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

TESTIMONY ON HOUSE BILL 1246, HOUSE DRAFT 1  
PROPOSED HOUSE DRAFT 2  
RELATING TO ALTERNATIVES TO INCARCERATION

By  
Nolan P. Espinda, Director

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Wednesday, March 1, 2017; 2:30 p.m.  
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) offers the following comments on the Proposed House Draft (HD) 2 of House Bill (HB) 1246, which proposes to amend subsection (d) by making electronic monitoring and surveillance a stand alone alternative to incarceration in PSD facilities. The Department appreciates the clarifications included in the proposed amendments and will strategize to best utilize the opportunities it provides.

Thank you for the opportunity to present this testimony.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Wednesday, March 1, 2017

2:30 pm

Room 308

## SUPPORT - HB 1246 HD2 - ALTERNATIVES TO INCARCERATION

Aloha Chair Luke, Vice Chair Cullen 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 two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that approximately 1,700 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.

Community Alliance on Prisons is in strong support of this measure. Our facilities are bursting at the seams with low level lawbreakers who do not pose significant risk and who would be better served in community programs, with supervision, and if deemed necessary, by electronic monitoring.

Hawai`i should be saving our beds for those who do pose a significant risk to the community. A robust array of community programs to address mental health and substance misuse issues, houselessness, and poverty are far better options than sending an individual on the path to the criminal processing system.

In July 2016, a letter<sup>1</sup> signed by David LaBahn, President, Association of Prosecuting Attorneys; Ronal Serpas, Chairman, Law Enforcement Leaders to Reduce Crime and Incarceration; J. Thomas Manger, President, Major Cities Chiefs Association; William Fitzpatrick, President, National District Attorneys Association; and Jim Bueermann, President, Police Foundation was sent to Presidential candidates, Donald Trump and Hillary Clinton.

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<sup>1</sup> The full text of the letter can be found here: <http://lawenforcementleaders.org/wp-content/uploads/2016/07/LawEnforcement-Letter.pdf>

Here is an excerpt:

*As the next president of the United States, we respectfully urge you to make the public safety of this country a top priority. Specifically, we request that you:*

- Prioritize funding for local law enforcement to eradicate serious and violent crime in our communities. Stopping violence should be our number-one priority. Too many resources go toward arresting, prosecuting and imprisoning low-level offenders, and those suffering from mental illness and drugs or alcohol addiction, making it difficult for law enforcement to address more serious crime. This leaves us without the appropriate tools to bring the most dangerous criminals to justice. We urge you to commit to making reducing violent crime a priority in your Administration and to target resources for local law enforcement accordingly.*
- Support policy changes that appropriately address the burgeoning prison population through thoughtful and sensible measures that protect public safety. These include modifications to sentencing laws that carefully filter out the truly dangerous individuals who belong in prison and out of our communities, while allowing lower level offenders a chance for redemption through alternative punishments that are proven to reduce recidivism and rehabilitate. Such measures allow law enforcement to more effectively protect and serve our country.*

*By committing to these principles and solutions, you can show your strong support for the law enforcement officials of this country. We also would like to request a meeting with you to discuss how to best keep our country safe. We appreciate your time and attention to this matter.*

The “tough on crime” policies that have been created over the last two decades have led to this severe overcrowding, yet has not produced the promised outcomes.

In 2015 law enforcement officials called for the reduction of incarcerated persons calling the correctional system “crime schools”.

As former U.S. Attorney General Eric Holder said, “Getting **smart on crime** requires **talking honestly about which policies have worked and have not**, without fear of being labeled as too hard or, more likely, as too soft on crime. Getting smart on crime means moving beyond useless labels and instead **embracing science and data**, and relying on them to shape policy. And it means thinking about crime in context – not just reacting to the criminal act, but developing the government’s ability to enhance public safety before the crime is committed and after the former offender is returned to society. “

Community Alliance on Prisons urges the committee to pass HB 1246 HD2.

Mahalo for this opportunity to testify.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 4:26 PM  
**To:** FINTestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for HB1246 on Mar 1, 2017 14:30PM

**HB1246**

Submitted on: 2/27/2017

Testimony for FIN on Mar 1, 2017 14:30PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We continue to STRONGLY SUPPORT 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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**LATE**

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**THE HONORABLE SYLVIA LUKE, CHAIR**  
**HOUSE COMMITTEE ON FINANCE**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2017**  
**State of Hawai'i**

March 1, 2017

**RE: H.B. 1246, H.D. 2 PROPOSED; RELATING TO ALTERNATIVES TO  
INCARCERATION.**

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony in opposition to H.B. 1246, H.D. 2 PROPOSED.

The purpose of H.B. 1246, H.D. 2 PROPOSED is to address various methods of alternative programs in lieu of incarceration, specifically the use of electronic home monitoring and surveillance.

While the Department appreciates the amendments proposed in H.B. 1246, H.D. 2, we still have concerns over subsection (d)(1) that proposes one form of alternative programs to include "home detention, curfew" while striking out electronic monitoring or surveillance. Without any form of an electronic home monitoring or surveillance in place, this section appears to lack accountability for the offender, and is comparable to being released on recognizance.

Although our Department understands that overcrowding is of great concern for the Department of Public Safety, public safety should always stand alone as a top priority. For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 1246, H.D. 2 PROPOSED. Thank you for the opportunity to testify on this matter.