



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

ON THE FOLLOWING MEASURE:

H.B. NO. 2344, RELATING TO PROBATION.

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 chapter 706, Hawaii Revised Statutes (HRS), to create a system where persons on probation can shorten their probation supervision periods by merely complying with their probation conditions. It also amends section 706-624(2), HRS, discretionary conditions of probation, to (1) prohibit the court from restricting the probationer from associating with individuals not directly related to the crime for which they are on probation; (2) prohibit the court from restricting a probationer 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) prohibit the court from ordering a probationer to undergo a substance abuse treatment program if none is available in the probationer's county or if the probationer is not accepted into a program. The bill also amends section 706-625, HRS, to prohibit the court from sentencing a probationer to incarceration for failing to comply with their probation conditions if the failure is considered a "technical violation." The bill defines a "technical violation" as any violation of a condition of probation 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 court from revoking probation based upon failure to complete a substance abuse treatment program if none is available in the probationer's county or if the probationer 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. Finally, the bill amends section 706-626, HRS, to allow the court to issue a written notice of a court hearing instead of arresting the probationer, and prohibit the court from arresting a probationer for a "technical violation" of probation, as defined.

The Department opposes this bill as it unnecessarily limits the court's discretion and ability to impose appropriate sentences as required by section 706-606(2), HRS, and for the court to consider public safety concerns in its attempts to supervise and rehabilitate those sentenced to a term of probation.

The "good time credit system" effectively shortens probation terms simply for complying with the terms of probation. The court currently has the discretion to terminate probation early when a probationer does well on probation and the court regularly does so. The "good time credit system" would remove the court's discretion and mandate reduced probation terms. 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 amendments to section 706-624(2), HRS, that limit a court's ability to prohibit association with certain people, to prohibit consumption of alcohol, narcotics, and non-prescription drugs, and to require substance abuse treatment all undermine the court's ability to promote rehabilitation and protect the public from further crimes of the defendant, and to provide the defendant with correctional treatment in the most effective manner as required by section 706-606(c) and (d), HRS.

The amendments to section 706-625, HRS, also limit a court's ability to revoke probation in certain circumstances, including conviction of new crimes unless they fall into a few categories of offenses. Notably, the amendments would prohibit revocation of probation for conviction of: (i) all 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 amendment also interferes with the court's ability to revoke probation for failing to undergo substance abuse treatment.

This bill further also appears to fail to consider the underlying crimes of the probationers, the impact of the crimes on their victims, and the rehabilitative effect of the court's ability to oversee probationers and exercise the court's discretion in that process.

The Department opposes this bill and requests that it be held.

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. 2344: RELATING TO PROBATION

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

The Office of the Public Defender strongly supports H.B. No. 2344. This measure (1) creates a good time credit system to reduce the term of probation; (2) provides that a condition of probation that prohibits unnecessary associations may only apply to persons with a connection to the defendant’s underlying crime; (3) provides that a condition of probation 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 defendant was convicted; (4) provides that substance abuse treatment shall not be required of a defendant on probation if a program is not in the county of the defendant’s residence and if the defendant has not been accepted into a program; and (5) prohibits incarceration for certain technical probation violations. This measure will, in fact, reduce pre-trial over-incarceration and prevent long-term prison sentences.

Good time credit system to reduce probationary period

Although usually associated with reducing prison time, a good time credit system will work just as well with defendants who are on probation. Especially for first time offenders whose underlying criminal conduct would appear to be an aberration in an otherwise law-abiding life, shortened probationary periods would be well received. But even for the less “innocent” defendants, a good time credit system would encourage model behavior by defendants and an enthusiastic compliance with terms and conditions of probation. Defendants who are motivated to succeed on probation would have a better understanding of how their conduct and compliance are directly related to a reduction of their probationary period. Rather than the common and well-accepted model of punishment as a means of rehabilitation, a good time credit system implements the notion of positive reinforcement, or “the act of rewarding a positive behavior in order to encourage it to happen again in the future.” I imagine that Adult Client Services would be in support of this measure

and would support the idea of a good time credit system because (1) it would assist probation officers with difficult or non-compliant defendants and (2) reduce the caseload of probations officers, as probationary periods will be shortened.

Prohibiting incarceration for certain technical violations

In HRS Section 706-625 (11), defining “technical violation,” this measure correctly and appropriately places recidivism, or a return to crime, as the top priority of probation. Other violations, aside from re-offending and committing certain misdemeanors or a new felony offense, are deemed “technical violations.” While failing to comply with terms and conditions of probation is not a good thing, it is wholly appropriate that a defendant’s probation should not be revoked because of a “technical violation.”

Many OPD clients are homeless. It is unfortunate, but for many defendants on probation, every day life is rife with challenges, hardship, and struggle. Many of the clients the OPD represent, on a day-to-day basis, do not know where they will sleep at night or where they will get their next meal. They live in constant fear of having their few possessions stolen and being the victim of random violence on the street. Life for these individuals is more about survival, and the sad truth is that these individuals often have difficulty in complying with each and every term and condition of probation.

