



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii
House of Representatives
Committee on Public Safety, Veterans, & Military Affairs

Testimony by
Hawaii Government Employees Association

February 12, 2020

H.B. 1616 – RELATING TO PAROLE OFFICERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments on the intent of H.B. 1616 which gives parole officers the powers of police officers, authorizes their use of electric guns, subjects them to the jurisdiction of the law enforcement standards board, and authorizes them to arrest Parolees without a warrant when there is probable cause.

The amendments in H.B. 1616 represent a sweeping departure from the existing culture and practices of parole officers and we recognize that with the idea of change comes a level of opportunity but also equally, great uncertainty about the impact to current operations. While some parole officers want to be proactive instead of reactive and see a benefit in being armed when deescalating situations with parolees, others view their duties to be more similar to a social services worker or a peace officer than a law enforcement officer and do not want the responsibility and mandatory training required to be armed. Parole officers are trained to rehabilitate and reintegrate parolees but are also confronted with unexpected and hostile situations. And, some believe that police powers will best assist them in executing their job duties, while others believe it will detract from their duties and put them in more danger. Clearly there is a wide spectrum of diverse work experiences within the parole officer ranks, therefore it will be challenging to chart a singular path forward for all employees. For these reasons, we cannot side with one perspective over another and we recommend continued conversation with input from all parole officers.

Thank you for the opportunity to provide comments on H.B. 1616.

Respectfully submitted,

fw
Randy Perreira
Executive Director

DAVID Y. IGE
GOVERNOR



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

EDMUND "FRED" HYUN
CHAIR

CLAYTON H.W. HEE
CHERYL E. INOUE
MAX N. OTANI
FITUINA F. TUA
MEMBERS

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 1616
A BILL FOR AN ACT RELATING TO PAROLE OFFICERS
BY
HAWAII PAROLING AUTHORITY
Edmund "Fred" Hyun, Chairman

House Committee on Public Safety, Veterans, & Military Affairs
Representative Gregg Takayama, Chair
Representative Cedric Asuega, Vice Chair

Wednesday, February 12, 2019, 10:00a.m.
State Capitol, Conference Room 430

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

The Hawaii Paroling Authority (HPA) **opposes** House Bill 1616, which seeks to authorize parole officers to use electric guns, include parole officers among the law enforcement officers subject to the jurisdiction of the law enforcement standards board for training and certification purposes, authorize parole officers to arrest parolees without a warrant when there is probable cause that the parolee is in violation of the terms and conditions of parole, and provide parole officers with the powers of police officers.

The HPA understands the intent of HB 1616 but believes the measure is flawed. It should be noted that the HPA is a separate agency attached to the Department of Public Safety (PSD) for administrative purposes only. Parole officers are not employees of PSD. If enacted, there will be a major overhaul in the areas of statutes, civil service classification specifications, position descriptions, union consultation and bargaining units and reorganization, in addition to substantial budget increases. Currently in place are safety measures and parole officer training in recognizing and diffusing situations.

Thank you for the opportunity to provide testimony on House Bill 1616.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Wednesday, February 12, 2020

10:00 AM - Room 430

STRONG OPPOSITION to HB 1616 - GIVES PAROLE OFFICERS POLICE POWERS

Aloha Chair Takayama, Vice Chair Gates 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 more than two decades. This testimony is respectfully offered on behalf of the families of **JAMES BORLING SALAS, ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE**, including the eleven (11) people that we know of, who have died in the last six (6) months. We also remind the committee of the approximately 5,200 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day, and we are always mindful that more than 1,200 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 Kanaka Maoli, far, far from their ancestral lands.

HB 1616 gives parole officers, within the scope of their duty, the powers of a police officers. Provides parole officers with the authority to arrest paroled prisoners without a warrant when there is probable cause of a violation of parole. Authorizes parole officers to use electric guns and subjects parole officers to the authority of the law enforcement standards board.

Community Alliance on Prisons is strongly opposed to this bill. The thought of parole officers with electric guns and being granted the authority to go after parolees without a warrant is a threat to public safety.

We respectfully ask that the committee hold this bill. Mahalo for this opportunity to testify.

HB-1616

Submitted on: 2/5/2020 3:30:43 PM

Testimony for PVM on 2/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
keoni de la cruz	Individual	Support	No

Comments:

I support this bill if not only Parole but Probation Officers are included in this bill as they revoke prisoners and recommend jail time for these prisoners. My Spouse is a Probation Officer with the Hawaii Stte Judiciary and goes to offenders houses for inspections with another Probation Officer and must retreat and call HPD to come and protect them and arrest the offender. Weapons, taser and arrest training will be safet and beneficial to the safety of Probation and Parole Officers in their duties.

