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No. _____

TESTIMONY ON SENATE BILL 2916, SENATE DRAFT 1
RELATING TO PUBLIC SAFETY

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2916, Senate Draft (SD) 1, which seeks to add misdemeanor offenses under Hawaii Revised Statutes (HRS) Chapter 134 (Firearms, Ammunition and Dangerous Weapons) to the offenses that disqualify parolees from the provisions of Act 139, Session Laws of Hawaii 2012.

The Department believes that a convicted felon on parole should not be allowed to possess any type of firearm, ammunition, and/or any dangerous weapon as detailed in HRS Chapter 134 and respectfully urges the Committee to pass this common sense measure.

Thank you for the opportunity to provide this testimony.

DAVID Y. IGE
GOVERNOR



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

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FITUINA F. TUA
MEMBERS

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No. _____

TESTIMONY ON SENATE BILL 2916, SD1
RELATING TO PUBLIC SAFETY

By
Bert Y. Matsuoka, Chairman
Hawaii Paroling Authority

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly supports Senate Bill 2916, SD1, which is an Administration Bill. The Bill seeks to include misdemeanor offenses under Chapter 134 (Firearms, Ammunition and Dangerous Weapons) Hawaii Revised Statutes (HRS), to the offenses that disqualify parolees from the provisions of ACT 139, Session Laws of Hawaii 2012.

The HPA firmly believes that no convicted felon on parole should be in possession of any type of firearm, ammunition and/or any dangerous weapon as outlined in Chapter 134, HRS. Parolees found in violation of Chapter 134, HRS should be disqualified from the maximum six (6) month parole revocation period outlined in ACT 139, Session Laws of Hawaii 2012.

In addition, the HPA respectfully requests that the effective date of this measure be changed from January 7, 2059, to July 1, 2016, as this proposed change to Chapter 134, HRS directly affects the public's safety and is needed now.

Thank you for the opportunity to provide testimony on SB 2916, SD1.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair

Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016

10:00 a.m.

Room 309

OPPOSITION TO SB 2916 SD1 - ANOTHER ATTACK ON JUSTICE REINVESTMENT

Aloha Chair Takayama, Vice Chair Yamashita 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.

SB 2916 SD1 includes misdemeanor offenses under chapter 134, Hawaii Revised Statutes, relating to firearms, ammunition, and dangerous weapons, to the offenses that disqualify retaken and reimprisoned parolees from provisions regarding reincarceration and credit for time served. Takes effect on 1/7/2059.

Community Alliance on Prisons is in opposition to this measure because this bill applies to "any paroled prisoner retaken and reimprisoned." Only felons can be paroled. There is no such thing as a misdemeanor firearms offense for a parolee.

It appears to us that this bill widens the net. Why? Are we wanting robust numbers to justify the building boom?

This bill is about whittling away any of the gains we made in the 2012 JRI bills. The goal of the Justice Reinvestment Initiative (JRI) is to reduce the incarcerated population not to systematically strip away any gains made in the 2012 bills. SB 2916 SD1 is just another attack on JRI. It appears to us that this bill widens the net. Why? Are we wanting robust numbers to justify the building boom?

THE HEARTBREAK AND MISSED OPPORTUNITY OF HAWAII'S REINVESTMENT INITIATIVE

The popular and successful JRI is now under the Office of Justice Programs of the Department of Justice and Hawai'i was awarded a technical grant in a very competitive process in 2011. The award brought three independent public safety analysts from the Council of State Governments (a non-partisan non-profit) to Hawai'i to work with every criminal justice agency and victim advocates (no criminologists, sociologists or community advocates were invited to participate).

All the data is ours and the results have been pretty shocking (for a state that is perceived as being progressive). In fact, South Carolina (a tea party state) has leapt way ahead of us.

Jurisdictions that have embraced Justice Reinvestment have been experiencing great results: increased public safety, a reduced imprisoned population, and more community services. Hawai'i's performance has been disappointing at best when compared to the rest of the JRI states. Here are highlights from the Urban Institute report followed by the final JRI presentation by the analysts from Council of State Governments. When comparing the final implementation with the 2013 and the 2011 findings, we see that Hawai'i has not truly supported Justice Reinvestment, a project hailed by the Department of Justice, to gain the full benefits being realized by other jurisdictions.

