



# SB2199

Measure Title:	RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS.
Report Title:	Inmate Phone Calls; Department of Public Safety; Correctional Facilities
Description:	Prohibits the department of public safety from receiving any commission payments from telephone service providers based on inmate phone calls.
Companion:	
Package:	None
Current Referral:	PSM, WAM
Introducer(s):	ESPERO, Baker, Inouye, Nishihara, Slom

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2199  
RELATING TO  
TELEPHONE SERVICES FOR COMMITTED PERSONS  
By  
Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Thursday, January 28, 2016; 1:15 PM  
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) opposes Senate Bill (SB) 2199, which would prohibit the Department of Public Safety from receiving any commission payments from telephone service providers based on inmate phone calls.

Act 190, SLH 2012, effective July 1, 2012, provided for commissions realized pursuant to a telephone service agreement executed by the Department for the provision of telephone services for inmates to be deposited into the automated victim information and notification system (SAVIN) Special Fund. As you are aware, SAVIN is the key information system that makes it possible for victims and their families to readily access status information about offenders.

It should be noted that the telephone commissions are used only for SAVIN, and if passed, this bill would, in essence, be the primary cause of the demise of the SAVIN system. In order for the SAVIN system to continue, taxpayers, instead of the inmates who committed the crimes, would be burdened with funding this critical victim notification service.

Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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PAMELA FERGUSON-BREY  
Executive Director

TESTIMONY ON SB 2199  
RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS  
by  
Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Thursday, January 28, 2016; 1:15 PM  
State Capitol, Conference Room 229

Good afternoon Chair Nishihara, Vice Chair Espero and members of Senate Committee on Public Safety, Intergovernmental, and Military Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong opposition to Senate Bill 2199 relating to telephone services for committed persons. This bill effectively eliminates a major source of funding for SAVIN (the Statewide Automated Victim Information and Notification system) and threatens the financial self-sufficiency of the program.

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 from the Commission.

In 2011, the Commission was appointed to serve as a member of the Justice Reinvestment Initiative (JRI) Working Group. The JRI Working Group was comprised of leading state and local officials who worked with the Council of State Governments Justice Center to develop a policy framework to address identified areas of concern within Hawai'i's criminal justice system. The Commission's role as a member of the JRI Working Group was to represent and engage crime victims, survivors, and victim services providers and advocates in identifying key issues and concerns specific to the JRI initiative. The JRI Working Group established key priorities: 1) restitution collections shortfalls; 2) the sustainability of the SAVIN Program, which provides victim notification of changes in offender custody status and parole hearing notice; 3) the need to prioritize supervision and treatment based on offender risk and danger level; and 4)

the need for information sharing with the victim services community. The JRI Working Group's policy framework became the basis for the JRI legislation.

When the Justice Reinvestment Act (Act 139) passed during the 2012 legislative session, it became landmark legislation designed to increase public safety and increase offender accountability and included the first comprehensive victim services component in the nation. The Victim Services Component was intended to increase offender accountability by improving consistency of restitution collection and by enhancing victim safety planning. SAVIN is a vital part of victim safety planning. Without SAVIN, numerous crime victims would be unable to exercise their right to speak at the offender's parole hearing, would be traumatized when they do not receive timely notification in advance about the offender's release, or are endangered and unable to plan for their safety when they do not receive timely advance notification of the offender's release or escape. As part of the Victim Services Component of JRI, SAVIN was established within the Department of Public Safety (PSD) by the 2012 enactment of Act 190 which is codified in Hawaii Revised Statutes §§ 353-131 to 353-137.

The Commission serves as the Lead Co-Chair of the JRI Victim Services Workgroup. One of the goals of the JRI Victim Services Workgroup was to create a self-funded, sustainable, victim-centered SAVIN program which provides victim notification of changes in offender custody status and parole hearing notices, and convene the SAVIN Governance Committee which is tasked with ensuring that the SAVIN program implementation is victim centered.

No State general funds have been appropriated for SAVIN. Pursuant to HRS § 353-136(b) and (c), SAVIN is funded solely through the surcharge on items purchased in facility commissaries and the revenue from inmate telephone calls. HRS § 353-136(c) states:

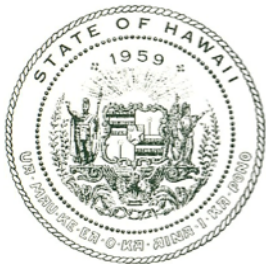
All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates shall be deposited into the automated victim information and notification system special fund.

In Fiscal Year 2015, SAVIN received a total of \$232,535.44 from the two sources of funding. Of that amount, \$94,201.19 was from PSD's telephone service agreement. This bill will eliminate a significant source of funding for SAVIN and would threaten SAVIN's fiscal self-sufficiency.

