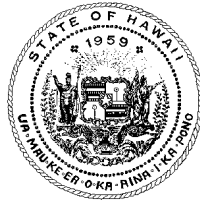


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
1177 Alakea Street, 6th Floor
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MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2342
RELATING TO PAROLE.

by
Max N. Otani, Director
Department of Public Safety

House Committee on Corrections, Military, and Veterans
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

Wednesday, February 16, 2022; 10:00 a.m.
State Capitol, Via Videoconference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed House Bill 2342, which seeks to create a “good time” credit system, by which a parolee may reduce the parolee’s sentence through compliance with conditions of parole. This measure also seeks to establish limits on the nature and types of violations to the terms and conditions of parole that are actionable by the Hawaii Paroling Authority (HPA).

The Department opposes HB 2342. Specifically, a “good time” credit program is not needed as the HPA already has the authority to grant early discharges to parolees, who have remained compliant with the terms and conditions of parole providing the parolee does owe any outstanding restitution. In addition, although not cited in this measure, the HPA also has the authority to reduce a prisoner’s minimum term(s) of imprisonment providing the prisoner is not serving any court imposed mandatory minimum term. The HPA routinely exercises its authority to grant reduction of minimum (ROM) term(s) of imprisonment each month during their administrative hearing sessions.

In addition, placing limits on the nature and type of violations to the terms and conditions of parole that the HPA can act upon places the public at risk of continued victimization, not to mention allowing convicted felons released on parole to shirk their responsibility to comply with all terms and conditions of parole. Likewise, by not allowing the HPA to address technical violations of parole as it sees fit, erodes the inherent authority and responsibilities vested with that agency.

PSD notes that the HPA has managed to reduce the recidivism rate of the parole population by more than 30% over the past 10 years as a direct result of their efforts working with parolees in the community and imposing intermediate sanctions, including curfew, house arrests, etc. The HPA's approach to addressing technical violations of the terms and conditions of parole prior to parolees committing new crimes has been very successful and should be allowed to continue. The Department respectfully recommends to the Committee and interested parties the annual recidivism studies completed the Interagency Council on Intermediate Sanctions (ICIS), which clearly demonstrate HPA's success in reducing recidivism amongst the parole population.

The Department believes that HB 2342 is unnecessary, as its desired purposes are already being effectively addressed. PSD, therefore, respectfully requests this measure be held.

Thank you for the opportunity to present this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2342, RELATING TO PAROLE.

BEFORE THE:

HOUSE COMMITTEE ON CORRECTIONS, MILITARY, AND VETERANS

DATE: Wednesday, February 16, 2022 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 430, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Albert Cook, Deputy Attorney General

Chair Ohno and Members of the Committee:

The Department of the Attorney General (the Department) opposes this bill.

This bill amends chapters 706 and 353, Hawaii Revised Statutes (HRS), to create a system where persons on parole can shorten their parole supervision periods by merely complying with their parole conditions. It also prohibits the Hawaii Paroling Authority from: (1) restricting the parolee from associating with individuals not directly related to the crime for which they are incarcerated; (2) restricting a parolee from using alcohol, narcotic drugs, or controlled substances without a prescription unless their underlying crime is "reasonably related to" alcohol, narcotics, or controlled substances; and (3) ordering a parolee to undergo a substance abuse treatment program if none is available in the parolee's county or if the parolee is not accepted into a program. The bill also prohibits the Hawaii Paroling Authority from revoking parole for failing to comply with their parole conditions if the failure is considered a "technical violation." The bill defines a "technical violation" as any violation of a condition of parole other than a new conviction for a felony, or a misdemeanor under chapter 134 or 707 or section 709-906, HRS. The bill also prohibits the Hawaii Paroling Authority from revoking parole based upon failure to complete a substance abuse treatment program if none is available in the parolee's county or if the parolee is not accepted into a program, or for failure to refrain from using alcohol, narcotic drugs, or controlled substances without a prescription unless the underlying crime is "reasonably related to" alcohol, narcotics, or controlled substances.

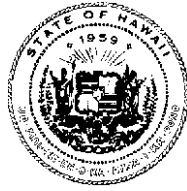
The Department opposes this bill as it unnecessarily limits the Hawaii Paroling Authority's discretion and ability to properly supervise those convicted of crimes and placed on parole to ensure public safety and attempting to rehabilitate those sentenced to a prison term.

The "good time credit system" effectively shortens parole terms simply for complying with conditions of parole. The Hawaii Paroling Authority currently has the discretion to terminate parole when they feel it is appropriate. The "good time credit system" would remove the Hawaii Paroling Authority's discretion and mandate reduced sentences regardless of the underlying crime, the effect on the victim of the crime, the remorse or lack of remorse of the parolee, or the attitude of the parolee to the victim, or society. It would also require additional staff to administer this program, which requires the calculation of the "good time credit," and if there is a discrepancy, parolees would likely litigate whether the credit given or taken away by this system is accurate.

The limitation on the Hawaii Paroling Authority's ability to revoke parole to circumstances where a parolee commits a narrow category of new crimes is potentially counterproductive to rehabilitation efforts and the rule of law. Notably, the amendments would prohibit revocation of parole for conviction of: (i) misdemeanor property crimes, including possession of burglar's tools (section 708-812, HRS), criminal trespass in the first and second degrees (sections 708-812 and 708-814, HRS), criminal property damage in the third and fourth degrees (sections 708-822 and 708-823, HRS), aggravated criminal property damage (section 708-823.5, HRS), theft in the third and fourth degrees (sections 708-832 and 708-833, HRS), unauthorized control of a propelled vehicle in the second degree (section 708-836, HRS), unauthorized entry into motor vehicle in the second degree (section 708-836.5, HRS), forgery in the third degree (section 708-853, HRS), arson in the fourth degree (section 708-8254, HRS); (ii) all misdemeanor offenses under chapter 710, HRS, including false reporting to law enforcement authorities (section 710-1015, HRS), impersonating a public servant (section 710-1016, HRS), impersonating a law enforcement officer in the second degree (section 710-1016.7, HRS), resisting arrest (section 710-1026, HRS), tampering with a witness (section 710-1072, HRS), tampering with physical evidence (section 710-1076,

HRS) and criminal contempt of court (section 710-1077, HRS); (iii) any misdemeanor offenses under chapter 711, HRS, including disorderly conduct (section 711-1101, HRS), harassment (section 711-1106, HRS), desecration (section 711-1107, HRS), abuse of a corpse (section 711-1108, HRS), cruelty to animals in the second degree (section 711-1109, HRS), violation of privacy in the second degree (section 711-1111, HRS); (iv) any misdemeanor offenses in chapter 712, HRS, including prostitution (section 712-1200, HRS), commercial sexual exploitation (section 712-1200.5, HRS), commercial sexual exploitation near schools or public parks (section 712-1209, HRS), promoting pornography (section 712-1214, HRS); and (v) all misdemeanor drug offenses. The bill also removes the Hawaii Paroling Authority's ability to revoke parole for failing to undergo substance abuse treatment.

This bill also appears to fail to consider the underlying crimes of the parolee, the impact of their crimes on their victims, and the rehabilitative effect of the Hawaii Paroling Authority's ability to oversee parolees and exercise its discretion in that process. The Department opposes this bill and requests it be held.



**STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

February 16, 2022

TO: Honorable Representative Takashi Ohno, Chair
House Committee on Corrections, Military. & Veterans

Honorable Representative Sonny Ganaden, Vice-Chair
House Committee on Corrections, Military. & Veterans

FROM: Mark Patterson, Chair Hawaii Correctional System Oversight
Commission.

SUBJECT: **HB2342 Related to Parole**

POSITION: **STRONG SUPPORT**

Chair Ohno, Vice Chair Ganaden and Members of the Committee

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. The Commission's statutory responsibilities include monitoring and reviewing the comprehensive offender reentry program of the Department of Public Safety and ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

This bill's purpose would come under our commission's purview " ...formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility and comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

Parole works by allowing defendants to retain many of their freedoms, if they meet strict conditions mandated by the Parole Board. Violating the terms of parole can result in additional charges and penalties.

