

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1295
RELATING TO PUBLIC SAFETY

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Matthew S. LoPresti, Vice Chair

Thursday, February 9, 2017; 10:00 a.m.
State Capitol, Conference Room 312

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

The Department of Public Safety (PSD) offers the following **comments** with regard to House Bill (HB) 1295.

The scope of the proposed commission is overly broad. It seeks to duplicate the purpose an existing task force as well as to undertake a purpose better left to an existing commission. PSD would suggest that the singular focus of the temporary commission be "sentencing reform" and as such, that the temporary commission be assigned to the Judiciary for implementation.

The Department would further suggest that the review of corrections policies proposed in HB 1295 is duplicative of one of the primary objectives of the current Judiciary HCR 85 Task Force, whose findings are likely to provide valuable insights.

In addition, other concerns expressed in this measure may be delegated to the current Corrections Population Management Commission to review and recommend relocation of a prison or correctional facility to comply with federal guidelines on the health and welfare of the inmate population and to modernize the prison or correctional facility.

Thank you for the opportunity to present this testimony.



HAWAII SUBSTANCE ABUSE COALITION

HB 1295 PSD Sentencing Reform: Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office to develop a statewide framework of sentencing and corrections policies to reduce the State's incarcerated population by 25 percent by 2025. Allows the Commission to make recommendations on moving a correctional facility to comply with federal guidelines and to modernize. Requires the Commission to develop a plan to reduce spending on corrections and reinvest in strategies to increase public safety and reduce recidivism.

HOUSE COMMITTEE ON PUBLIC SAFETY:

- Representative Gregg Takayama, Chair; Representative Matthew LoPresti, Vice Chair
- Thursday, Feb. 9th, 2017: 10:00 a.m.
- Conference Room 312

HSAC Recommends changes to HB1295:

ALOHA CHAIR TAKAYAMA; VICE CHAIR LoPRESTI; AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of over 30 non-profit alcohol and drug treatment and prevention agencies.

HSAC recommends adding a representative from the Hawaii Substance Abuse Coalition because substance use disorders is one of the major issues when dealing with offenders. Without properly addressing addiction, recidivism will be high. All plans must include some consideration for substance use disorder treatment.

Recommended changes:

SECTION 3. The commission shall consist of the following members:

(29) The chairperson of the Hawaii Substance Abuse Coalition or the chairperson's designee;

(30) Any member of a current and specified public safety task force.

We appreciate the opportunity to provide testimony and are available for questions.



Committee: Committee on Public Safety
Hearing Date/Time: Thursday, February 9 2017, 10:00a.m.
Place: Conference Room 312
Re: Testimony of the ACLU of Hawaii in **Support** H.B. 1295, Relating to Public Safety

Dear Chair Takayama, Vice Chair LoPresti, and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 1295, which would establish a Commission on Criminal Justice and Sentencing Reform with the goal of reducing the State’s incarcerated population by 25 percent by 2025.

As the Legislature is aware, many of Hawaii’s prisons are overcrowded, with five out of Hawaii’s nine correction centers over capacity — three of those five being 150% or more over capacity. Most incarcerated offenders are serving time for relatively low-level offenses — Class C felonies and below. The incarceration of nonviolent, low-level offenders and the pretrial detention of those who cannot afford bail is costing taxpayers millions of dollars each year; this also pushes our current facilities beyond the brink of their capacity, resulting in unconstitutional and unsafe conditions. To address this problem, the State must first look to long-term, comprehensive criminal justice reform prior to developing plans to construct any new correctional facility. Creating a commission like the one proposed by H.B. 1295 is a positive first step.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawai'i
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HAWAII INNOCENCE PROJECT – LAW OFFICES
WILLIAM S. RICHARDSON SCHOOL OF LAW
2515 Dole Street, Honolulu, HI 96822
hawaiiinnocenceproject@gmail.com

H.B. No. 1295
Relating to Correctional Facilities
House of Representatives Committee on Public Safety
Public Hearing – Thursday, February 9, 2017
10:00 AM, State Capital, Conference Room 312
by
Rep. Gregg Takayama, Chair
Rep. Matthew S. LoPresti, Vice Chair

February 7, 2017

H.B. No. 1295 seeks to establish a temporary commission on criminal justice and sentence reform. Hawaii's Innocence Project is a non-profit legal clinic with the goals of exonerating the wrongfully convicted, reforming the criminal justice system that failed our clients, and ultimately seeking justice for the victims by determining the real perpetrator of the crime. Based on our Project's missions and goals, we strongly support H.B. No. 1295 and its goals of establishing critical criminal justice reform, rehabilitation, and other alternative programs in Hawaii'i.