Many OPD clients have jobs that are not always accommodating for a person on probation. They work long, hard hours. They do not have vacation or sick leave. Absences are discouraged. They must decide to risk losing their job (which they need to keep in order to provide for their family) or to keep an appointment with the probation officer or their substance abuse counselor. These clients may or may not have time to go to substance abuse treatment, or to call and check-in with their probation officer, or to rush over to Adult Client Services to provide a urine sample. It is truly heart-wrenching to see these individuals get arrested on a probation revocation bench warrant because they were guilty solely of a technical violation of probation.

While HOPE¹ probation boasts high-intensity supervision and a zero-tolerance policy (meaning a bench warrant will issue for even the slightest violation),

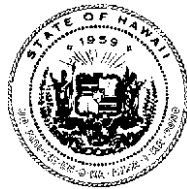
¹ “HOPE” is an acronym for “Hawai‘i’s Opportunity Probation with Enforcement,” a high-intensity supervision program to reduce probation violations by drug offenders and others at high risk of recidivism. Probationers in HOPE Probation receive swift, predictable and immediate

“regular” probation sometimes waits too long to bring in a poorly performing defendant. With the language found in HRS § 706-626 (1)(b), requiring that a written notice of a court hearing shall issue to the defendant (and not a bench warrant) when only a technical violation has occurred, judges are able to reach out to that defendant that needs a stern word or words of encouragement to get onto the right track and to start performing on probation. These court dates might also be used to discover if the multitude of programs and resources available to Adult Client Services might be helpful to the defendant’s success.

Rather than issuing a bench warrant on a minor technical violation to be served on a defendant which, often times, results in pulling the defendant out of his/her life, humiliating the defendant at home or at work, and sometimes causing the defendant to lose his/her livelihood and possibly their home and their family, a letter that directs the defendant to appear before a judge is a more fair and humane practice.

We strongly support H.B. No. 2344 and thank you for the opportunity to present testimony to this committee.

sanctions -- typically resulting in several days in jail -- for each detected violation. *See* https://www.courts.state.hi.us/special_projects/hope/about_hope_probation



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 3, 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: **HB2344 Related to Probation**

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:"

Probation works by allowing defendants to retain many of their freedoms, if they meet strict conditions mandated by the court. Probation involves court-ordered formal supervision, with stringent terms, for a given length of time. Violating the terms of probation can result in additional charges and penalties.

There is a need for probationers 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 jail for technical violation can cause strain on family financial income and total wellbeing.



The Judiciary, State of Hawaii

Testimony to the Thirty-First State Legislature, 2022 Regular Session

House Committee on Corrections, Military, & Veterans
Representative Takashi Ohno, Chair
Representative Sony Ganaden, Vice Chair

Wednesday, February 16, 2022 at 10:00 a.m.
Via Videoconference

by
Brook M. Mamizuka
Probation Administrator
First Circuit Court

Craig S. Hirayasu
Probation Administrator
Second Circuit Court

Dean T. Hiraki
Probation Administrator
Third Circuit Court

Rennette S. Garma
Probation Administrator
Fifth Circuit Court

Bill No. and Title: House Bill No. 2344, Relating to Probation.

Purpose: Creates a good time credit system, by which a defendant on probation may reduce their time on probation through compliance of probation conditions. Provides that a condition of probation that prohibits unnecessary associations may only apply with respect to certain persons having a connection to the underlying crime or the prosecution of the crime. Provides that a condition that prohibits the possession or use of alcohol or unauthorized drugs may only imposed if it reasonable related to the crime for which the defendant was convicted. Provides that substance abuse treatment shall not be required of a defendant on probation if a program is not



available in the county of the defendant's residence or if the defendant has not been accepted into a program. Prohibits incarceration for certain technical violations

Judiciary's Position:

The Judiciary supports criminal justice reform, but must respectfully oppose House Bill 2344 because it would undermine public safety. The mission of the Judiciary's Adult Client Services is to facilitate defendants' compliance with the orders of the Court and to enhance the safety of the community through efficient crime reduction and prevention services and activities that assist and guide offenders in their rehabilitation. Adult Client Services does not look to incarcerate offenders, on the contrary, evidence-based practices are utilized to effectuate prosocial change in offenders. Additionally, the Judiciary has not only been supportive, but has taken action in addressing criminal justice reform by implementing Act 179, creating Specialty Courts (Drug Court, Mental Health Court, Veterans Treatment Court), partnering with other agencies to create the Interagency Council on Immediate Sanctions which the Judiciary actively leads and participates, and creating specialized sex offender and domestic violence probation units. These efforts were made and continue to be utilized to work with and help offenders, not incarcerate them. In FY 2020-2021, there were 18,505 offenders on court ordered supervision. Of the 18,505 offenders, 495 were returned to court for technical violations and 160 were returned to court for new convictions. Only 3.54% of the total number of offenders were revoked over the last Fiscal Year. This demonstrates the commitment that Adult Probation Officers have to working with offenders to help them and address their needs.