There is a need for parole to achieve success and maintain stability of family and employment without having to beholden to technical violations and the potential for reduction time can add to a more successful transition. A return to prison for technical violation can cause strain on family financial income and total wellbeing.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Corrections, Military and Veterans**

February 16, 2022

H.B. No. 2342: RELATING TO PAROLE

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Office of the Public Defender strongly supports H.B. No. 2342 and offers comments for the committee’s consideration. This Bill seeks to reform parole procedures to reduce the population of incarcerated persons in Hawai‘i’s overcrowded correctional facilities.

The COVID-19 pandemic has highlighted the problems associated with overcrowding at Hawai‘i’s correctional facilities which have existed for decades.¹ Only one of Hawai‘i’s nine in-state correctional facilities is at design capacity.² Eight of the nine facilities exceed design capacity and three of the nine facilities exceed both design and operational capacity.³ Yet current measures to alleviate overcrowding in the facilities have failed to achieve any significant reduction in inmate populations, in particular as to sentenced felons. Parole is the primary means by which sentenced felons can gain release from incarceration prior to the expiration of their maximum sentences. In 2020, the Hawai‘i Paroling Authority (“HPA”)

¹ Hawai‘i Correctional Facilities: Infectious Disease Emergency Capacities, Hawai‘i Correctional System Oversight Commission, Sept. 2020 at p. 3; <https://ag.hawaii.gov/wp-content/uploads/2020/09/FINAL-REPORT-091120.pdf>.

As used herein, “design capacity” is the number of inmates a facility can hold according to the architect or planner of the facility. “Operational capacity,” which generally exceeds design capacity is the number of inmates a facility can hold as determined by the Corrections Population Management Commission in 2001. Id..

² Department of Public Safety, Weekly Population Report for January 24, 2022. <https://dps.hawaii.gov/wp-content/uploads/2022/01/Pop-Reports-Weekly-2022-01-24-.pdf>

³ Id..

granted parole to 803 persons.⁴ However, during 2020, the HPA held 394 parole revocation hearings and revoked the parole of 321 persons.⁵ All of the 321 parole violations were for “technical violations” of parole conditions.⁶ Of the 679 inmates housed at Halawa Correctional Facility, 397 are parole violators.

The Office of the Public Defender supports this legislation as an important first step in alleviating overcrowding at Hawai‘i Correctional facilities. In particular the Office of the Public Defender supports the implementation of a “good credit time system” and the prohibition of incarceration for technical violations of parole.

Creation of a “good time credit system.”

The creation of a “good time credit system” for parolees provides significant incentive to comply with the conditions of parole. Currently, HRS § 353-70 allows the HPA the discretion to grant early discharge from further liability under the parolee’s sentence, however, there are no objective criteria to guide the HPA’s exercise of the discretion. Establishing a good credit system would provide a uniform and objective basis by which good behavior on parole is rewarded with a reduction of the parolee’s sentence. A concern is that the term “in proportion to the severity of the parolee’s failure to comply with the condition” appears to be vague and may allow the HPA too much discretion in determining how many credits would be forfeited for a failure to comply with a condition. It is also unclear how the reduction of the parolee’s sentence would be implemented. If the good credit system is used in conjunction with the HPA’s ability to grant early discharge, an amendment should be made to HRS § 353-70 to require that the Board discharge the parolee at the expiration of his or her sentence minus any credits earned for good behavior.

Prohibition of incarceration for technical violations.

The Office of the Public Defender also supports the clarification of the definition of “technical violation” and not permitting a parolee to be returned to custody solely for “technical violations” of the conditions of parole. Technical violations can include matters so trivial as curfew violations, failing to report a change of address, or other violations which do not pose any threat to public safety. As noted *supra*, all of the parole revocations in 2020 by the HPA were for technical violations. Persons who commit such technical violations do not pose a risk to the safety of the public

⁴2020 Annual Statistical Report of the Hawai‘i Paroling Authority. <https://dps.hawaii.gov/hpa/files/2020/10/2020-Annual-Report.pdf>

⁵ *Id.*

⁶ *Id.*

which would require their return to incarceration and the resultant expenditure of correctional resources and state funds. Under current HPA administrative rules, parolees who are returned to custody for an alleged parole revocation must have a hearing within sixty days of their return to custody. Hawai'i Administrative Rules ("HAR") 23-700-43(f).⁷ Generally parole revocation hearings are held within the sixty-day period, but they sometimes exceed this period. During the pendency of the parole violation proceedings, the State bears the cost of re-incarceration of an individual who may subsequently be released after the parole violation hearing. Re-incarceration is disruptive to the lives of the parolee and generally results in a loss of employment or educational opportunities and financial and personal hardship. Many parolees who commit technical violations have their parole revoked with the requirement that they complete programs such as cognitive skills, substance abuse or work furlough prior to being given another opportunity at parole. Due to overcrowded conditions and budget constraints the recommended programs are not available and the lack of program availability results in extended and unnecessary periods of reincarceration. The amendment to HRS § 353-66(e) and (f) which allow parolees accused of technical violations to remain in the community during the pendency of their parole violation proceedings not only eliminates the costs associated with reincarcerating parolees who do not pose a risk to public safety but also allows the parolees to maintain their place in the community without disruption.

Conclusion.

Measures must be taken to more effectively utilize the parole system to alleviate overcrowding and the concomitant risks to the health and welfare of incarcerated persons and the public and the significant and unnecessary costs of re-incarcerating individuals who have been released on parole. The Office of the Public Defender supports the measures set forth in this bill which seek to increase the number of persons who are eligible for release on parole, reduce the time on parole for persons who meet their parole requirements, and avoid the unnecessary return of paroled individuals solely for technical violations.

Thank you for the opportunity to comment on this measure.

⁷The proposed statutory amendments will require amendments to the HPA's administrative rules set forth at Title 23, Subtitle 5, Chapter 700.



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

EDMUND "FRED" HYUN
CHAIR

GENE DEMELLO, JR.
CLAYTON H. W. HEE
MILTON H. KOTSUBO
CAROL K. MATAYOSHI
MEMBERS

KEVIN S. REGO
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 2342
RELATING TO PAROLE

by
Edmund "Fred" Hyun, Chairman
Hawaii Paroling Authority

House Committee on Corrections, Military & Veterans
Rep. Takashi Ohno, Chair
Rep. Sonny Ganaden, Vice Chair

Wednesday, February 16, 2022 – 10:00 a.m.
State Capitol, Via Video Conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Hawaii Paroling Authority (HPA) is in strong opposition to this bill that seeks to limit, if not prohibit, the management and supervision of individuals on parole. As the Chairperson that oversees the quasi-judicial functions of the board, as well as the overall administration and management of the HPA, it is my firm belief that amending HRS chapters 706 and 353 undermines the ability of HPA's field supervision to properly supervise convicted felons' return to society while ensuring community safety.

By law and eligibility, the Board administratively addresses "Good Time" via Reduction of Minimum Terms (while incarcerated) and Early Discharge of Sentence based on performance while on parole supervision. When first introduced in 2008 (to Public Safety Department), this Bill will require considerable amount of resources, staffing, logistical and financial burdens as well as potential litigation concerns.

The Bill as written does not account for following:

- the lack of community resources addressing substance abuse, mental health and co-occurring disorders on Oahu but even more so on the neighbor islands. There are a limited number of clean and sober housing and/or therapeutic living programs.
- the number of parole opportunities granted to the incarcerated population nor those who refuse substance abuse treatment, sex offender programming as well as medication for mental health issues.

Testimony on HB 2342
House Committee on Corrections,
Military & Veterans
February 16, 2022
Page 2

- the larger percentage of uneducated and unskilled inmates who are severely challenged when released into the community.
- Although individuals convicted of property crimes have no drug related convictions, many state in minimum hearings that it was a means to support their substance abuse. Other offense considerations are those for murder, robbery, sex assault, domestic violence etc.

The Terms and Conditions of Parole (release in the community) are firm guidelines that promote pro-social behavior. As an example, adherence to remaining in a substance abuse program(s) or clean and sober house as a requirement for release from confinement is treatment, not punishment.

In closing, all should remember that Parole is not a right, but an earned privilege providing an opportunity to be released from court imposed confinement back into the community.

Thank you for the opportunity to testify on this important matter.

