kelle Barrick, Karla Dhungana, Brian McManus, January 2010. <https://www.ncirs.gov/pdffiles1/nij/grants/230530.pdf>

The data generated from the qualitative methodology utilized in this study reveals that the EM experience has some **unintended detrimental consequences for offenders**. Specifically, EM can place strain on the offenders' relationships with significant others, children, and friends. This may be an inevitable, unintended and unavoidable consequence of EM; however, to the extent possible, correctional officials and those involved in the developmental changes to the EM technology should remain cognizant of this effect and to minimize these outcomes. Additionally, the ability to find and maintain employment is compromised when an offender is on EM. Given the importance of employment for offenders to maintain a crime-free lifestyle and to support themselves and their families financially, it is imperative that consideration be given to diminish the detrimental effects of EM on the offenders' employment opportunities.

**The evidence is clear that there needs to be a re-evaluation of the criteria the judiciary uses in EM placement as well as laws which unilaterally mandate EM for specified offender types, regardless of whether the research indicates that it will make a difference in behavior. This enhancement of EM to supervision is a limited resource and to the extent that it is not being used on the most appropriate offenders, the state is not using EM to its full potential.**

Please support our people who are working to get their lives together.

Mahalo for this opportunity to testify.

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

**Sent:** Friday, February 06, 2015 10:11 AM

**To:** PSMTestimony

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**SB1020**

Submitted on: 2/6/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenny Wusstig	Individual	Support	No

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



**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
james crowe	Individual	Support	No

Comments: Alternatives to prison are the most beneficial to the human being, to the community, to the taxpayer and to the stressed Hawaii prison system. Our state can save billions of dollars if we can avoid increase in prison population and avoid for-profit prisons, which intend to benefit private investors.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Jaramillo	Individual	Support	No