It is important to the victim community for SAVIN to have adequate funding, to be fiscally self-sufficient, and to have the inmates be partially responsible for funding the program.

Thank you for providing the Commission with the opportunity to testify in strong opposition to Senate Bill 2199.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



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LESLIE WILKINS

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January 27, 2016

To: Senator Clarence Nishihara, Chair  
Senator Will Espero, Vice Chair  
Members of the Senate Committee on Public Safety, Military and  
Intergovernmental Affairs

From: Cathy Betts, Executive Director  
Hawaii State Commission on the Status of Women

Re: Testimony in Opposition, SB 2199

Thank you for this opportunity to testify in opposition to SB 2199, which would effectively eliminate an important funding source for the SAVIN program. Every year, victims of domestic violence, sexual assault, stalking, and other forms of intimate partner violence (among other categories of crime victims) rely on the SAVIN program to receive timely notifications about their abuser, to hear when their abuser may be released, and to find out other crucial information.

This crucial information allows victims to properly do safety planning for themselves and their families, to relocate if necessary, to attend parole hearings so that they may speak, and to ultimately, feel a sense of security and safety in a justice system that does not always put their safety first.

SAVIN funding sources should not be eliminated—this funding ensures an important program for victims may continue. The Commission respectfully requests that this Committee hold this measure. Thank you for this opportunity to testify on this measure.



January 27, 2016

To: Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

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

**Re: Testimony in opposition of SB 2199 RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS**

Good afternoon Chair Nishihara, Vice Chair Espero, 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 **strong opposition to Senate Bill 2199** relating to telephone services for committed persons. As you are likely aware, the SAVIN system (Statewide Automated Victim Information Network) provides an extremely valuable service to victims, surviving family members, advocates, and the community at large by providing timely and accurate status updates of offenders who are currently incarcerated. These updates include changes in status such as transfer, release, escape, and others. Many victims and survivors in our community have shared with me personally how necessary this program is not only for access to information regarding any changes to the status of an offender, and also for their own peace of mind. One woman shared with me that she is unable to sleep at night until she has logged on to the system and has seen with her own eyes that her perpetrator is still, without a doubt, incarcerated. For her, and for countless others, a night of peace does not come until this step is taken.

SB 2199 directly threatens the system's financial ability to maintain self-sufficiently. The money that the SAVIN program receives from the telephone services of committed persons is not only crucial to the program for long term survival, it also partially acquires funds from the most appropriate source- the offenders themselves.

Please consider the impact of the potential significant loss of such critical funding for this important service.

Thank you for your time.

Sincerely,

Michelle Rocca  
Training and TA Director  
HSCADV

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

Thursday, January 28, 2016

1:15 p.m.

Room 229

### STRONG SUPPORT FOR SB 2199 - NO COMMISSION ON PHONE SERVICE

Aloha Chair Nishihara, Vice Chair Espero 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 1,500 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.

SB 2199 prohibits the department of public safety from receiving any commission payments from telephone service providers based on inmate phone calls.

Community Alliance on Prisons is in strong support of this measure. The state should not be profiting from keeping families and loved one connected during incarceration. For many people serving sentences, phone calls are an important link to the outside world. They create lifelines for families and their loved ones serving sentences. Community Alliance on Prisons is part of the Prison Phone Justice movement because we understand that maintaining positive relationships is a reentry strategy.

*Prison phone justice.* The term itself may not signify much at first glance; however, prison phone justice is a pressing civil and human rights issue. "Prison phone justice" broadly refers to the high costs of phone calls that are made to and from prisoners and their families.<sup>1</sup>

Phone companies charge exorbitant rates due to a bidding process that occurs between several competing companies and prisons. When a phone company enters into a contract with a prison

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<sup>1</sup> Phone rates in prison do not reflect the cost of service. On the contrary, telephone companies have put in place commissions and call-markups that increase the cost of calls to and from prison by 60 percent. See Natalie Peterson, Dr. Artika R. Tyner & Shannon West, **Dollars and Sense: The Case for Prison Phone Justice**, INSIGHT NEWS, <http://www.insightnews.com/news/10405-dollars-and-sense-the-case-for-prison-phone-justice>.

system, the company provides commissions to the respective prison. These commissions serve as incentives to pass on the high costs of prison phone calls to prisoners and their families. The ensuing cost of phone calls creates tremendous barriers for these family members to remain in contact with their incarcerated loved ones. Families must often bear the burden of choosing between accepting a loved one's call from prison and meeting basic budgetary needs.

Research has demonstrated that regular communication between prisoners and their loved ones reduces recidivism and promotes successful re-entry. Therefore, fair rates on phone calls will help to promote strong families and safe communities.