This bill incorporates all individuals on probation. There are different types of probation which includes general probation and HOPE probation and also supervision by the Specialty Courts which have different standards. This bill entails radical reform which is not feasible at this time and the impact on the supervising probation departments may not benefit the community, the victim and may pose a liability rather than a benefit. The definition of "technical violation" within the bill is broad and implies that revocation of probation is based on a single missed appointment; a single positive drug test; a single curfew violation due to having to work late; failing to report a change in address; or associating with another person under legal supervision, even if that other person had no involvement in the defendant's crime. Probation officers are trained to assess a defendant's level of risk and address a defendant's criminogenic needs while monitored their progress and ensuring the court-order is adhered to. Probation Officers are committed to treating a defendant as a whole person and work on long-term success of the defendant. Revocation of probation is considered and initiated as a last resort based on the defendant's accumulations of violations and/or the seriousness of a probation violation while considering the safety of the community and/or the victim.



Additionally, probation's goal is to rehabilitate the whole individual, not just for the crime that they are currently placed on probation. An overwhelming number of offenders that are placed on probation have long-standing and ongoing problematic issues which include substance abuse, mental health, domestic violence, sexual deviance, and anger management. Often, these may not be associated with the current crime, however, they are the issues that offenders struggle with and that play a role in their poor coping skills and criminal thinking and behavior. Probation is charged with rehabilitating the whole person, and the crime that they are currently on probation for is just the current by-product of unresolved trauma and experiences that they have lived with since childhood. The purpose of probation is not about ensuring compliance and early release for an offender, it is about helping an offender address and resolve these long-standing issues that they have been dealing with so they can lead healthy and productive lives for themselves, their families, and the community.

The Judiciary is charged with helping to rehabilitate these individuals and HB 2344 would be an obstacle in our ability to effectuate change, hold them accountable, and provide victim and community safety. Therefore, the Judiciary opposes HB 2344 for the following reasons:

- The good time credit system as written in the bill is vague and subjective. There is no definition of "complaint" and no clarification of "... proportion to the severity of the defendant's failure to comply with the condition" as it pertains to credits being forfeited. The lack of this clarification will result in credits and forfeiture of credits being open to interpretation by all parties involved, including the offender. This would provide confusion and would not be beneficial to the offender or the probation office.
- Proposing this measure is unnecessary as there is already something similar in place to allow the termination of probation. Currently, a defendant has the option to seek early termination of probation with the support of the probation officer. Early termination of probation is not assessed by the length of time a person has been on probation, but by their positive choices/decision making and their protective factors that will support their behavior changes. The defendant has the option to motion the court for early termination of probation and consideration for early termination is determined if the court-ordered conditions have been completed and they have been assessed based on the Level of Service Inventory-Revised (LSI-R), and the court will make the determination.
- There is no system in place to calculate good time credit. This will be time-consuming and will impact statewide operations. If this were to be implemented, the Adult Client Services would need to develop statewide policy, procedures, and training. If a statewide credit system is adopted, a database would be necessary to ensure fairness, consistency, and accuracy. The development and or adoption of a statewide system would add additional costs to purchase a database or to create an enhancement to the current database. Further, annual costs to maintain the database would be required.



- If offenders seek an early termination of their probation term, there are mechanisms in place for them to do so. These mechanisms include the offender filing a motion for early termination of their probation term or filing a motion to reconsider their sentence. There are viable options for offenders to pursue for early termination of their court ordered supervision.
- Limiting conditions of probation that only address the offender's underlying crime for which they are placed on probation, including prohibiting associations and imposing that offenders not possess or use alcohol or prohibited drugs, is counterproductive to the rehabilitation efforts and process.
- Social learning theory suggests that we learn from the groups we have the greatest amount of contact. Having companions/associates/friends who are pro-criminal is a high risk factor for crime. Prohibiting association with known gang members, convicted felons, drug dealers, and violent offenders who may not be involved in the underlying conviction for which the offender is on probation, provides a deterrent and protective factor for the offender and the community. Additionally, minors and the community would be unprotected and vulnerable against sex offenders who may be predators in the community.
- Substance abuse is a precursor for criminal conduct, impulsive behavior, lack of judgment, lowered inhibitions, increased violence and general instability. Alcohol and drug abuse contribute to poor self-regulation and mood instability. Untreated substance abuse interferes with employment, housing, health care, child custody, and other life opportunities that negatively impact families and communities. On O'ahu in FY 2020-2021, 10,863 defendants were on probation supervision. During the same period, 5,763 defendants received substance abuse treatment. More than half or 53.05% of defendants had a substance abuse disorder. If this condition of probation was only applied if drugs/alcohol were related to the present offense, this would essentially allow all other probationers who do not meet this criteria to use illegal drugs and alcohol without consequences or be left untreated. Without this condition and the condition that a defendant submit to drug/alcohol testing, probation may not know if a defendant has a drug or alcohol addiction and would not reasonably be able to assist the individual with their substance abuse issue. The continued abuse of illegal drugs or alcohol by defendants could have further negative impact on the safety of the community as defendants may continue to commit further crimes against person or property while intoxicated or to support their addiction. Additionally, continued alcohol and drug abuse could put further strain on law enforcement, emergency rooms, substance abuse treatment providers, mental health providers, jails and the courts.