DAVID Y. IGE
GOVERNOR



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

EDMUND "FRED" HYUN
CHAIR

GENE DEMELLO, JR.
CLAYTON H. W. HEE
MILTON H. KOTSUBO
CAROL K. MATAYOSHI
MEMBERS

KEVIN S. REGO
ACTING ADMINISTRATOR

No. _____

**TESTIMONY ON HOUSE BILL 2342
RELATING TO PAROLE**

by

Kevin S. Rego, Acting Administrator
Hawaii Paroling Authority

House Committee on Corrections, Military & Veterans
Rep. Takashi Ohno Chair
Rep Sonny Ganaden, Vice Chair

Wednesday, February 16, 2022 – 10:00 a.m.
State Capitol, Via Video Conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Hawaii Paroling Authority (HPA) stands in strong opposition to HB 2342.

At the end of fiscal year 2020, PSD had a total prison population of 4,449 inmates. Coupled with HPA's 321 technical violators, this amounts to a 7.2 % of the population. PSD Population Report for June 30, 2020 reports over 700 inmates mislabeled as parole violators, however, on a given day, there are no more than 100 parolees awaiting their revocation or parole hearings based upon ACT 139.

The Attorney General's Interagency Council on Intermediate Sanctions (ICIS) 2019 Recidivism Update (State of Hawaii, FY 2016 Cohort), reports recidivism as a felony, misdemeanor, petty misdemeanor, or parole revocation arrest to record the recidivism event. HPA has been instrumental in reducing recidivism by 30% goal over the past two (2) cohort years.

HPA also adheres to ACT 139, as part of Justice Reinvestment Initiative reforms to improve supervision outcomes to cap revocation time. This includes all first-time parole violators shall have another parole consideration hearing within six (6) months from date of their arrest. There are non-qualifying factors that may exclude a parole violator from this consideration, but the parole board has been instrumental in providing second or third parole consideration hearings within six (6) to nine (9) months from parole violation arrest for re-programming. If in-facility programs are not available, parolees are encouraged to utilize community-based programs to address their needs upon release.

Regarding creating a good time credit system, it should be noted, HPA already has in place procedures to reduce the incarcerated population utilizing:

1. Early discharge from parole for good behavior by reducing the parolee's sentence through compliance with conditions of parole; and
2. Reduction of Minimum (ROM) sentence for an inmate's good behavior through compliance of in-facility rules and completion of programs to obtain an earlier parole consideration date.

Regarding the condition of parole that prohibits unnecessary associations may only apply to a parolee's underlying crime. It should be noted, the current practice of charging a parolee with the technical violation of "association" generally is directly linked to parolees having contact with inmates in prison for gang related activities to frustrate the security and management protocols of the facility or a result of alleged on-going criminal activity in the community.

Regarding the condition of parole that prohibits the possession or use of alcohol or unauthorized drugs may only be imposed if it is reasonably related to the crime for which the parolee was convicted. This vague language would only frustrate the rehabilitation process and undermine HPA's efforts to promote a pro-social lifestyle for the parole population. Many property crimes are solely committed to support substance abuse addiction and if left unchecked would be a threat to the community and public safety.

It should be noted, that not every county has the same substance abuse treatment resources as the other. This bill would only frustrate HPA rehabilitative efforts from utilizing available bed space and programming Statewide. Inmates are routinely paroled to Oahu to take advantage of long-term substance abuse treatment programs and dual-diagnosis programs not offered on Neighbor Islands. In addition, there can be a multitude of reasons why a parolee has not been accepted into a program. Ranging from sabotaging the intake interview by minimizing/denying their illicit drug/alcohol usage, to an inability to cease (marked increase) in illicit drugs/alcohol use prior to admission, failure to show-up for intake interviews and/or subsequent failure to provide medical documentation, lacking motivation to want change or refusing help, etc.

HPA notes the majority of the 321 technical violations listed in the HPA Annual Report, Fiscal Year 2020, were for illicit drug/alcohol use (69%), whereabouts unknown resulting in suspension of parole term (34%), failure to report to their parole officer (30%), failure to enter and participate in substance abuse treatment programs (27%), and failure to enter and participate in clean & sober housing (13%). Majority of the parole violators were charged with multiple violations, as a result of initially imposing intermediate/alternative sanctions (referral to substance abuse treatment programs, increased reporting, increased urinalysis testing, referral to clean & sober housing, etc.). By removing the ability to utilize technical violations to promote law-abiding and pro-social behaviors, effectively takes away the authority of this office to mitigate risks parolee's may pose in the community.

In conclusion, parolees need regular monitoring, assessment, and supervision due to considerable external (environmental) and criminogenic factors that contribute to recidivism. ICIS agencies like HPA, continue to support evidence-based practices (EBPs). This includes adherence to the Risk, Needs, and Responsivity (RNR) Principles and ensuring that officers are fully trained and skilled in all EBP's such as motivational interviewing, cognitive skills, and collaborative case planning. Limiting HPA's response to technical violations undermines our efforts to emphasize pro-social accountability with the parolee population and protecting public safety. Waiting for a new criminal conviction in the courts, which could take up to 2 years, would take too long to address real-time criminal behavior.

Thank you for this opportunity to provide testimony on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PROSECUTING ATTORNEY



THE HONORABLE TAKASHI OHNO, CHAIR
HOUSE COMMITTEE ON CORRECTIONS, MILITARY & VETERANS
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i

February 16, 2022

RE: H.B. 2342; RELATING TO PAROLE.

Chair Ohno, Vice-Chair Ganaden and members of the House Committee on Corrections, Military & Veterans, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in opposition to H.B. 2342.

The primary effect of H.B. 2342, if passed, would be to *prohibit* the Hawaii Paroling Authority (“HPA”) from reimprisoning a parolee or revoking parole, for essentially any violation of an offender’s parole, unless the parolee commits one of several offenses listed in the bill.

The Department strongly believes in the rehabilitative opportunity provided by parole, and further believes that all of the treatments, services, mandates and restrictions that parolees are required to follow—as specifically crafted by the HPA for each individual parolee—are part of that rehabilitative process. Refraining from the consumption of alcohol and illicit drugs, for example, gives parolees the best possible chance to think clearly and comply with all the other conditions of their parole. Poor association can lead to a parolee reoffending, such as spending time with the parolee’s former drug dealer, even though the parolee was not recently convicted of a drug offense. Treatment is perhaps one of the most important conditions of parole, and provides parolees the best possible chance of overcoming substance abuse, mental health, or many other issues that may have contributed to the underlying offense, and would potentially lead to further offenses while on parole, or thereafter, if left untreated. Of particular concern is that failure of a parolee to complete sex offender treatment, domestic violence intervention, or any other mandated treatment programs would be considered a “technical violation” for which the HPA could not revoke parole.

While proponents of H.B. 2342 seem to fear that parolees are having their parole revoked for a single, insignificant violation of their parole, that has not been the Department’s observation or experience in these proceedings. In fact, the HPA is widely known to allow parolees multiple chances,

and makes great efforts to weigh the severity of an offender's particular violations and circumstances, sometimes to the frustration of the Department and crime victims affected by the offender's underlying crime. We also note that H.B. 2342 would seek to delete the limitations that have already been placed on the HPA, which ensure parolees are not reimprisoned for more than six months, for most violations of parole. Currently, even if a parolee repeatedly refuses to comport with the terms and conditions of parole, they cannot be reimprisoned for any longer than six months.