The Hawaii's Innocence Project supports H.B. No. 1295 desire to establish a commission comprised of community members, who can advise and collaborate on ways to reduce the current prison population as well as creating education programs. Additionally, the Hawaii's Innocence Project strongly supports reviewing the state sentencing policies and abolishing the mandatory minimum sentencing laws.

Hawaii's Innocence Project strongly believes that a commission on criminal justice and sentence reform is desperately needed in our state. Furthermore, we believe that our clients would greatly benefit from the programs proposed in this bill while in prison and upon their release. We appreciate your time and the opportunity to provide testimony in support of H.B. No. 1295.

With warm aloha and gratitude,

A handwritten signature in black ink, appearing to read "Kenneth Lawson". The signature is fluid and cursive, with a large initial "K" and "L".

Kenneth Lawson
Co-Director, Hawaii's Innocence Project
and Associate Faculty Specialist,
William S. Richardson School of Law

Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 2:51 AM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM

HB1295

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Comments Only	No

Comments: This is a confusing bill & may be unconstitutional since it seeks too many unrelated items in the same bill. A 29 member commission? How is that sufficient?

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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Iopresti2 - Isabella

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:51 PM
To: pbstestimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for HB1295 on Feb 9, 2017 10:00AM*

HB1295

Submitted on: 2/6/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

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Iopresti2 - Isabella

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 9:16 AM
To: pbstestimony
Cc: fu_dog_5@yahoo.com
Subject: *Submitted testimony for HB1295 on Feb 9, 2017 10:00AM*

HB1295

Submitted on: 2/7/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
robert	Individual	Oppose	No

Comments:

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To: Representative Gregg Takayama, CHAIR & the Committee of Public Safety

Re: HB 1295
Date: Thursday, February 9, 2017
Time: 10:00 AM
Place: Conference Room 312
State Capitol
415 South Beretania Street

Aloha, my name is Hannah Aldridge and I am a Masters of Social Work student, a full time employee for a UH community college, and family to an incarcerated individual. This is the first testimony I have ever submitted. I am writing in strong support of HB 1295.

I believe a 'Commission on Criminal Justice and Sentencing Reform' would be extremely beneficial, and is long overdue. There are changes that need to be made to prepare inmates for a successful release, and there are changes that need to be made to level the playing field for former inmates trying to clean their life up. Transition services are an imperative need in order to keep recidivism down, and allow our 'ohana to thrive

My brother-in-law is currently involved in Hawai'i's criminal justice system. As a drug user, he has exhausted his opportunity with drug court, and is now building his wrap sheet with the circuit court, preventing any sort of job opportunity similar to what you and I have. He was recently released from jail (at night-- not a wise time to discharge someone), and slept on the street that first night because the busses (which he did not have money for) were not running to the homeless shelter at that hour. Upon release he is expected to find housing, a job, stay sober, and keep his appointments with his probation officer in order to get off of probation. How might obtaining all of these things be possible when for the last several months, he has received no true healing, no intensive counseling, no job skill training, no resume building assistance, nor financial literacy training? While in jail, inmates have no need for knowing the time (having been told where to go and when to go), with meals and a bed provided for them, I cannot imagine that getting out of jail is an easy transition. My brother's story echoes the struggles of many other justice involved individuals.

In closing, I believe the way we treat "criminals" is the only remaining *legal* institutionalized discrimination still evident and acceptable in society today. Formerly incarcerated individuals with a felony record often cannot vote, have difficulty getting jobs, will not qualify for a place to rent, have defaulted loans with no guidance on how to remedy it, and cannot get financial aid to attend college. With all of that going against them, their transition back into society is destined for confusion, roadblocks, and failure. I hope that this Commission will address this high need. I am in strong support of HB 1295.