Research<sup>2</sup> conducted in Minnesota that included a survey focused on the participants' reflections regarding the impact of the high cost of prison phone calls and the frequency with which they were able to remain in contact with their loved ones. Participants were asked several questions including: if they were able to contact loved ones as often as they wanted, if phone contact was limited, the reason for the limitation, whether they received any benefits from frequent communication with their loved ones, and what those benefits were. Participants were then asked to indicate if they agreed with the following statement: "The cost of prison phone calls made it hard to remain in contact with my loved ones while I was incarcerated."

Benefits of remaining in contact:

- "You feel like a person, not an object."
- "Support, letting your family know that you are okay and not to worry."
- "I lost a family member and needed my family love during a hard and trying time."
- "Being able to talk with the people who know you the most and the ability to feel loved."
- "If you nurture a plant, it grows. If you comfort a loved one incarcerated, it encourages his awareness of being loved."

In addition to the effects phone contact has on prisoners, family members and loved ones are also affected by a lack of phone contact. For instance, children are often the silent victims of their parents' incarceration. There are over 15,000 children with at least one incarcerated parent in Minnesota.<sup>3</sup> Numerous studies have shown that children of incarcerated parents are more likely to be socially withdrawn and to have a variety of issues both at home and at school.<sup>4</sup> The same studies have shown that the best way to mitigate these challenges is to allow a parent and child to maintain contact during the incarceration period. Unfortunately, the high cost of phone calls makes it difficult for many loved ones to stay in touch, resulting in strained relationships

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<sup>2</sup> PHONE CALLS CREATING LIFELINES FOR PRISONERS AND THEIR FAMILIES: A Retrospective Case Study On The Campaign For Prison Phone Justice In Minnesota, University of St. Thomas, Margaret Higgins, Dominika Malisz, Elysia Newton, Natalie Peterson, Artika Tyner, And Shannon West, Community Justice Project, <http://www.stthomas.edu/media/interprofessionalcenter/FinalListeningSessionReport140318.pdf>

<sup>3</sup> Families with Incarcerated Parents Fact Sheet, MINNESOTA SECOND CHANCE COALITION (Feb. 2010), available at <http://www.mnsecondchancecoalition.org/pdf/FamiliesOfIncarcerated.pdf> [hereinafter Families with Incarcerated Parents].

<sup>4</sup> Nancy G Lavigne et al., Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents, URBAN INSTITUTE JUSTICE POLICY CENTER 4 (Feb. 2008), [http://www.urban.org/UploadedPDF/411616\\_incarcerated\\_parents.pdf](http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf)



and difficult budgetary concerns for prisoners and their loved ones.

Eliminating or reducing these commissions has drastically reduced the rates of calls in twelve other states, including New York and California.<sup>5</sup> **To achieve justice in the prison phone systems, efforts must be focused on both the interstate and intrastate remedies.** Interstate calls fall under the auspices of the Federal Communications Commission (FCC). Recently, the FCC voted 2-1 to reform interstate phone rate policies.<sup>6</sup> The recent FCC ruling will aid in ensuring that the costs of prison phone calls are fair and reasonable. Prison phone call rates will be capped at 21 cents per minute for debit or prepaid cards, and 25 cents per minute for collect calls.<sup>7</sup> This ruling will create access to affordable prison phone calls for millions of family members to remain in contact with their incarcerated loved ones across the nation.

In summary:

- Keeping imprisoned people connected to their loved ones is a crucial reentry strategy
- The commission “incentive” has been a mechanism to keep costs outrageously high for the families who, in many cases, are already struggling
- ELIMINATE THE COMMISSIONS and – put an end to this immoral slush fund!
- Ensure that the elimination of commissions will reduce the costs of both intra-state and interstate phone calls.

We hope that the committee sees the importance of keeping families and loved ones connected. Maintaining contact and connection is part and parcel of a robust reentry system.

Mahalo for this opportunity to testify and to share our research into this important issue.

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<sup>5</sup> Phone rates extrapolated from Dannenberg, supra note 4, at 16; Inmate Phones, MONTANA DEPT’ CORR., <http://cor.mt.gov/Facts/InmatePhones.mcpX> (last visited Sep. 19, 2012).

<sup>6</sup> Dr. Artika R. Tyner, A long time coming: The future of prison phone justice reform, INSIGHTNEWS, <http://www.insightnews.com/news/11239-a-long-time-coming-the-future-of-prison-phone-justice-reform>

<sup>7</sup> Andrea Jones, Prison Reform Advocates Speak Up for the Voiceless, ROLLING STONE <http://www.rollingstone.com/politics/news/prison-reform-advocates-speak-up-for-the-voiceless-20130819>



Committee: Committee on Public Safety, Intergovernmental, and Military Affairs  
Hearing Date/Time: Thursday, January 28, 2016, 1:15 p.m.  
Place: Room 229  
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2199, Relating to Telephone Services for Committed Persons

Dear Chair Nishihara and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in support of S.B. 2199, which seeks to prohibit the Department of Public Safety from receiving any commission payments from telephone service providers based on inmate calls.