- It is a disservice to the defendants that require a specific level of treatment that cannot be accommodated by the county in which they reside. A defendant left without the proper level of treatment or care for mental illness or a dual diagnosis issue may pose a serious threat/danger of harm to themselves and/or the community.
- The term “good faith efforts” is a vague term. What constitutes “good faith efforts” can be up to interpretation on the defendant’s part and on the probation officer. Is "good faith efforts" calling a treatment program once a month to get into treatment or once a week to get into treatment.
- The counties of Maui, Hawai‘i, and Kaua‘i do not have a long term residential treatment facility nor a dual diagnosis program which may be more appropriate for certain defendants. If a defendant is determined to need placement in a long-term residential treatment facility, defendants are referred to neighbor-island facilities for specific treatment needs. To limit the probation officer’s ability to make a referral to an appropriate program outside of the county that the offender resides would be detrimental to the offender as they will not receive the proper level of treatment and care needed.
- Incarceration is a tool utilized to deter non-compliance. If the courts are prohibited from imposing incarceration for technical violations of probation, there needs to be an alternative sanction for the court to impose. There cannot be violation(s) of court orders by defendants without consequences for the violations. This would further reinforce that criminal behavior is tolerated and there are no reasons for pro-social change. A possible alternative to incarceration could be the expanded use of electronic monitoring for technical violations. However, if they violate the parameters of electronic monitoring, there is no incentive for the defendant to comply if incarceration is not a possible consequence. Currently, the Adult Client Services are not staffed and equipped to handle an expansion of electronic monitoring. Statewide funding would be needed to create and staff an electronic monitoring unit for each county (O‘ahu, Maui, Moloka‘i, Lana‘i, Hilo, Kona, and Kaua‘i). Additionally, there would also need to be funding to pay for the costs of electronic monitoring for indigent individuals and electronic monitoring equipment that were damaged or destroyed by defendants while absconding.
- Without having the possibility of serious consequences such as incarceration, there is no motivation for defendants to complete services such as sex offender treatment, anger management, domestic violence programs, substance abuse treatment, and mental health treatment. Additionally, there will be no incentive for the defendant to make payment of restitution, fines, and fees nor meet with their probation officer or refrain from illicit substance use. Defendants who violate the conditions of their probation will not be held accountable to their victims or the community.



- If the courts do not have the ability to revoke probation for continued use of drugs or alcohol, this would continue to reinforce criminal behavior. This may have a negative impact to public safety as there is a possibility that the individual would spiral further into their addiction and commit crimes against persons or property while intoxicated to support their addiction. Continued drug or alcohol abuse could put further strain on law enforcement, emergency rooms, substance abuse treatment providers, mental health providers, and the courts. If a defendant who is on probation for Habitual DUI cannot be revoked due to alcohol use or a person becomes violent when using methamphetamine cannot be revoked when they test positive for continued use, that is a potential public safety issue. Again, continued drug/alcohol use could also interfere with employment, housing, health care, child custody, and other life opportunities that have a negative impact on family and communities.
- Further, the term “reasonably related to the offense for which the defendant was convicted” is unclear. This ambiguity will cause a disparity in sentencing.
- Probation officers have many tools to use when working with their defendants. The defendants are given numerous opportunities to comply with the orders of the Court. One of the last tools used is revocation of probation and possible incarceration. Without this tool, there is no consequence if a defendant does not make the necessary changes in their lives to become prosocial, law-abiding citizens. The defendants will have no motivation to change the behavior that brought them before the Court. Defendants’ issues ranging from drug/alcohol use, mental health, domestic violence, and sex offenses will not be addressed. Additionally, this may reinforce a defendant's pro-criminal thinking, which increases the risk of recidivism and the risk to the public.
- Both the summons and the warrant provide the courts and attorneys with an operational procedure that allows the court to calendar the hearing and provide for proper notice of the hearing.
- The definition of “technical violation” as proposed in this bill means any condition that violates a condition of community supervision, other than the commitment of a new misdemeanor offense under Chapter 134, Chapter 707 or Section 709-906, or a new felony offense. We oppose the use of this definition as it does not allow the adult probation officer to effectively supervise. The bill lessens the authority of the adult probation officer and disregards the probation officers ability to evaluate when violations (be they technical or not) warrant incarceration. Sex offenders whose offense involves child pornography may have a restriction against contact with minors (not necessarily minors involved in the case). Domestic Violence offenders whose offense involves an intimate partner may have a restriction against direct or indirect contact with the victims (the indirect contact may involve family member or employers who are not necessarily



House Bill No. 2344, Relating to Probation
House Committee on Corrections, Military, & Veterans
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the victims of the crime). The Adult Probation Officers are tasked with managing convicted felons in the community and facilitating individual needs of rehabilitation and treatment, while balancing the needs of public safety.

Thank you for the opportunity to testify on House Bill 2344.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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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. 2344; RELATING TO PROBATION.

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. 2344.

The primary effect of H.B. 2344, if passed, would be to *prohibit* courts from revoking probation or imposing any incarceration, for essentially any violation of the terms and conditions of probation, unless the person commits one of several offenses listed in the bill.

The Department strongly believes in the rehabilitative opportunity provided by probation, and further believes that all of the treatments, services, mandates and restrictions that probationers are required to follow—as specifically crafted by the court for each offender—are part of that rehabilitative process. Refraining from the consumption of alcohol and illicit drugs, for example, gives probationers the best possible chance to think clearly and comply with all the other conditions of their probation. Poor association can lead to a probationer reoffending, such as spending time with their former drug dealer, even though they were not recently convicted of a drug offense. Treatment is perhaps one of the most important conditions of probation, and provides offenders 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 someone is on probation, or thereafter, if left untreated.