Hannah K. Aldridge
808-387-3963

Iopresti2 - Isabella

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 11:24 AM
To: pbstestimony
Cc: rkailianu57@gmail.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM

HB1295

Submitted on: 2/8/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments: We have instituted many commissions connected to the Dept. of Public Safety, and this bill even threw in the kitchen sink.

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Rep. Gregg Takayama, Chair
COMMITTEE ON PUBLIC SAFETY

Ms. Anna Mayes

PO Box 1605
Aiea, HI 96701

February 9, 2017
10:00 am

Testimony of Comments on HB 1295,
Establishing a Commission on Criminal Justice and Sentencing Reform

My name is Anna Mayes. I am a private citizen providing comments and recommendations to amend the proposed HB 1295 measure, establishing a Commission on Criminal Justice and Sentencing Reform to include appointments of persons of Native Hawaiian ancestry, affiliation and practition in order to effectuate a greater understanding towards effective reform.

As the intent of HB 1295 is to develop a statewide plan of sentencing and corrections policies that would reduce the State's prison population by twenty-five per cent by year 2025, reduce spending on corrections, and reinvest the savings gained in strategies to increase public safety and reduce recidivism, **it would be a sore and unjust oversight not to include among the appointees persons who have a natural and cultural link to the issues of health and rehabilitation of the inmate population that is disproportionately represented in order to answer to the subsequent "crisis" arising from the long unaddressed impact of the current criminal justice system on their restoration and successful return to the community.**

In 2012, the Office of Hawaiian Affairs (OHA) produced a report on Native Hawaiians in the Criminal Justice System that stated in section F of "Key Findings:"

Indigenous cultural practices present appropriate models in ameliorating the disproportionate impact of the criminal justice system on indigenous communities.

The report went on to make recommendations to amend the impact such as stated in section D of "Key Recommendations:"

The State should recognize and support community and grassroots efforts that promote indigenous cultural practice models demonstrated to be successful in Hawai'i or elsewhere.

In this proposal, there is no designee representing the indigenous cultural practices to inform on what is appropriate in regards to sentencing, incarceration, rehabilitation, or reintegration for the overrepresented Native Hawaiian population in our current criminal justice system. I will stand in support of HB 1295 with the amendment to honor and respect the Native Hawaiian perspective and inherent right to speak to such reforms as necessary through an appointed position(s) on the commission as well.

Thank you for the opportunity to submit comments on this measure.

LATE

From: mailinglist@capitol.hawaii.gov
To: pbstestimony
Cc: kananisouza@yahoo.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM
Date: Thursday, February 09, 2017 1:21:53 AM

HB1295

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Souza	Individual	Support	No

Comments: I support HB1295 to establish a commission (The current Task Force on reform will expire next year - so we should pass this measure with the added members to begin right after the current Task Force ends) on Criminal Justice Reform to develop a statewide framework to help the incarcerated population by reducing "recidivism" meaning to provide them with best practices and a trade or employment skill, along with support to reduce crime and rehabilitate our inmate population. This will save lives, reduce crime, and save taxpayer costs. Thank you for the opportunity to provide testimony in support of this very important bill.

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 2:46 AM
To: pbstestimony
Cc: smith808143@yahoo.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM



HB1295

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Smith	Individual	Support	No

Comments: I support HB1295, because it is very focused on complying with federal guideline to avoid a suit from the Federal government and to modernize our prisons and correction facilities. This will benefit our government and taxpayers. Further, this Commission has many more essential members than the current task force to develop a strategic plan to modernize our correctional system in Hawaii and reduce recidivism, which will reduce crime and save taxpayers millions of dollars per year. The commission will review best practices of other states and use much of the saving on rehabilitation and reinvestment strategies to ultimately reduce crime and assist our inmates to become hard working members of our society. This will reduce crime, save taxpayer costs, and help our economy move forward. Thank you for the opportunity to submit testimony in support of HB1295.