This bill is in line with federal policy: in December 2015, the Federal Communications Commission capped rates for local and in-state long-distance inmate calling and cut its existing cap on interstate long-distance calls.<sup>1</sup> Current state practices incentivize egregiously high phone rates for inmate calls, making communication with loved ones an unaffordable luxury for many inmates and their families, many of whom live in poverty. Because contact with friends and family outside of prison is connected to reducing recidivism, we encourage the Legislature to remove unnecessary barriers to this communication.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.*

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<sup>1</sup> Rates for Interstate Inmate Calling Services, 47 Fed. Reg. 79136 (Dec. 18, 2015) (amending 47 C.F.R. pt. 64).

American Civil Liberties Union of Hawai'i  
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**Date:** Monday, January 25, 2016 11:11:08 PM

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**SB2199**

Submitted on: 1/25/2016

Testimony for PSM on Jan 28, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments: I support SB2199 as it works to reduce barriers that inmates and their families face. Communication between inmates and their families is crucial for the human experience and to maintain the family unit. Often families struggle to maintain the communication due to the high cost of these phone calls which leads to financial burden and can create a sense of loss due to the limited contact that the families can afford. The goal of the judicial system should be to rehabilitate those who have broken the law so that they are able to re-enter society with the ability to contribute to their lives, their families lives and society. A necessary piece to the success of this goal is maintaining access to the inmates support system. Thank you for your consideration of this important matter. I urge you to support the passage of this bill.

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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**Date:** Tuesday, January 26, 2016 11:02:39 AM

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**SB2199**

Submitted on: 1/26/2016

Testimony for PSM on Jan 28, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**SB2199**

Submitted on: 1/26/2016

Testimony for PSM on Jan 28, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E. Ileina Funakoshi	Individual	Support	No

Comments: PSM COMMITTEE STRONG SUPPORT FOR SB2199 Aloha Chair Nishihara, Vice Chair Espero and Committee Members: I am E. Ileina Funakoshi, a resident of our great State of Hawai`i, testifying on behalf of all the inmates in our correctional facilities. We, as human beings, have a need to connect with our family and relatives. Without hearing the voice and support of our loved ones, the world around us crumbles. It's something ingrained within us that we cannot deny. To punish the inmates with extra charges, which the Federal Government recently put a cap to, is victimizing them for cash they don't have. They earn 25 cents PER HOUR for work they perform and they are charged 25 cents PER MINUTE for their telephone calls. In all fairness, shouldn't the inmates pay the same rate we pay for our telephone calls? Thank you for allowing me to submit my comments of support for SB 2199. Mahalo and Aloha, e. ileina funakoshi RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS. Prohibits the department of public safety from receiving any commission payments from telephone service providers based on inmate phone calls.

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**SB2199**

Submitted on: 1/26/2016

Testimony for PSM on Jan 28, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments: I regard this bill as a safety issue for the general public. The ability of prisoners to maintain contact with family and others outside the prison is important to maintaining the connections that will help them enter productive and responsible life after their prison terms are complete. When we make this difficult, we further alienate people who may already feel alienated from society. The idea of the government, or any part of it, profiting from fees on phone communications is horrible! Why should the government actively undermine the rehabilitation of prisoners? I urge you to pass SB 2199.

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COMMITTEE ON PUBLIC SAFETY INTERGOVERNMENTAL AND MILITARY AFFAIRS

THURSDAY, JAN. 28, 2016, 1:15 P.M., CONFERENCE ROOM 229  
SB2199 RELATING TO PHONE SERVICE FOR COMMITTED PERSONS  
TESTIMONY

Beppie Shapiro, testifying as an individual

Chair Nishihara, Vice-Chair Espero, and Committee Members:

**I strongly supports SB2199, which would prohibit the Department of Public Safety from charging “commissions” on telephone service for calls place or received by incarcerated people.**

I’m sure you all read, as I did, recent media coverage of the ridiculous amounts prisoners are required to pay for their phone calls.

One of the best ways to reduce recidivism is to maintain contacts between prisoners and their families, work colleagues, and close friends. These people will often be the best if not the only place for prisoners to turn when they are released, for support and re-integration into the general population.

The Dept. of Public Safety should foster these relationships however possible. One way which is easy to implement is to stop making phone calls unaffordable to prisoners and their families, attorneys, and community contacts.

I urge you to pass this bill. Thank you for the opportunity to submit testimony.