Of particular concern is that failure of a probationer to complete sex offender treatment, domestic violence intervention, or any other mandated treatment programs would be considered a “technical violation” for which the courts could never revoke probation. The Department notes that some specialty courts maintained by the Judiciary are built upon the court’s ability to impose brief periods of incarceration, as an immediate ramification for certain violations, as necessary to further the

rehabilitative process. In particular, the HOPE Program—which targets the most challenging probationers, has been the focus of numerous top quality studies, and has been adopted by courts across the nation—has used this approach for many years, to the benefit of many prior offenders. One study conducted by researchers from Pepperdine University and the University of California, Los Angeles, found that:

In a one-year, randomized controlled trial, HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments with their supervisory officer and 53 percent less likely to have their probation revoked. As a result, they also served or were sentenced to, on average, 48 percent fewer days of incarceration [i.e. prison] than the control group.

Notably, the study found that jail bed days for HOPE probationers and those on regular probation were the same, while HOPE probationers were sentenced to 48% fewer days in prison. Additionally, Native Hawaiians in HOPE were 42% less likely to have their probation revoked and sent to prison compared to Native Hawaiians in regular probation.

While proponents of H.B. 2344 seem to fear that people on probation are having their probation revoked for a single, insignificant violation of their terms and conditions of probation, that has not been the Department’s observation or experience in these proceedings. In fact, courts in the First Circuit are widely known to allow probationers multiple chances, and great efforts are taken to weigh the severity of an offender’s particular violations and circumstances, sometimes to the frustration of the Department and crime victims who are affected by the offender’s underlying crime.

As a final note, H.B. 2344 defines “technical violations” so broadly that it would only allow courts to revoke probation, or order someone to incarceration, if the probationer commits one or more of a very limited number of offenses. Upon reviewing the short list of offenses that *would* allow courts to revoke probation (page 15, lines 17-20), the Department is deeply concerned that H.B. 2344 would literally allow someone to commit a wide variety of serious offenses—or arguably multiple offenses—without any possibility of having their probation revoked, or being ordered to incarceration, for violating their probation. 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. 2344 appears to have good intentions, in terms of wanting to recognize those who comply with the terms and conditions of their probation, the courts already have ample authority to lighten restrictions on probationers, reconsider any terms and conditions of probation, or even terminate probation early, and it does so with the specific circumstances of each individual in mind. While the Department may not always agree with every sentencing decision made by the courts, it does recognize that a case-by-case assessment of each offender is far more effective and far more beneficial to rehabilitation—and to public safety—than any of the propositions contained in H.B. 2344.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes passage of H.B. 2344. Thank for you the opportunity to testify on this matter.

COMMUNITY ALLIANCE ON PRISON

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

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



COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, February 16, 2022

10:00 AM

HB 2344 - STRONG SUPPORT FOR PROBATION 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 out of probation. This bill presents some things to encourage outcomes that provide hope and employs proven strategies.

HB 2344 prevents people on probation 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 probation 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 probation. It is important that people have something to work toward, instead of endless surveillance.

According to the February 7, 2022 DPS Population Report¹, currently there are 398 people on probation statewide – 9.8% of the total imprisoned population. Most of these folks are there for substance misuse or technical violations of the conditions of their probation. This is a HUGE expense. At \$219 a day this costs \$87,162 a day, \$610,134 a week, \$2, 440,536 a month, and \$29,286,432 a year. Wouldn't it make more sense to use our resources to help people succeed by providing the much-needed programs and services? Helping people realize a better life for themselves and their families is a more positive approach.

Community supervision has turned into surveillance instead of helping people realize their goals and the benefits of living their lives as contributing community members. Though probation is often seen as a way to combat mass incarceration, many people in jail are there because they are suspected of violating probation. The February 7th Department of Public Safety population report shows that 9.8% of the total statewide incarcerated population (4,069) are probation violators (398).

Probation is now the most common criminal sentence in the United States, the specter of probation detention hangs over the nearly four million adults living under probation supervision.² In the United States, “liberty is the norm” – unless you are on probation or any other form of community supervision.³

Reforming probation so the state doesn't incarcerate so many people for violating technical conditions and encouraging 'good time' credits for compliance are strategies that work. The former head of Probation who was on the HCR 85 Task Force spoke about the efficacy of incentivizing people to promote change. This is more effective and humane.

A graph on page 4 from the latest (March 2021) Interagency Council on Intermediate Sanctions report shows the recidivism rate of Hawai'i probationers, parolees, and those who service their maximum sentences. It examines the time-period recidivism rates for probationers, parolees, and maximum term released prisoners. <https://icis.hawaii.gov/wp-content/uploads/2021/05/2019-Hawaii-Recidivism-Update.pdf>

From the supervision start date,

- 859 (39.9%) offenders recidivated within the first 12 months of supervision,
- 272 (12.7%) recidivated between 12 through 24 months (52.6% cumulative recidivism rate), and
- 26 (1.2%) offenders recidivated between 24 through 36 months (53.8% cumulative recidivism rate) from the follow-up start date.