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 2:24 AM
To: pbstestimony
Cc: alangarcia2017@yahoo.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM

HB1295

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Alan Garcia	Individual	Support	No

Comments: I support HB1295, because this commission is needed to reduce Hawaii's current inmate population. Although the bill states the commission seeks to reduce Hawaii's inmate population by 25% by year 2025, it is a great goal and bench mark to strive for. When we review the best practices from other states and counties, we will have the ability to significantly reduce the prison population, which will reduce crime in our neighborhoods and State. This commission has a number of key members not serving on the current task force on Justice Reform and that task force is set to expire soon. Therefore, we should pass HB1295, with a start DATE OF 2018 - when the current criminal justice task force expires. This Commission can also provide guidance on moving OCCC, which will help the Governor and make the land in lower Kalihi much more valuable and thus provide jobs, affordable housing, parks, new schools, and planning community the right way. For those reasons I strongly support HB1295.

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LATE

From: mailinglist@capitol.hawaii.gov
To: pbstestimony
Cc: sabrinanguyen2010@yahoo.com
Subject: Submitted testimony for HB1295 on Feb 9, 2017 10:00AM
Date: Thursday, February 09, 2017 2:05:23 AM
Attachments: [HB1295_2017.docx](#)

HB1295

Submitted on: 2/9/2017

Testimony for PBS on Feb 9, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Nguyen	Individual	Support	No

Comments: I submit testimony in strong support of HB1295 to establish a commission (The current Task Force on reform will soon expire - so we need to pass this measure with the added members to continue the good work with essential,keys members that were not on the current task force) on Criminal Justice Reform to develop a statewide framework to help the incarcerated population by reducing "recidivism" which will reduce crime in Hawaii and support Hawaii's inmates working to provide that with a trade or employment skill, along with support to reduce crime and rehabilitate our inmate population. This commission will rehabilitate lives, reduce crime, and save taxpayer costs. For the foregoing reasons, I submit testimony in support of this very important bill. This will make our communities a safer place and save taxpayer costs while modernizing the current criminal justice system.

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Committee: Committee on Public Safety
Hearing Date/Time: Thursday, February 9 2017, 10:00a.m.
Place: Conference Room 312
Re: Testimony of the ACLU of Hawaii in **Opposition to H.B. 462, Relating to Correctional Facilities**

Dear Chair Takayama, Vice Chair LoPresti, and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) strongly opposes H.B. 462, which would allow the Department of Public Safety to contract with a for-profit corporation to plan, construct, and lease a new correctional facility.

As the Legislature is aware, many of Hawaii’s prisons are overcrowded, with five out of Hawaii’s nine correction centers over capacity — three of those five being 150% or more over capacity. However, to address this problem, the State must first look to long-term, comprehensive criminal justice reform prior to constructing any new correctional facility. Even if, after the State has begun to implement a long-term plan to address this issue, the State should not allow a *private, for-profit corporation* to own or run its correctional facilities.

For-profit prisons do not necessarily save money — on the contrary, it may cost the State more to incarcerate inmates in private prisons than in state-run facilities.¹ This is despite private prisons’ tendency to cherry pick their prisoners, often choosing the least expensive inmates to incarcerate.²

In recent years, private prisons have become a multibillion-dollar industry. The most compelling reasons why the State should not consider a public-private partnership for the operation of a correctional facility, therefore, is that a private prison will naturally be driven by what is best for its profit margins rather than what is best for the people of Hawaii. Private prisons are typically paid per inmate they house and benefit from harsher sentencing and the curtailment of probation and parole. While the State has a duty to those in its custody, the

¹ D. M. Levine, *What’s Costlier than a Government Run Prison? A Private One*, Fortune, Aug 18 2010, http://money.cnn.com/2010/08/17/news/economy/private_prisons_economic_impact.fortune/index.htm.

² Richard A. Oppel Jr., *Private Prisons Found to Offer Little in Savings*, May 18, 2011, <http://www.nytimes.com/2011/05/19/us/19prisons.html>.

American Civil Liberties Union of Hawaii
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Chair Takayama and Members of the Committee
February 9, 2017
Page 2 of 2

executives of a private prison have fiduciary duties to its shareholders and incentives to maximize profits — incentives that often conflict with public safety and ensuring decent living conditions for inmates. Hawaii needs to implement smart, evidence-based reforms to more effectively rehabilitate offenders, save money, and reinvest savings into communities. Private prisons are simply not the answer.

Thank you for the opportunity to testify.

Sincerely,



Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawai'i
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