Mahalo,

Keoni De La Cruz

HB-1616

Submitted on: 2/6/2020 8:49:20 PM

Testimony for PVM on 2/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

Just remember that today's society has plenty laws and no order. Having lived in many places prior to returning home, I have learned that places where they enforce all the laws concerning quality of life, and the same place has a lot to invest in the future of its people, those places have substantially lower crime rates because people spend a lot of energy on self-control and being aware of such. We don't want to frustrate ourselves with the ebb and flow of going back and forth on empowering someone to get too haughty with their job, or another person to get too brave and violate their way down a rabbit hole - taking surrounding people down with them. We want to create balnce. Pono also means balance.

HB-1616

Submitted on: 2/9/2020 1:22:11 PM

Testimony for PVM on 2/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Costa	Individual	Oppose	No

Comments:

TESTIMONY ON HOUSE BILL NO.1616
RELATING TO PAROLE OFFICERS; LAW ENFORCEMENT; TRAINING; AND EQUIPMENT

By

Earl L. Everett, Senior Parole Officer
Hawaii Paroling Authority

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Tuesday, February 12, 2020; 10:0 p.m.
State Capitol, Conference Room 430

Chair Takayama, Vice Chair Gates and Members of the Committee

Good Morning,

My name is Earl Everett. I am here to state my strong support for House Bill 1616.

As a Senior Parole Officer, Union Steward, US Veteran, and MSW graduate of UH Manoa, I am keenly aware of the dangers parole officers are exposed to while working with the public. We are living in a time where parolees have easy access to not only harmful illicit substances but also weapons that put not only parole officers in jeopardy but the general public as well.

We have witnessed several instances within the past 5 years of parolees putting the lives of people in danger. For example, in March of 2017 an All Points Bulletin was issued for the arrest and return to custody of paroled prisoner Bronson Gouveia after he ran from parole officers who issued a warrant for his arrest. Eventually captured and later arrested, Mr. Gouveia was charged with attempted murder for shooting his girlfriend in the face in Kahalu'u. In addition, 3 pounds of methamphetamine was recovered from his home.

Recently in Waianae, paroled prisoner, Tony Souza shot a police officer in the chest, critically wounding him. Police Chief Ballard reported that when the police officer entered the home, parolee SOUZA jumped out of the closet and shot the police officer. Chief Ballard pointed out how this incident is a somber reminder of how quickly a situation can escalate into a deadly confrontation.

These incidents are not only occurring in isolation of their homes, but are pouring out to our community. In another example, paroled prisoner Isaiah Kaisa was arrested for attempted Murder, Robbery, and other criminal charges after he shot a stranger, 46 year old male, sitting in his vehicle when the reported suspect approached the victim. It is alleged that parolee KAISA had asked to use the victims cell phone when the victim refused he was shot two times in the

stomach, pushed out of the car, when parole KAISA jumped into the victim's vehicle and drove off with the victim's cell phone, and other personal properties.

While we plan for parolee successful integration back into our communities, we must be vigilant and prepared for those who are not compliant with their terms and conditions of parole. These three examples are evidence of how individuals on parole can go from compliant reintegrated members of society to individuals who pose a threat to parole officers, other law enforcement officers (LEO) as well as the general public. Moreover, these three stories are becoming increasingly common.

These are just a few of the reported cases which make the evening news. There are many other lawless acts carried out by paroled prisoners which goes unreported to the public. Parole Officers are charged with the duties of Public Safety, Rehabilitation, Custody, Control, and Surveillance of paroled prisoners, however they lack clear LEO authority, training, equipment, and inadequate resources to safely perform their duties. Which puts not only the officers but the public risk. HB 1616, if passed, will rectify the issue of clear LEO authority for officers and provide a clear pathway and catalyst for change talk. Beginning with the need to re examine training standards for officers, enhance security protocols for parole prisoner retakes, trackings, and returning re-offenders to custody. In addition, this will ensure officers have adequate safety equipment, communication devices, and other operational resources to fulfill their LEO responsibility when rehabilitation efforts begin to have diminishing returns resulting from paroled prisoner pro-criminal attitude, conduct, and behavior. Moreover, it will also allow officers to partner with top County, State, and Federal Crime Reduction Units to disrupt, dismantle, and expose paroled prisoners involved in organized crime in the community. These changes will have lasting effects to increasing rehabilitation for paroled prisoners while increasing crime reduction efforts, increasing the safety of the general public as well as the safety for officers.