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 Fiona Doherty, Obey All Laws and Be Good: Probation and the Meaning of Recidivism, 104 GEO. L.J. 291, 292, 354 (2016).

³ United States v. Salerno, 481 U.S. 739, 755 (1987).

This shows that there needs to be more services needed in the first 12 months as we see the decline in recidivism the 2nd year, and a very small number in year number three.

Hawai`i needs to implement alternatives to help people who don't comply with the conditions of probation, which should be reasonable and address the underlying offense that led to probation. There needs to a clear path to freedom so that people can plan for success.

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?

Incentivizing people is a way to introduce new ways of living to someone. Offering good time for compliance with conditions is a good incentive.

Hawai`i needs to abandon punishment a way to change behavior. Equitable and humane treatment would go a long way toward demonstrating the behavior we want to see in our communities.

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

Mahalo for this opportunity to testify



HAWAII APPLESEED
CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai‘i Appleseed Center for Law and Economic Justice
In Support of HB2344 – Relating to Probation
Wednesday, February 16, 2022, at 10:00 AM via Videoconference

Aloha Chair Rhoads & Vice Chair Keohokalole,

Thank you for the opportunity to provide testimony in strong **SUPPORT of HB2344**, which would modify probation rules.

Currently, people in Hawaii on probation can be reincarcerated for making simple mistakes, technical violations, which harm no one. If they miss a probation appointment or are 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 them.

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 probation system.

Parole is already a stressful and difficult time for both the person on probation 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 probation even more vulnerable to houselessness and unemployment, which further increase the likelihood that they will be rearrested for crimes of poverty.

There are significant benefits to the person on probation, 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 HB2344.**

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-2344

Submitted on: 2/15/2022 9:15:51 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Debbie A Cabebe	MEO	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

I am writing in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

Mahalo for your consideration,

Debbie Cabebe, CEO

Maui Economic Opportunity



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. 2344 Relating to Probation

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

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **strong support of H.B. 2344**. This bill eliminates incarceration as a sanction for technical violations of probation, creates a good time credit system for reduction of probation terms, and prohibits the imposition of certain unreasonable probation 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*, 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 Probation is Costly and Ineffective Compared to Alternatives

Imposing incarceration on people for technical violations—things like a missed appointment, being late for curfew because of work, associating with someone with a criminal record, relapse, 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.⁴

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, 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**.⁵ Of this number, 19,619 individuals were serving probation sentences.⁶

Critically, there is no evidence that incarcerating people for non-criminal probation infractions improves public safety. Instead, it destabilizes individuals on probation by erasing fragile progress made 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.

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 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.

⁵ <https://nicic.gov/state-statistics/2019/hawaii-2019>.

⁶ *Id.*

To ensure compliance with technical probation 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.

Moreover, H.B. 2344 **proposes critical prohibitions on the use of certain unreasonable conditions of probation**, including restrictions on association with individuals who have a criminal record.⁷ This type of condition disproportionately impacts marginalized communities and people of color, 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 also stops individuals on probation from being **penalized for 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 that ensure people are not punished for failing to comply with unrelated, impossible, or overly punitive conditions.

Finally, probation 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 should be invested into health care, treatment and services that are more effective at helping people transform their lives and enhancing community safety.

H.B. 2344 is a comprehensive bill that would improve the probation system in Hawai'i in significant ways. For these reasons, please pass **H.B. 2344**. Thank you for the opportunity to testify.

Sincerely,
Carrie Ann Shiota
Carrie Ann Shiota
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.

⁷ HRS § 706-624 lists possible discretionary conditions of probation. Relevant to restrictions on association is § 706-624(2)(g), which allows the court to require that the defendant “[r]efrain from frequenting specified kinds of places or from associating unnecessarily with specified persons, including the victim of the crime, any witnesses, regardless of whether they actually testified in the prosecution, law enforcement officers, co-defendants, or other individuals with whom contact may adversely affect the rehabilitation or reformation of the person convicted,” as well as § 706-624(2)(t), which, operating as a catch-all, allows the court to require the defendant “[s]atisfy other reasonable conditions as the court may impose.” HRS § 706-624. Although these provisions suggest there may be some limitations to the possible restrictions on association, the broad, all-encompassing language of § 706-624(2)(t) still warrants—and necessitates—an explicit prohibition on blanket conditions that restrict association.



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

WENDY HUDSON • ATTORNEY AT LAW
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February 15, 2022

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Wendy Hudson and I am testifying in **strong support of HB2344** 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 had thousands of clients who were sentenced to probation, usually after some amount of jail time.

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

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 HB2344** and keep our loved ones together.

Aloha,

Wendy Hudson, Esq.

HB-2344

Submitted on: 2/16/2022 12:01:36 AM

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 HB2344 that creates a good time credit system, by which criminal defendant on probation may reduce their time on probation through compliance with conditions of probation. Provides that a condition of probation that prohibits unnecessary associations may only apply with respect to certain persons having a connection to the underlying crime or the prosecution of the crime. Provides that a condition 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 defendant was convicted. Provides that substance abuse treatment shall not be required of a defendant on probation if a program is not available in the county of the defendant's residence or if the defendant has not been accepted into a program. Prohibits incarceration for certain technical violations.

Please pass HB2344.

