

SB 1331

RELATING TO PUBLIC SAFETY

Requires pretrial risk assessments, pretrial bail reports, and arraignments to be completed within five working days after an arrest. Obligates the intake service centers to interview lay sponsors within seven days of their identification and allows the court to order defendants released on pretrial release to report to lay sponsors for supervision. Prohibits judicial officers from denying bail absent a pretrial risk assessment score that reflects a high risk of flight or commission of a new criminal offense. Prohibits judicial officers from relying on a bail schedule or bail amount that would have been necessary to prevent release of a defendant during jail overcrowding.

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TESTIMONY IN SUPPORT OF
SB1331 – RELATING TO PUBLIC SAFETY

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Public Safety, Intergovernmental and Military Affairs
February 12, 2015, 1:15 p.m., Conference Room 229

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

The County of Kaua'i, Office of the Prosecuting Attorney, OPPOSES SB1331 – Relating to Public Safety. This Bill requires the pretrial release of defendants based on pretrial risk assessment scores that may not adequately reflect the defendant's dangerousness, risk of re-offense, or ability to be safely placed in the community pending trial.

While this Bill is well-intentioned, it subverts the role of the Judge and the Department of Public Safety by forcing them to rely on a risk assessment tool that considers very limited factors. We work every day with the Intake Service Center, the Judiciary, and the Public Defenders in determining how to proceed with in-custody defendants. While the risk assessment tool is a helpful tool in determining whether to hold a defendant in custody, it alone cannot be the sole determining factor. The Intake Service Center, Judge, and attorneys may be aware of information pertaining to the defendant's risk to the community and likelihood to appear for trial that are not reflected in the defendant's risk assessment score. The Bill also places unreasonable time constraints on the Department of Public Safety and will require them to make rushed and incomplete assessments.

Accordingly, we OPPOSE SB1331. We request that your Committee HOLD the Bill.

Thank you very much for the opportunity to provide testimony on this
Bill.

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Chair: Sen. Will Espero

Vice Chair: Sen. Rosalyn Baker

Wednesday, February 12, 2015

1:15 p.m.

Room 229

SUPPORT for SB 1331 - PRETRAIL RISK ASSESSMENTS - JUSTICE REINVESTMENT

Aloha Chair Espero, Vice Chair Baker 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 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 1331 requires pretrial risk assessments, pretrial bail reports, and arraignments to be completed within five working days after an arrest. Obligates the intake service centers to interview lay sponsors within seven days of their identification and allows the court to order defendants released on pretrial release to report to lay sponsors for supervision. Prohibits judicial officers from denying bail absent a pretrial risk assessment score that reflects a high risk of flight or commission of a new criminal offense. Prohibits judicial officers from relying on a bail schedule or bail amount that would have been necessary to prevent release of a defendant during jail overcrowding.

Community Alliance on Prisons supports this measure that amends Section 353-10, HRS to facilitate the implementation of Justice Reinvestment. We urge the Legislature to continue to push for the implementation of the Justice Reinvestment Initiative that has proven to be effective in reducing incarcerated populations, crime and saving millions of dollars in the jurisdictions where it was truly embraced. Sadly, Hawai'i's implementation has been less than lackluster.

Please support data-driven, cost-effective strategies in the criminal justice arena.

Mahalo for this opportunity to testify.