Hawaii News Now, on September 12, 2019, highlights other operational challenges community correctional officers in our community are faced with reports that convicted criminals on probation do not have to fear random, unannounced home visits by their probation officers as they are hardly done. "In 2017, of 11,156 people on probation, probation officers just conducted 1 home check. Out of 359 Sex Offenders, only 5 home checks were conducted." Furthermore, a number of high profile probationers were committing new, violent crimes. "Honolulu Prosecutor Peter Carlisle reported that home checks by probation officers are designed to send the message to probationers to behave themselves because they don't know when a Probation Officers will be making home checks to ensure a probationers compliance." State Judiciary Probation Administrator Sidney weighed in regarding this story and said that "conducting unannounced visits is time intensive and, given staffing challenges, priorities and the primary goals of improving the defendant's behavior, it is generally not the best use of our probation officer time. Probation Officers lack law enforcement training and safety is a factor because they are unarmed."

WHATS THE CHALLENGE?

Currently, parole officer duties do not align with the power and authority given to carry out their current duties. Unlike probation officers, parole officers make regular field visits to parole prisoners homes, work, and other areas deemed necessary. As a result, this places a parole officer in harm's way and limits his/ her ability to fully perform assigned duties. Throughout my professional career in law enforcement spanning over 30 years at both the Federal and State level, I am keenly aware that the key to a successful law enforcement agency is the quality of training each individual within that organization receives. While the primary goal of any law enforcement agency is to secure the wellbeing of their community equally important is that law enforcement personnel come home safely to their families at the end of each mission. The chances of this greatly increases with training, adequate safety equipment and communication, clear and proper authority, and leadership support from brass down to the people in the trenches.

The law enforcement duties of a parole officer in the State of Hawai'i include but are not limited to the control, custody, and surveillance of paroled prisoners when parolee's prosocial attitude turns to pro-criminal. Parole Officer must account for paroled prisoners twenty-four hours a day seven days a week. They must conduct warrantless searches of paroled prisoner's homes for a variety of illicit items from weapons to drugs, in order to prevent criminal behaviors from occurring. In addition, they must place parole violators under House Arrest for Intermediate Sanctions; write up Warrants of Arrest, suspend a paroled prisoner's case when they abscond and attempt to locate parole absconders in the community. They must also face the prospect of verbal and physical confrontation in and out the office with validated gang members, former parolees who have an ax to grind, and parolees who are dealing with anger management issues and has no trouble expressing great disdain and dislikes for authority figures such as that of his/ her parole officer. Executing their duties become precarious when they are not provided with the proper authority and training to carry out those functions. This creates vicarious liabilities for the paroled prisoners, the public, Hawaii Paroling Authority, and the assigned parole officer.

Parole Officers are expected to perform LEO tasks beyond the scope of their authorized duty. Many parole officers want the same protection given to their counterparts in the State and Federal Probation offices where they are granted police powers within the scope of their duties. HB 1616 corrects that problem for parole officers.

In an anonymous HPA parole officer survey conducted in December 2018, 76% respondents agreed with the statement that additional law enforcement training would not only enhance their ability to perform their duties, minimize the safety risks, but increase their sense of confidence to safely execute their duties while in the community. Those who opposed this measure stated their opposition was for personal and not professional reasons. Unlike their State and Federal counterparts in probation, this places parole officers in a precarious position.

WHAT'S THE REAL PROBLEM ?

The real problem is that parole officers without proper legal authority and training are being put in harm's way. More and more paroled prisoners are readily accessing guns and other

weapons. The lack of parole authority for parole officers to monitor their clientele in a safe and judicious manner is contributing to violent and dangerous incidents that is occurring within our communities. This puts everyone in harm's way including those who are called to supervise them with limited and, or no proper legal authority.

HOW CAN I HELP?

You can help by having the discussion with other policy makers, encouraging, and making sure House Bill 1616 becomes public law.

WHAT PASSING HB 1616 DOES FOR PAROLE SUPERVISION OFFICERS?

First, passing HB 1616 will provide the framework for meaningful discussion to occur on all levels: micro, mezzo, and macro; in how best to rectify and improve government inefficiencies within the Hawaii Paroling Authority. Second, passing HB1616 will amend HPA's outdated policies, training, and practices and will be the catalyst for change in promulgating needed changes for already outdated practices, rules, and regulations governing the Hawaii Paroling Authority. Finally, many seasoned officers are not pushing this initiative for our own benefit, but for the benefit of those who will be in our positions when we leave the service which is long overdue. We want to create a better working environment for them and therefore we are seeking proactive versus reactive measures. A no vote would perpetuate the status quo on this issue and potentially put the parolee, the public, and our colleagues and harm's way.

Thank you for your time and attention to this matter. I look forward to hearing positive discussions, collaboration, proposal, and feedback on this measure.

Very Respectfully,

Earl Everett

LATE

HB-1616

Submitted on: 2/12/2020 8:41:34 AM

Testimony for PVM on 2/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Individual	Oppose	No

Comments:

Parole officers have vastly different functions from police officers. Parole officers focus on assisting individuals to successfully reintegrate back into the community and providing oversight to ensure conditions of parole are being met. Consequently, police powers should not be extended to parole officers.