Mahalo for your kind attention,

David Mulinix, Cofounder & Hawaii State Organizer

Our Revolution Hawaii.

HB-2344

Submitted on: 2/14/2022 2:40:43 PM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr. RaeDeen M. Keahiolalo	Individual	Support	No

Comments:

I am writing offer my strongest support for HB 2344. This bill not only increases public safety but also affords people the resources necessary to successfully reintegrate into community.

RaeDeen M. Keahiolalo, PhD

HB-2344

Submitted on: 2/14/2022 2:44:14 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-2344

Submitted on: 2/14/2022 4:27:30 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 Rhoads & Vice Chair Keohokalole,

My name is Danielle Bergan and I am testifying in **strong support of HB2344** relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344** and keep our loved ones together.

Mahalo for your consideration,

Danielle Bergan

HB-2344

Submitted on: 2/14/2022 4:30:12 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 HB2344 relating to probation.

I urge you in the strongest terms to vote yes on HB2344.

HB-2344

Submitted on: 2/14/2022 5:35:46 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 HB2344. 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 probation. 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. So, our current probation system is more likely to create crime than to prevent it, and ends everyone up worse off because of it.

HB-2344

Submitted on: 2/14/2022 9:12:08 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 HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Greg P.

HB-2344

Submitted on: 2/14/2022 9:25:15 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 Probation. 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 probation system is excessively punitive, especially by returning probationers to prison for minor violations of the terms of probation. Not only is that not effective, but it directly interferes with the intent of probation 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 probation, 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 probation (398) and parole (607) 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-2344

Submitted on: 2/14/2022 9:27:44 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 HB2344** relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation even more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty. Not surprisingly, such instability increases poor health and economic outcomes for both individuals and the State.

Please support this important bill.

With gratitude,

Thaddeus Pham (he/him)

HB-2344

Submitted on: 2/15/2022 1:26:39 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 HB 2344.

Mahalo for your consideration.

HB-2344

Submitted on: 2/15/2022 6:17:17 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 HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Emily Sarasa

HB-2344

Submitted on: 2/15/2022 8:09:19 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 of HB2344 relating to probation 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 probation 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 probation 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!

Notice that Probation, Parole 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 HB2344 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-2344

Submitted on: 2/15/2022 8:18:49 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

HB2344

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. Creating a good time credit system, by which criminal defendant on probation may reduce their time on probation through compliance with conditions of probation, is an example, in my professional and sacerdotal perspectives, of effectiveness and humaneness.

Mahalo

John A. H. Tomoso +, MSW, ACSW

51 Ku'ula Street, Kahului, HI 96732-2906

808-280-1749, john.a.h.tomoso@gmail.com

cc: Maui reentry Hui-Bail Reform Committee

HB-2344

Submitted on: 2/15/2022 9:09:42 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 this bill, which proposes powerful incentives to individuals released from incarceration as probation begins. These smart changes hold a hand out to our men and women beginning probation. The new terms of probation surely translate into the opportunity To Earn a "welcome back" and a message that "we're hoping you rejoin the wider community." Mahalo for this opportunity to express my vision of the Hawaii you can help bring about.

HB-2344

Submitted on: 2/15/2022 9:15:30 AM

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

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

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is DeVaughn Ward and I am testifying in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

DeVaughn Ward

Honolulu, HI 96815

HB-2344

Submitted on: 2/15/2022 9:37:59 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 HB2344, Relating to Probation.

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 HB2344.

HB-2344

Submitted on: 2/15/2022 9:54:54 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 HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Nicole Rhton

HB-2344

Submitted on: 2/15/2022 10:00:21 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:

Ioha Chair Ohno & Vice Chair Ganaden,

My name is John Miki and I am testifying in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

John Miki

HB-2344

Submitted on: 2/15/2022 10:36:52 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 am e. ileina funakoshi writing in support of HB2344 because there are no incentive programs in our prisons for the offender to work towards. This bill will give them something to help improve their conduct.

Mahalo and Aloha.

HB-2344

Submitted on: 2/15/2022 12:24:16 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 HB2344 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. HB2344 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 HB2344 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

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

February 16, 2022

H.B. No. 2344: RELATING TO PROBATION

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

I write in strong support of House Bill 2344 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.

The probation system as it currently operates must be changed back to what it was originally intended to do: a system to address people's needs in order to reduce crime in the community.¹ "Technical violations" of probation 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.² 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 probation face greater challenges securing employment and maintaining community connections, two factors that are shown to reduce criminal activity.³

In response to the failures of probation and in recognition of the fact that "the fundamental mission of community corrections as well as the broader system of

¹ Cecelia Klingele, Rethinking the Use of Community Supervision, 103 J. CRIM. L. & CRIMINOLOGY 1015, 1024 (2013), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7463&context=jclc>.

² 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.

³ 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>.

criminal justice is the well-being and safety of ... communities,”⁴ 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 mass incarceration in Hawai‘i without solving the challenges of probation and fulfilling its initial purpose and promise. This bill is a step in the right direction.

Mahalo for the opportunity to provide testimony on this bill.

⁴ Id.