As a final note, the definition of "technical violations" found in H.B. 2342 is so broad that it would only allow the HPA to reimprison a parolee or revoke parole if the parolee commits one or more of a very limited number of offenses. Upon reviewing the short list of offenses that *would* allow HPA to revoke parole (page 6, lines 10-13), the Department is deeply concerned that H.B. 2342 would literally allow a parolee to commit a wide variety of serious offenses—or arguably multiple offenses—without any possibility of being taken back to prison, for violating their parole. Some examples of offenses that would be allowed, are:

- [Fleeing the scene of motor vehicle] Collisions involving bodily injury (HRS §291C-12.6)
- Operating a vehicle under the influence of an intoxicant, as 1st or 2nd offense (HRS §291E-61)
- Operating a vehicle after license and privilege have been suspended or revoked for OVUII (HRS §291E-62)
- Circumvention of, or tampering with, an ignition interlock device by a person who has been restricted to operating a vehicle equipped with an ignition interlock device (HRS §291E-66)
- Violation of a domestic violence order for protection (HRS §586-11)
- Violation of a temporary restraining order or injunction against harassment (HRS §604-10.5)
- Criminal property damage in the third or fourth degree (HRS §708-822 or §708-823)
- Unauthorized control of a propelled vehicle in the second degree (HRS §708-836)
- Unauthorized entry into motor vehicle in the second degree (HRS §708-836.5)
- Endangering the welfare of a minor in the second degree (HRS §709-904)
- Endangering the welfare of an incompetent person (HRS §709-905)
- Harassment by stalking (HRS §711-1106.5)
- Violation of privacy in the second degree (HRS §711-1111)
- Commercial sexual exploitation (HRS §712-1200.5)
- Promoting minor-produced sexual images in the first degree (HRS §712-1215.5)

While H.B. 2342 appears to have good intentions, in terms of wanting to recognize those parolees who comply with the terms and conditions of their parole, the HPA already has ample authority to lighten restrictions on parolees, reconsider any terms and conditions of parole, and does so with the specific circumstances of each parolee in mind. If the Legislature is interested in establishing a good time credit for parolees, the Department suggests that a study be done of its potential impacts on the criminal justice system, as well as the administrative burdens it may place on the HPA. It is our understanding that putting a system in place to track good time credits and process parolee grievances would be quite expensive.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes passage of H.B. 2342. Thank for you the opportunity to testify on this matter.



Hawai'i

Committees: Committee on Corrections, Military, & Veterans
Hearing Date/Time: Wednesday, 10:00AM, February 16, 2022
Place: Via Videoconference
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 2342 Relating to Parole

Dear Chair Ohno, Vice Chair Ganado, and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **strong support of H.B. 2342**. This bill eliminates incarceration as a sanction for technical violations of parole, creates a good time credit system for reduction of parole terms, and prohibits the imposition of certain unreasonable parole conditions.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color. Simultaneously, we advocate for sensible conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive re-entry support services that starts from the first day of incarceration.

Data Driven Strategies Have Proven Effective in Reducing Jail and Prison Populations without Compromising Community Safety

The probation system is a part of the criminal legal system in Hawai'i, and would benefit from reform. As outlined in *Blueprint for Smart Justice Hawai'i*¹, Hawai'i can dramatically reduce its incarcerated population by implementing just sensible reforms:

- Invest in alternatives to incarceration that divert people from jails and prisons.
- Prioritize criminal pretrial justice reform and end Hawaii's overreliance on cash bail.²
- End the expansion of the criminal code and supporting decriminalization.

¹ https://www.acluhi.org/sites/default/files/SJ-Blueprint-HI_1.pdf

² See SB2778/SB2871 and HB2017 Relating to Pretrial Release (2022). These bills will establish a presumption that a person charged with a crime is entitled to unconditional release unless proven otherwise and requires the consideration of nonfinancial conditions of release before bail is ordered. See also, *Hawaii's Accused Face an Unequal Bail System: As Much Justice As You Can Afford*, ACLU Smart Justice, ACLU Hawaii (January 2018). <https://www.acluhi.org/sites/default/files/2018/01/aclu-of-hawaii-bail-report.pdf>

- Eliminate mandatory minimum sentences.
- Reduce parole and probation revocations through reforms that would prohibit incarceration for technical violations and an earned time credit to incentivize compliance with community supervision conditions.³

Other states have achieved substantial reductions in its incarcerated populations through data-driven policy reforms, high profile leadership, bipartisan support, inter-branch collaboration, and community engagement. Decarceration strategies were successful in New Jersey, Connecticut, Michigan, Mississippi, Rhode Island, New York, California, and South Carolina, as outlined in "*Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions*" (2018) and "*Fewer Prisons, Less Crime: A Tale of Three States*" (2014) by The Sentencing Project. Significantly, states that pursued comprehensive criminal legal reforms simultaneously experienced decreases in crime rates.

Incarceration for Technical Violations of Parole is Costly and Ineffective Compared to Alternatives

The parole system in Hawai‘i needs reform.⁴ Reincarceration of people for technical violations—things like a missed appointment, being late for curfew because of work, associating with someone with a criminal record, or failing to report a change of address—contributes heavily to overcrowding in our jails and prisons. On average, approximately one-fourth of jail and prison admissions in Hawai‘i each week are the result of parole and probation infractions.⁵ And **in fiscal year 2020, 100% of all Hawai‘i parole revocations were for technical violations.**⁶

This system feeds mass incarceration, costs the state exorbitant amounts of money better spent on re-entry programs, and disproportionately impacts Native Hawaiians, Pacific Islanders, Black people,

³ See SB2514/ HB 2344 Relating to Probation and HB2342 Relating to Parole (2022). These measures would create a good time credit system, by which persons under probation and parole supervision may reduce their sentence through compliance with conditions of community supervision. The bills would also prohibit incarceration for certain technical violations.

⁴ Notably, Edmund Fred Hyun, Chair of the Hawai‘i Paroling Authority, was an official signatory to the “Statement on the Future of Probation & Parole in the United States,” last revised November 13, 2020 and prepared by EXiT: Executives Transforming Probation & Parole. <https://www.exitprobationparole.org/statement>. This statement acknowledges that “community supervision has...become overly burdensome, punitive and a driver of mass incarceration, especially for people of color.” *Id.* It includes recommendations that states “eliminate incarceration for technical violations,” and “tailor conditions of probation and parole to the needs and goals of each individual” with conditions only imposed if they “specifically relate to the person’s offense behavior.” *Id.*

⁵ E.g., as of January 24, 2022, 1,016 out of 4099 people, or approximately 25% of all new admissions to jails and prisons in Hawai‘i were the result of parole and probation revocations. Department of Public Safety, Weekly Population Report, January 24, 2022.

⁶ <https://dps.hawaii.gov/hpa/files/2020/10/2020-Annual-Report.pdf>.

and low-income communities. It also affects tens of thousands of people: as of December 2019, Hawai‘i had a **combined community supervision population of 21,285 people**.⁷

Critically, there is no evidence that reincarcerating people for non-criminal infractions improves public safety. Instead, it destabilizes individuals on parole by erasing their fragile progress in the community. Upon release from incarceration they must start over again—thrust back into a cycle of struggling to obtain stable housing, maintain employment, and support their families. This result is much more likely to lead to *more* crimes of poverty, not fewer. Currently, the Hawai‘i Paroling Authority (“HPA”) can also incarcerate for up to 60 days while an individual awaits a parole revocation hearing—meaning their progress is disrupted and life torn apart based on an *unproven* allegation of *non-criminal* conduct.⁸ And, individuals can remain locked up behind bars for years for a technical violation.

To ensure compliance with technical parole conditions, **this bill offers good time credits** to individuals who successfully follow conditions, **thus shifting the system from a punitive to an incentive-based one**. This system also encourages people to seek assistance when necessary—like when dealing with a substance abuse disorder or struggling to find a job—instead of being afraid they will be returned to prison if they report these challenges.

Notably, Hawai‘i currently lags behind other states that have successfully implemented parole reform, including at least **24 states that have limited reincarceration to more serious and repeated violations** and at least **18 states that have incentivized rules compliance by allowing people to earn early discharge from parole**.⁹ Recidivism rates for new crimes in these states have remained flat, and in some states have declined.¹⁰ New York State also recently passed comprehensive reform with the “Less is More Act,” which implements similar changes to H.B. 2342—including limiting the use of incarceration for technical violations and awarding a 30-day earned time credit for every 30-day period without violations.¹¹

⁷ <https://nicic.gov/state-statistics/2019/hawaii-2019>.

⁸ HRS § 706-670(7) (“When a parolee has been recommitted, the authority shall hold a hearing within sixty days after the parolee’s return to determine whether parole should be revoked.”). An individual on parole is re-incarcerated while awaiting their revocation hearing based on a “probable cause” standard. Alexis L. Watts, Edward E. Rhine, & Julie L. Matucheski, *Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States*, Hawai‘i, Robina Institute of Criminal Law and Criminal Justice (2017); *see also* Hawai‘i Paroling Authority, Parole Handbook, at 24 (revised September 2020), https://dps.hawaii.gov/hpa/files/2020/11/HPA-Parole-Handbook_Revised_09_2020-1.pdf.