Highlights from the **Urban Institute's January 2014 case study of Hawai'i's JRI** found:

- *Prison and jail populations grew 18 percent between 2000 and 2011, and one-third of prisoners were housed out of state.*
- *JRI legislation requires the use of a pretrial risk assessment, reduces sentences for certain parole violations and drug offenses, expands parole, and enhances community-based treatment and victims' services.*
- *Hawaii's incarcerated population declined 4 percent after the first year of implementation.*
- *The state saved \$2.5 million from corrections population reductions in FY 2013.*
- *The state allocated \$3.4 million in FY 2013 for expanding treatment programs and victims' services, and initiating plans to establish a research and planning office.*

Source: Justice Reinvestment Initiative State Assessment Report, Urban Institute, Nancy LaVigne (principal investigator), Samuel Bieler, Lindsey Cramer, Helen Ho, Cybele Kotonias, Deborah Mayer, David McClure, Laura Pacifici, Erika Parks, Bryce Peterson, and Julie Samuels, pages 69-72, January 27, 2014.

<http://www.urban.org/research/publication/justice-reinvestment-initiative-state-assessment-report>

Justice Reinvestment in Hawaii – Implementation Final Report – June 23, 2015

Overview of Phase I key findings:

Pretrial

Jail population increased significantly due to delays in the pretrial process.

Parole

Increasing number of people were denied parole due to bottlenecks including programming

requirements of low risk offenders.

Victims

Restitution payments were difficult to track and as a result, collected at low rates. Victims lacked access to resources.

Probation

Low-risk probationers were serving longer probation terms than high-risk counterparts and Judges lacked the discretion in sentencing second-time drug possession felons to probation.

Hawaii prison population: Actual – 5,998 (as of 5.31.15); Projected in 2018 w/ JRI – 5,277

- *The pretrial felony population has grown due, in part, to an increase in admissions.*
- *Length of stay for pretrial felony detainees remains lengthy.*
- *On average, low-risk offenders in prison past their minimum sentence date are held for an average 547 days.*
- *Only 1/3 of eligible technical parole violators received the six-month sanction.*
- *Many felony B and felony C sentences to probation are 4-year terms.*
- *Few second-time drug possession offenses are sentenced to probation.*
- *Restitution collections have nearly doubled.*
- *Despite increased collections, only about 12% of restitution ordered in FY13 was collected.*

Source: Justice Reinvestment in Hawaii, Implementation Final Report to the Steering Committee, Council of State Governments, Justice Center, Bree Derrick, Program Manager, Karen Chung, Policy Analyst, June 23, 2015.

Key findings of JRI 2013 Presentation:

- *Jail population was increasing due to delays in pre-trial process.*
- *Increasing number of people were denied parole, due to programming requirements of low risk offenders & bottlenecks.*
- *Prisoners were being held longer, and increasingly held to finish their sentence without supervision.*
- *There was a lack of discretion in sentencing low severity drug offenders and long probation terms resulting in poor resource investments.*

Source: Justice Reinvestment in Hawai'i, Implementation Progress Update, Marshall Clement, Director, State Initiatives, Bree Derrick, Sr. Policy Analyst, Karen Chung, Program Associate, Elizabeth Lyon, Program Director, March 28, 2013.

Key Findings of JRI 2011 Presentation:

- *Pre-trial population has increased due to long lengths of stay & low percentage of releases to supervision*

- Increasing number denied parole due to programming requirements of low risk offenders & bottlenecks

Parole violators are being held longer, and increasingly held to finish their sentences without supervision. Length of probation is longer than most states.

The gains made in the 2012 Justice Reinvestment Initiative bills have been systematically stripped away and government officials even refused to meet with the JRI folks after they burned through millions of dollars in federal money. To add insult to injury, not one new treatment slot was created despite the fact that \$1 million was set aside in 2012 expressly for community-based treatment.

We have the lessons of nine years of Justice Reinvestment experience in 34 states. Of the 32 policy reforms suggested by Justice Reinvestment, Hawai`i has implemented only 9; South Carolina has implemented 19!

For these reasons, we cannot support any more attacks on JRI. If we truly gave it a real chance to work, we would not be where we are today. We are wasting human lives for things that would have gotten a light sanction in former years. We have become a society of retribution and punishment while the rest of the world has woken up to the fact that incarceration is not the answer to address social problems.

Please hold this bill.

Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 12:03 PM
To: pbstestimony
Cc: ssalmers@hawaii.rr.com
Subject: Submitted testimony for SB2916 on Mar 17, 2016 10:00AM

SB2916

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

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

Comments: I oppose this bill. The Department of Public Safety needs to implement the Justice Reinvestment Initiative that was passed in 2012.

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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To: pbstestimony
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Subject: *Submitted testimony for SB2916 on Mar 17, 2016 10:00AM*

SB2916

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Oppose	No

Comments:

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SB2916

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
wini chung	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for SB2916 on Mar 17, 2016 10:00AM



SB2916

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

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

Comments: This bill is just another attack on Justice Reinvestment the goal of which is to REDUCE THE IMPRISONED POPULATION Misdemeanors are the lowest offense and every incident has its own set of circumstances There are unintended consequences with this bill that will defeat any gains already made with JRI

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