HB-2344

Submitted on: 2/15/2022 2:37:53 PM

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

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

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Lauren Taijeron and I am testifying in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Lauren Taijeron

HB-2344

Submitted on: 2/15/2022 2:59:52 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'm a resident of Honolulu and a lecturer within the University of Hawaii system, including at the Women's Community Correctional Center. I support HB2344 regarding probation and urge you to as well. We have not made reentry into society for our neighbors easy. It is quite difficult for people on probation to find jobs that pay living wages in a society where the cost of living is too high. These realities contribute to the difficulty of maintaining the terms of probation. We need to address the challenges of reentry and provide the supports for people to be successful as opposed to further disciplining them when they stumble.

Please vote yes on HB2344.

Respectfully,
Colleen Rost-Banik

HB-2344

Submitted on: 2/15/2022 3:49:50 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 is legislation at its worse, not because of the context of the bill, but for the underlying reason. Rather than making wise decisions related to prison overcrowding, you are looking for easy answers that will only exacerbate crime in Hawaii.

Good time credit on probation is a good idea, but not as it relates to the other items on this bill.

Just because a crime does not appear on paper to be drug or alcohol related, does not mean it wasn't. Addiction is the prime motivator for the lions share of many crimes. The decision for whether sanctions relating to drugs or alcohol on probation should be left up to the probation officer, not the legislature.

Prohibiting associations with only those related to the underlying crime is insufficient. Probationers should be restricted from association with all individuals currently under supervision, incarcerated, or who have a warrant for their arrest with the only exception being family members who live under the same roof. Period. Associating with individuals who are still involved with the criminal courts is only common sense.

Removing the requirement for substance abuse treatment simply because it isn't available is irresponsible. The only reason it isn't available is because of the legislature's failure to provide funding to make sure it does exist in our outlying counties. This portion of this bill is an effort for the legislature to absolve itself of its own failure.

HB-2344

Submitted on: 2/15/2022 8:45:10 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:

Aloha Chair Ohno & Vice Chair Ganaden,

I am testifying in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Lindsay Roth, LSW

HB-2344

Submitted on: 2/15/2022 9:46:12 PM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
janice palma-glennie	Individual	Support	No

Comments:

aloha,

Hawai‘i needs to treat people with respect and humanity and to help ohana stay together, especially when they are dealing with the law and trying to get their lives straight. that's why we need probation and parole reform so that our loved ones will no longer be torn from our communities and imprisoned for technical violations.

mahalo for supporting this bill.

sincerely,

janice palma-glennie

kailua-kona

Aloha Chair Nishihara and Vice Chair DeCoite, and Members of the Committee,

I am writing in strong opposition of bill HB2344/SB2514. As a former employee of the Adult Client Services Branch of the Judiciary, I understand the need for reduction of mass incarceration; however, the cost should not be the public's safety and wellbeing. The good credit system mirrors a condition that is already enforced as an offender has the ability to obtain early termination depending on their compliance/completion of the conditions of their probation. However, does this act also apply to those individuals who have a long-standing criminal record and a history of being on probation?

As a former officer who has worked with individuals suffering from substance addiction, and living in a county with limited resources; it is hard to get on board with an act that intends to eliminate the needs for treatment should it not be available within the offender's county. Some of the programs in various counties are only 30-60 days in duration. As a current substance abuse counselor, it is rare for an individual to be treated for their addiction within that time frame. Which means that without the support, they would return to their addiction and the cycle would continue. Offenders are sent to long-term care facilities in other counties in order to participate in treatment that is 90 days plus. It seems odd to just negate the need for treatment based on its lack of availability.

The elimination of incarceration for technical probation violations seems risky as an offender can continue to avoid probation and not report/comply while continuing to jeopardize the safety of the community. The threat of incarceration is there to urge the offender to comply. If that is taken away, what is the use of community supervision? The purpose of community supervision is to allow another chance for the criminal offender to make the necessary lifestyle changes so that they are no longer a threat to the community. If there is no repercussions, there is a high chance that the offender will not make the necessary changes and neglect all legal obligations. Now I am not saying that adjustments or update do not need to be made in the Judiciary. But again, is the legislature willing to put the safety of the community at risk?

Mahalo for the opportunity.

HB-2344

Submitted on: 2/15/2022 10:59:32 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 HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Sarah Burns

4026 Harding Ave, Honolulu

HB-2344

Submitted on: 2/16/2022 12:01:09 AM

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 HB2344**, relating to probation. I'm a constituent of Rep. Kobayashi, and I ask that he – as well as the rest of the committee – vote yes on HB2344.

No one should be reincarcerated for simply missing an appointment or struggling to find a job. Revoking people from probation 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. HB2344 will eliminate incarceration for technical probation 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 violations, we will keep families intact and increase public safety.

Please vote yes on HB2344 and keep our loved ones together. Mahalo for your consideration.

Ansley Calandra

HB-2344

Submitted on: 2/16/2022 1:03:45 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 support this bill. We have archaic laws and they do not support people who are on parole or probation. Mahalo

HB-2344

Submitted on: 2/16/2022 8:28:07 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:

My name is Malia Lau and I am testifying in strong support of HB2344 relating to probation.

Currently, people in Hawai'i on probation 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 probation, 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 probation 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 HB2344 and keep our loved ones together.

Mahalo for your consideration,

Malia Lau