⁹ Independent Commission on New York City Criminal Justice and Incarceration Reform. 2021. Parole Reform: Conservative States Leave New York Behind, <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/60a3cbe6862b67754b916d2a/1621347302580/Red+States+Parole+Report+Final.pdf>.

¹⁰ *Id.*

¹¹ S.1144A/A.5576A, Less Is More: Community Supervision Revocation Reform Act, *see generally* <https://lessismoreny.org/>.

H.B. 2342 **proposes critical prohibitions on the use of certain unreasonable conditions of parole.** The Prison Policy Initiative recently gave Hawai‘i a C+ grade when evaluating the parole systems of all 50 states, pointing out that it is one of only 13 states that places restrictions on association in its standard parole conditions.¹² This condition disproportionately impacts marginalized communities and people of color—specifically Native Hawaiians, Pacific Islanders, and Blacks—and severely restrict individuals’ ability to rebuild a productive life in their neighborhood by maintaining important family and other social connections.

Among other things, the bill further stops the HPA from **penalizing drug or alcohol use** when it is unrelated to the crime of conviction, and includes a requirement that when an individual must complete a substance abuse program, that such a program be available in the county in which the person resides. These are important reforms consistent with public health best practices and ensures people are not penalized for failing to comply with unrelated, impossible, or overly punitive conditions.

Finally, parole reform that results in less incarceration will save the State taxpayer dollars. **It costs \$219 a day or approximately \$80,000 a year to incarcerate an adult.** Cost-savings from less incarceration invested into health care, treatment, education, housing assistance and other support services are more effective at helping people transform their lives and enhancing community safety.

H.B. 2342 is a comprehensive bill that would improve the parole system and substantially reduce our overcrowded jails and prisons in Hawai‘i. For these reasons, the ACLU of Hawai‘i **strongly supports H.B. 2342.** Thank you for the opportunity to testify.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota
Policy Director
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 over 50 years.

¹² https://www.prisonpolicy.org/reports/grading_parole.html;
https://www.prisonpolicy.org/reports/parole_grades_table.html; See Hawai‘i Paroling Authority, Parole Handbook, at 30–31. (“You shall not, without prior approval of your parole officer, associate or be in the company of any person convicted of a criminal act, including anyone under the active supervision of the Hawai‘i Paroling Authority.”).



Hawai'i
Children's Action Network Speaks!
Building a unified voice for Hawai'i's children

To: Representative Ohno, Chair
Representative Ganaden, Vice Chair
House Committee on Corrections, Military, & Veterans

Re: **HB 2342, relating to parole**
10:00 AM, February 16, 2022

Chair Ohno, Vice Chair Ganaden, and committee members,

On behalf of HCAN Speaks!, thank you for the opportunity to **testify in support of House bill 2342, relating to parole**, specifically section 6.

From a child and family-centered perspective, the abrupt disruptions reincarceration creates can be confusing and traumatizing. It is estimated that around 4 percent of children in Hawai'i have a parent who was incarcerated at some point in their life.¹ For these children, the process of maintaining a bond and relationship with an incarcerated parent is challenging but not impossible. Numerous studies show that most children benefit from relationship with incarcerated parent and that states should support the reunification of families.² Additionally, stability in housing and employment are critical for an individual's successful reentry into the community. These factors are also critical to supporting the child-parent relationship. Reincarceration for a technical violation can cause unnecessary harm and trauma to a child and it threatens the progress an individual has made. Technical violations, like missing an appointment, do not always rise to the severity of reincarceration.

As the state takes steps to become trauma informed, through the Trauma Informed Care Task Force and other initiatives, we need to examine the punitive approaches that destabilize our communities and cause unnecessary harm.

For these reasons, HCAN Speaks! respectfully requests the Committee to support this measure.

Thank you,

Kathleen Algire
Director of Early Learning and Health Policy

¹ The Annie E. Casey Foundation, KIDS COUNT Data Center, "Children who had a parent who was ever incarcerated in Hawai'i", 2018-2019, <https://datacenter.kidscount.org/data/tables/9688-children-who-had-a-parent-who-was-ever-incarcerated?loc=13&loct=2#detailed/2/13/true/1696,1648,1603/any/18927,18928>

² Dallaire D.H., Wilson L.C., Ciccone A. The family drawings of at-risk children: Concurrent relations with contact with incarcerated parents, caregiver behavior, and stress. *Attach Hum. Dev.* 2012;14:161–183.
Casey W.M., Copp J.E., Bales W.D. Releases from a local jail: The impact of visitation on recidivism. *Crim. Justice Policy Rev.* 2021;32:427–441.

COMMUNITY ALLIANCE ON PRISON

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COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, February 16, 2022

10:00 AM

HB 2342 - STRONG SUPPORT FOR PAROLE REFORM

Aloha Chair Ohno, Vice Chair Ganaden, and Members of the Committees!

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 more than 4,069 Hawai'i individuals living behind bars under the "care and custody" of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,112 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.

Community Alliance on Prisons supports incentives for people to earn their way off parole. This bill presents some strategies to encourage outcomes that provide hope and employs proven strategies.

HB 2342 prevents people on parole from facing immediate incarceration when accused of certain misdemeanors (specifically, those not involving weapons, offenses against the person, or domestic violence); requires that conditions of parole be reasonably related to the crime of conviction and tailored to an individual's circumstances and abilities. It also prohibits restrictions on association - this is important for people who have gone through treatment together, especially for women who form bonds and need that support outside.

And, importantly, the bill creates a good time credit system for persons on parole. It is important that people have something to work toward, instead of endless surveillance.

According to the February 7, 2022 Department of Public Safety Population Report¹, currently there are 607 people on parole statewide – 15% of the statewide incarcerated population. Most of these folks are there for substance misuse or technical violations of the conditions of their parole. This is a HUGE expense. At \$219 a day this costs \$132,933 a day, \$930,531 a week, \$3,722,124 a month, and \$44,665,488 a year.

One of the big problems with the department and parole is that the employees think their job is punishment. This attitude does not promote change. In order to huli the criminal legal system from a punitive one to a rehabilitative one, employees must be trained or re-trained in the art of community supervision – a helping hand with a light touch. In order for a returning citizen to transition from institutional to community life successfully, parole employees must be supportive and understanding of the difficulties one has adjusting to life outside.

Parole's function is reentry – assisting returning citizens achieve successful reintegration back to their communities. A friend went for an interview at parole and she was told that parole's function is punishment. THIS IS A FUNDAMENTAL PROBLEM!

Reforming parole so the state doesn't incarcerate so many people for violating technical conditions and encouraging 'good time' credits for compliance are strategies that work. Endless surveillance is NOT a successful strategy – except for corporate prison profiteers whose only interest is filling their coffers. And CoreCivic (CCA) has been quite candid in their annual reports when they talk about the dangers of reforming our punitive criminal legal system. Thurgood Marshall must be turning over in his grave as he watches his son, Thurgood Marshall Jr., as a board member of CoreCivic².

The disparate impact of the criminal justice system on Native Hawaiians is apparent at every stage of the criminal justice system, starting from arrest and continuing through parole. The impact is cumulative, starting with a relatively small disproportionality at arrest, but revealing itself to be more distinct at sentencing and incarceration. Disproportionate representation at entry into the system is exacerbated by pretrial detention, which has been found to relate to an increased likelihood of incarceration; subsequently, time spent away from community and family while in prison can make transition back to the community difficult, potentially increasing the

¹ Department of Public Safety, Weekly Population Report, February 7, 2022.
<https://dps.hawaii.gov/wp-content/uploads/2022/02/Pop-Reports-Weekly-2022-02-07-.pdf>

² CoreCivic Board of Directors: <https://www.corecivic.com/investors/board-of-directors>

likelihood of returning to prison. The cycle repeats itself and notably, negative cyclical effects are concentrated on Native Hawaiian communities.³

Parole revocations contribute to the number of Native Hawaiians in prison. Although Hawai'i released 644 people from prison to parole in 2009, 249 people were also returned to prison by revoking parole. Native Hawaiians had one of the lowest ratios of release to revocations. For every five Native Hawaiians released, two Native Hawaiians had their parole revoked (2.5:1 ratio). Japanese people have a slightly lower ratio (2.4:1) and Chinese people having the highest, with eight people being released for every one person returning to prison on a parole revocation.⁴

Hawai'i needs to implement alternatives to help people who have trouble complying with the conditions of parole, which should be reasonable and address the underlying offense that led to parole. This bill has suggestions for improving parole as the gateway to the community. Parole is all about helping returning citizens achieve a safe and healthy reentry to society.

Research has been proven that incarceration only enhances criminality. Why would we send someone to criminal college when there are other ways to address wrongdoing? Hawai'i needs to abandon punishment as a way to change behavior.

We need to reimagine parole without racial inequities and design a system that seeks to:

- Address and eliminate structural and individual biases in policing practices, prosecutorial discretion, extreme sentencing, and mass incarceration.
- Offer every incarcerated person a fair opportunity at a second chance.
- Presume that persons who have served the bottom range of their sentence should be paroled, unless proven otherwise at a hearing at which constitutional due process safeguards are standard.
- Mandate that parole decision-makers recognize the history of racial bias in the criminal system and that they must reflect the community they serve.
- Not make parole decisions solely on the underlying offense, race, or status of the victim or other oblique factors.
- Model a more restorative approach to supervision that includes providing access to resources.
- Eliminate or minimize the use of algorithms so that decisions are based on the individual's readiness for a successful reentry and other measurable positive human traits.

³ The Impact of the Criminal Justice System on Native Hawaiians, The Disparate Treatment of Native Hawaiians in the Criminal Justice System. https://www.oha.org/wp-content/uploads/2014/11/factsheets_final_web_0.pdf

⁴ See FN 3

In addition:

- Parole conditions must be limited and individualized (with input from the supervisee) to reach a specific lifestyle goal, and parole supervision must end when the goal is achieved.
- No one should be returned to prison for technical violations or new arrests that do not result in a conviction.
- Prison populations must be decreased during a global health crisis that puts the health of the entire population at risk.

Now is the time to create a safe, fair, and equitable parole system, and **people from impacted communities must not just have a seat at the table, but must lead the discussion seeking solutions for dismantling our current fragmented parole system and starting anew.**⁵

Please pass this bill onto the JHA for more discussion and action.

Mahalo for this opportunity to testify.

⁵ Racial Disparities Inherent in America's Fragmented Parole System, By Olinda Moyd, Criminal Justice Section Criminal Justice, Spring 2021. https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2021/spring/racial-disparities-inherent-americas-fragmented-parole-system/



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

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WENDYHUDSONLAW.COM

February 15, 2022

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Wendy Hudson and I am testifying in **strong support of HB2342** relating to parole.

I've been a criminal defense attorney for over 20 years in Hawaii, first as a Public Defender (and Supervisor) and of late, as private counsel. I've hand hundreds of clients who unfortunately were sentenced to prison. Most eventually get paroled.

Currently, my clients on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job, (without much help or support from their parole officers). These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people.

I've had clients released from prison who literally had no money, no place to stay, no job and no plan, yet society expects them to just get it together and stay out of trouble.

This is due to systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on HB2342** and keep our loved ones together.

Aloha,

Wendy Hudson, Esq.

HB-2342

Submitted on: 2/15/2022 8:32:29 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hanalei Fergerstrom	Na Kupuna Moku O Keawe	Support	No

Comments:

Hanalei (Hank) Fergerstrom, Spokesperson Feb. 15, 2022

Na Kupuna Moku O Keawe

P.O. Box 951

Kurtistown, Hawaii 96760

808 938-9994

hankhawaiian@yahoo.com

Na Kupuna Moku O Keawe strongly supports HB 2344 and HB 2342.

We strongly agree that reform of the criminal justice system is definitely need to meet the needs of our current communities and reflects justly the need to recognize of Humanity to each other.

Thank you for all considerations and attention to these matters.

Hanalei Fergerstrom

HB-2342

Submitted on: 2/14/2022 1:24:08 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ian paleka	men of paa	Support	No

Comments:

Aloha every one my name is Ian paleka I'm a graduate of veterans treatment court and currently work here in puna for the men of paa our aina base recovery program here on the big island. I've been here for almost 3 years now helping men change there perspective on life. It's through identification of one's self that we find purpose, try ask anybody who are you most people don't know who they are we get so caught up with living life day to day that we forget who we are and where we come from. It's through spirituality that I connect as a child of God, it's through working my culture, chants, and traditions I connect as one kanaka. As one kanaka my purpose is to take care the land because the land going take care me, as one child of God my purpose is to love thy God love thy neighbor as I love self. I feel that our kanaka men should have an opportunity to connect with there identity and it's through that they going find the purpose needed to succeed. I was given multiple Chances to change today I've been clean almost 3 years I help men coming out of jail and help them acclimate back into society. Teaching them what I learned with the men of paa.



HAWAII APPLESEED
CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
In Support of HB2342 – Relating to Parole
Wednesday, February 16, 2022, at 10:00 AM via Videoconference

Aloha Chair Ohno & Vice Chair Ganaden,

Thank you for the opportunity to provide testimony in strong **SUPPORT of HB2342**, which would modify parole rules.

Currently, parolees in Hawaii can be reincarcerated for making simple mistakes, technical violations, which harm no one. If a parolee misses a parole appointment or is working at a job during times that extend past curfew, the current system leans in favor of reincarceration instead of working on the problem and helping the parolee.

Reincarceration hurts the public in many ways, primarily by destabilizing individuals on parole, their families, loved ones, and their communities. Native Hawaiians, Pacific Islanders, and other minority groups are primarily impacted due to their numbers in the parole system.

Parole is already a stressful and difficult time for both the parolee and their families. Most people released from prison struggle to find stable housing, struggle to find and maintain employment, and struggle to further their education ... all of which are, in part, caused by systemic injustices, community disinvestment, and the stigma and discrimination associated with having a record.

This vicious cycle leaves many on parole even more vulnerable to houselessness and unemployment, which further increase the likelihood that parolees will be rearrested for crimes of poverty.

There are significant benefits to the parolee, their family, their community, and the state, by not having them reincarcerated due to technical violations. The bill provides flexibility to address and distinguish these technical and minor violations from violations that are more serious and which cause harm (ie. Committing another crime.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on HB2342.**

Thank you for considering this testimony.

I do not intend to provide oral testimony at the hearing.

Ray Kong
Legal Director
Hawaii Appleseed Center for Law and Economic Justice
Lawyers for Equal Justice

HB-2342

Submitted on: 2/15/2022 11:57:27 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dave Mulinix	Our Revolution Hawaii	Support	Yes

Comments:

Aloha Committee,

My name is David Mulinix, Co-founder & Hawaii State Organizer for Our Revolution Hawaii. On behalf of our 5,000 members and supporters statewide we stand in STRONG SUPPORT of HB2342 that creates a good time credit system, by which a parolee may reduce the parolee's sentence through compliance with conditions of parole. Provides that a condition of parole that prohibits unnecessary associations may only apply with respect to certain persons having a connection to the parolee's underlying crime or the prosecution of the crime. Provides that a condition of parole that prohibits the possession or use of alcohol or unauthorized drugs may only be imposed if it reasonably related to the crime for which the parolee was convicted. Provides that substance abuse treatment shall not be required of a parolee if a program is not available in the county of the parolee's residence or if the parolee has not been accepted into a program. Prohibits incarceration for certain technical violations.

Please pass HB2342.

Mahalo for your kind attention,

David Mulinix, Cofounder & Hawaii State Organizer

Our Revolution Hawaii.

HB-2342

Submitted on: 2/14/2022 1:01:59 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
carlos bellotto	Kanaka o puna	Support	Yes

Comments:

I support bill HB2342

HB-2342

Submitted on: 2/14/2022 2:45:26 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gladys C Baisa	Individual	Support	No

Comments:

I am in strong support of probation & parole reform. Thank you.

HB-2342

Submitted on: 2/14/2022 3:21:32 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erick Peter Ehrhorn	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Peter Ehrhorn and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

HB-2342

Submitted on: 2/14/2022 4:25:32 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danielle Bergan	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Danielle Bergan, and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Danielle Bergan

HB-2342

Submitted on: 2/14/2022 4:27:02 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara L. George	Individual	Support	No

Comments:

My name is Barbara George and I am testifying in strong support of HB2342 relating to parole. This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **I urge you in the strongest terms to vote yes on HB2342.**

HB-2342

Submitted on: 2/14/2022 5:34:06 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Peter Koulogeorge	Individual	Support	Yes

Comments:

I strongly support HB2342. With conversations happening about spending upwards of \$1 billion on a new jail, it's really important that we re-evaluate the systems which keep our prisons full. The less money we spend on carceral facilities, the more we can spend to irradiate poverty, uplift Native Hawaiian and other marginalized communities, and set up our children for success. We also need to consider the humanity of those incarcerated, and the reasons why we are willing to lock someone up. These are the relevant considerations which should, after close analysis of the facts, lead us steadily towards reforming parole. People in Hawai'i are locked up for missing an appointment or for struggling to get a job. That's completely disproportionate. This system is bad for public safety. It's bad for people on parole, their families, and their communities; especially for Native Hawaiians, Pacific Islanders, and Black people. Legal discrimination means a lot of people released from prison struggle to obtain stable housing, employment, and other necessities. Our current parole system is more likely to create crime than to prevent it, and ends everyone up worse off because of it.

HB-2342

Submitted on: 2/14/2022 9:11:14 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Greg Puppione	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Greg Puppione and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Greg P.

HB-2342

Submitted on: 2/14/2022 9:25:05 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Ohno, Vice Chair Ganaden, and CMV Committee Members,

As a public health professional and concerned community member, I am testifying in **strong support of HB2342** relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty. Not surprisingly, such instability leads to disparate health outcomes that have deleterious and long-term impacts on our State's health and economy.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on HB2342** and keep our loved ones together.

With gratitude,

Thaddeus Pham (he/him)

HB-2342

Submitted on: 2/14/2022 9:30:41 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Polk	Individual	Support	No

Comments:

Chair Ohno, Vice Chair Ganaden, and members of the House Committee on Corrections, Military and Veterans.

I strongly support HB2344 concerning changes in Parole. I hold a Ph.D. in Social Psychology, and am aware of the many studies in this field that demonstrate, in many different settings, that punishment does not change behavior. What changes behavior is reward for appropriate behavior. Our current parole system is excessively punitive, especially by returning parolees to prison for minor violations of the terms of parole. Not only is that not effective, but it directly interferes with the intent of parole which is to assist individuals in reintegrating with their communities.

On the other hand, a "good time" credit system would provide the incentive for meeting the essential requirements of parole, and would be supportive of reintegration into society.

In addition, the cost of reincarceration, is extremely high, currently estimated at more than \$200 per day. A recent report from DPS found that there were more than a thousand incarcerated persons due to violations of parole (607) and probation (398) requirements. The savings to the State of modifying these policies would go far to providing mental health and drug treatment services to people before they are incarcerated.

For these reasons, I urge you to pass HB2344!

Barbara Polk

HB-2342

Submitted on: 2/15/2022 1:25:34 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christy MacPherson	Individual	Support	No

Comments:

I am in strong support of HB2342.

Mahalo for your consideration.

HB-2342

Submitted on: 2/15/2022 6:15:35 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emily Sarasa	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Emily Sarasa and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Emily Sarasa

HB-2342

Submitted on: 2/15/2022 8:02:37 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lee Curran	Individual	Support	Yes

Comments:

Aloha Chair Ohno, Vice Chair Ganaden and Committee Members,

My name is Lee Curran and I am testifying as an individual who is a co-facilitator of the Transformative Justice Task Force which is part of Faith Action for Community Equity, (FACE) I am testifying in STRONG SUPPORT HB2342 relating to parole reform.

Although my primary focus is cash bail reform this legislative session, I feel deeply moved to testify due to the intersectionality of the myriad of criminal legal injustices. Our nation is addicted to mass incarceration. This started prior to the founding of the United States as a nation and has progressively escalated to the point of an addiction that is a public health and well-being crisis. Policing, surveillance and the carceral system, which includes parole, have always been grounded in classism, racism and a lack of human decency. In this system, minor parole violations lead to re-incarceration.

There is a lot of interest in light of the actions of former legislators English and Cullen about not only what you do in the legislature but the standard at which you do it. Please take this opportunity to consider this parole bill that holds both you and our communities to a higher standard. We are currently on a hamster wheel of dysfunction doing the same old things over and over without success. Let's try something different!

Note that Parole, Probation and Prison are all grounded in Punitive actions and start with the letter "P". Let's evolve to a new letter.... "R".... Reimagine, Refocus, Reform, Rehabilitate. Legislation that reflects this evolution is needed to allow people to safely REMAIN with their families in their communities as they READJUST to life outside of incarceration. Please vote YES on HB2342 and keep our loved ones together.

I am new to this legislative process and certainly don't understand all the nuances and politics that go on behind closed doors. I trust that you will do the right thing to facilitate transformative criminal legal reform.

Aloha,

Lee Curran, Makaha

HB-2342

Submitted on: 2/15/2022 8:12:28 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John A. H. Tomoso	Individual	Support	No

Comments:

02-15-22

HB2342

I am in strong favor of this Bill as I am always interested in reforming our criminal justice system to be more therapeutically and rehabilitatively effective and humane.

Mahalo

John A. H. Tomoso+, MSW, ACSW

cc: Maui Reentry Hui-Bail Reform Committee

HB-2342

Submitted on: 2/15/2022 9:13:34 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
DeVaughn	Individual	Support	Yes

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is DeVaughn Ward and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

DeVaughn Ward

Honolulu, HI 98615

HB-2342

Submitted on: 2/15/2022 9:26:52 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carolyn Eaton	Individual	Support	No

Comments:

Aloha, Chair Ohno, Vice Chair Ganaden and members of the Committee. My name is Carolyn Eaton, and I stand in strong support of HB 2342. The credit system by which a parolee may work towards reducing his or her sentence should be an amazing incentive to release from endless surveillance. Those who suffer revocation of parole as a result of what are termed technical infractions not related to the crime of conviction have swollen our prison populations. Both research and common sense urge against this practice. Mahalo for this opportunity to speak in support for this measure, for parole reform for Hawaii.

HB-2342

Submitted on: 2/15/2022 9:41:12 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shayna Lonoaea Alexander	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Shayna Lonoaea-Alexander and I am testifying in strong support of HB2342, Relating to Parole.

In 2020, at the height of the pandemic, the Hawai'i Parole Authority revoked 321 parolees and returned them to prison. [Out of the 321 parolees returned, 0 had their parole revoked for new felony offenses.](#) That means 321 people were put back in unsafe and unsanitary conditions for making simple mistakes like missing a probation appointment or struggling to get a job.

Incarcerating people for these reasons while knowing that this pandemic has resulted in half of Hawaii's incarcerated people contracting COVID-19 is beyond cruel.

People experience high rates of sexual and physical violence while they are incarcerated. They're being forced into hypervigilant, fearful, and mistrustful ways to cope while [witnessing people alongside them die in record numbers in Hawaii's prisons and jails.](#) When people survive violence while they are incarcerated, they have little access to victim services. When they're released, they have little access to reentry services, essential documents such as their state ID, and they're tracked and surveilled until they miss a phone call repeating the cycle. It's unconscionable that hundreds of people, disproportionately many of them Native Hawaiian and Pacific Islander, are at constant risk from losing their housing, employment, and program enrollment because of allegations or struggling to find a job in one of the most expensive places to call home.

Please pass HB2342.

HB-2342

Submitted on: 2/15/2022 9:53:28 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
nicole rhton	Individual	Support	Yes

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Nicole Rhton and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Nicole Rhton

HB-2342

Submitted on: 2/15/2022 9:59:38 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Miki	Individual	Support	Yes

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is John Miki and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

John Miki

HB-2342

Submitted on: 2/15/2022 10:41:15 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
E. Ileina Funakoshi	Individual	Support	No

Comments:

I'm e.ileina funakoshi supporting HB2342 for the same reasons I submitted for HB2344; truly about incentive.

Thank you for hearing this bill and may you consider it worthy of passage.

Mahalo and Aloha.

HB-2342

Submitted on: 2/15/2022 12:29:37 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carla Allison	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden and Committee Members,

My name is Carla Allison and I am testifying in strong support of HB2342 relating to probation.

Currently, people in Hawai'i on probation or parole can be reincarcerated for making simple mistakes like missing a probation appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people.

Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a felony record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill will help address Hawaii's prison overcrowding conditions and will help ensure those on parole or probation have a better chance at success. HB2342 allows people to safely remain with their families in their communities as they readjust to life outside of incarceration.

A big plus of this bill is that it shifts parole from a punitive system to an incentive-based system, encouraging people to follow the rules and seek assistance when necessary.

Please vote yes on HB2342 and keep our loved ones together, our jails less crowded and give offenders a higher probability of success as they transition back in to our communities.

Mahalo for your consideration,

Carla Allison

Honolulu

Testimony of Jacquie Esser to the House Committee on Corrections, Military, & Veterans

February 16, 2022

H.B. No. 2342: RELATING TO PAROLE

Chair Ohno, Vice Chair Ganaden, and Members of the House Committee:

I write in strong support of House Bill 2342 which creates a good time credit system, limits the conditions that can be included in a term of supervision and prohibits the use of incarceration for certain technical violations.

“Technical violations” of parole are actions that may violate the conditions of supervision but do not break any criminal laws and do not result in criminal charges. They may include such actions as forgetting to update your address, showing up to a meeting late, or missing a curfew – but often result punishment and incarceration. Incarcerating someone for technical violations does not increase public safety; it does the opposite. It destabilizes people by uprooting them from their community ties and perpetuates the cycle of crime.¹ As a public defender, I have seen how these “violations” have a disparate impact on low-income people, many of whom may not have access to transportation or childcare, which results more often in technical violations than people with access to these services and exacerbates the system’s already deep disparities.

Additionally, conditions of supervision are often so onerous that people on parole face greater challenges securing employment and maintaining community connections, two factors that are shown to reduce criminal activity.²

In response to the failures of parole and in recognition of the fact that “the fundamental mission of community corrections as well as the broader system of criminal justice is the well-being and safety of ... communities,”³ major changes are needed to make our system smaller and more focused, less punitive, more humane, and more widely guided by best practices. It will be impossible to meaningfully reduce

¹ Executive Session on Community Corrections, Toward an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections. Program in Criminal Justice Policy and Management, Harvard Kennedy School (2017) at 4, https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/Consensus_Final2.pdf.

² Noah Atchison, Community Organizations Have Important Role in Lowering Crime Rates, <https://www.brennancenter.org/our-work/analysis-opinion/community-organizations-have-important-role-lowering-crime-rates>.

³ Id.

mass incarceration in Hawai'i without solving the challenges of parole and fulfilling its initial purpose and promise. This bill is a step in the right direction.

Mahalo for the opportunity to provide testimony.

HB-2342

Submitted on: 2/15/2022 2:41:17 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Tajeron	Individual	Support	Yes

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Lauren Tajeron and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Lauren Tajeron

HB-2342

Submitted on: 2/15/2022 2:51:58 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colleen Rost-Banik	Individual	Support	No

Comments:

Aloha, my name is Colleen Rost-Banik. I am a resident of Honolulu and a lecturer within the University of Hawaii system, including at the Women's Community Correctional Center. I support HB2342 and urge you to as well. So many of our neighbors who are reincarcerated because of parole violations are simply trying to keep their life together. We haven't made it easy to reintegrate into society, and thus many people end up having parole violations because they are just trying to get by in a society where cost of living is too high and where it's difficult to find a job that pays a living wage. Crimes of poverty should not be the reason why people are reincarcerated.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on HB2342** and keep our loved ones together.

Respectfully,
Colleen Rost-Banik, PhD

HB-2342

Submitted on: 2/15/2022 2:53:30 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Corey Reincke	Individual	Oppose	No

Comments:

I oppose HB 2342

HB-2342

Submitted on: 2/15/2022 3:34:54 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Becky Jones	Individual	Oppose	No

Comments:

This bill was based on cherry picked statistics. Hawaii only surpasses 8 states in incarcerations per capita. Comparing with foreign countries is ludicrous.

Good time credit is a good idea, but not based on the rest of this bill.

Parole/probation conditions only if the underlying crime is "reasonably related" is a poor excuse for relaxing supervision. A huge percentage of crimes are committed because of an underlying addiction whether the crime looks that way on paper or not. If you trust the professionals who write the sentencing reports for the court, let them do their jobs and determine if drug sanctions are appropriate, not you, the legislature.

Substance abuse should not be required only if it is available--get busy and make the necessary funding and RFPs a reality for those counties and districts who do not have substance abuse programs available. The fault lies with the Hawaii legislature if mandatory drug treatment is not available for parole//probation individuals. Don't give yourselves a pass because you failed to provide the tools necessary.

As for not incarcerating for technical violatiions because of overcrowding, I partially agree with that. Prison bed space needs to be made available for serious and repeat offenders. You are overlooking a solution for technical violations, though--Electronic Monitoring. If someone violates, place them on a monitor until they are back on track.

Those who introduced and supported this bill fail to understand the most basic principles of criminal justice. Do your homework better next time.

HB-2342

Submitted on: 2/15/2022 8:43:27 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lindsay Roth	Individual	Support	No

Comments:

I am testifying in strong support of HB2342 relating to parole as a social worker and citizen.

Currently, people in Hawai‘i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Lindsay Roth, LSW

HB-2342

Submitted on: 2/15/2022 10:57:33 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sarah Burns	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Sarah Burns and I am testifying in strong support of HB2342 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on HB2342 and keep our loved ones together.

Mahalo for your consideration,

Sarah Burns

HB-2342

Submitted on: 2/15/2022 11:59:31 PM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ansley Calandra	Individual	Support	Yes

Comments:

Dear Chair Ohno, Vice Chair Ganaden, and other committee members:

My name is Ansley Calandra, and I'm testifying in **strong support of HB2342**, relating to parole. I'm a constituent of Rep. Kobayashi, and I ask that he – as well as the rest of the committee – vote yes on HB2342.

No one should be reincarcerated for simply missing an appointment or struggling to find a job. Revoking people from parole for these reasons hurts public safety by destabilizing individuals and making them more vulnerable to houselessness and unemployment – conditions that increase the likelihood that they will be rearrested for crimes of poverty. HB2342 will eliminate incarceration for technical parole violations, allowing people to safely remain with their families and in their communities as they readjust to life outside of prison. We need our loved ones to no longer be ripped from our communities and thrown in cages simply because they failed to report a change in address or were out past a draconian court-imposed curfew. By ending incarceration for technical parole violations, we will keep families intact and increase public safety.

Please vote yes on HB2342 and keep our loved ones together. Mahalo for your consideration.

Ansley Calandra

HB-2342

Submitted on: 2/16/2022 1:09:09 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
dhyan sandhya	Individual	Support	No

Comments:

Please update our archaic parole laws. Give our citizens a better chance to make it. Mahalo

HB-2342

Submitted on: 2/16/2022 8:26:54 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Malia Lau	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Malia Lau and I am testifying in **strong support of HB2342** relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a record. This also leaves many on parole even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

This bill would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on HB2342** and keep our loved ones together.

Mahalo for your consideration,

Malia Lau

HB-2344

Submitted on: 2/16/2022 8:52:49 AM

Testimony for CMV on 2/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathleen Ladd	Individual	Support	No

Comments:

My name is Kathleen Ladd and I am testifying in strong support of HB2342 relating to parole. Inmates who have served their time and need all of us to help them return home . They do not need extraneous rules that do not apply to their situation nor reinforce any rehabilitation for the crime they committed. Additionally, further unrelated parole stipulations may hinder the parolee's chances of adjusting to normal life, reconnecting with their families, and cause unnecessary disruption to the communities. Furthermore, increased probation stipulations would incur additional and unnecessary expenses for the state of Hawaii to enforce and attempt to prosecute. Funds that could be better spent on rehabilitation programs for those who do need them and families that would benefit from social and mental assistance programs. I urge you to recognize the importance of this bill and how it would help those who have made mistakes and have already paid a huge price move on with their lives, support their families, contribute to their communities and save the state, and all of us, money. Please support HB2342.