



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

EDMUND "FRED" HYUN
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KEVIN S. REGO
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 2515
RELATING TO PAROLE

by
Edmund "Fred" Hyun, Chairman
Hawaii Paroling Authority

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022 – 1:10 pm.
State Capitol, Via Video Conference

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

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

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

The Bill as written does not account for following:

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

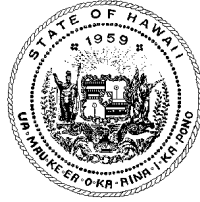
- the larger percentage of uneducated and unskilled inmates who are severely challenged when released into the community.
- Although individuals convicted of property crimes have no drug related convictions, many state in minimum hearings that it was a means to support their substance abuse. Other offense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

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

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

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

DAVID Y. IGE
GOVERNOR



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

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 2515
RELATING TO PAROLE.**

by

**Max N. Otani, Director
Department of Public Safety**

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022; 1:10 p.m.
State Capitol, Via Video Conference

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

The Department of Public Safety (PSD) has reviewed Senate Bill 2515, which seeks to create a “good time” credit system, by which a parolee may reduce the parolee’s sentence through compliance with conditions of parole. This measure also seeks to establish limitations on the nature and types of violations to the terms and conditions of parole that are actionable by the Hawaii Paroling Authority (HPA).

The Department opposes SB 2515. Specifically, a “good time” credit program is not needed, as the HPA already has the authority to grant early discharges to parolees, who have remained compliant with the terms and conditions of parole providing the parolee does not owe any outstanding restitution. In addition, although not cited in this measure, the HPA also has the authority to reduce a prisoner’s minimum term(s) of imprisonment, provided the prisoner is not serving any court imposed mandatory minimum term. The HPA routinely exercises its authority to grant reduction of minimum (ROM) term(s) of imprisonment and early discharge from parole during its monthly administrative hearing sessions.

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

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

The Department believes that SB 2515 is unnecessary and unwarranted, and respectfully requests that it be held.

Thank you for the opportunity to present testimony opposing SB 2515.

SB-2515

Submitted on: 2/2/2022 8:25:30 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Corey Reincke	Testifying for Hawaii Paroling Authority	Oppose	Yes

Comments:

Corey Reincke, Acting Branch Administrator opposes SB 2515. SB 2515 undermines the ability of the Hawaii Paroling Authority to properly supervise convicted felons in the interest of the community safety and property.



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No. _____

TESTIMONY ON SENATE BILL 2515
RELATING TO PAROLE

by
Kevin S. Rego, Acting Administrator
Hawaii Paroling Authority

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022 - 1:10 pm.
State Capitol, Via Video Conference

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

The Hawaii Paroling Authority (HPA) stands in strong opposition to SB 2515.

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

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

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

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

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

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

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

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

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

Testimony on SB 2515
Senate Committee on Public Safety,
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February 3, 2022
Page 3

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

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

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on
Public Safety, Intergovernmental and Military Affairs**

February 1, 2022

S.B. No. 2515: RELATING TO PAROLE

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

The Office of the Public Defender supports S.B. No. 2515 and offers comments for the committee’s consideration. This Bill seeks to reform parole procedures to reduce the population of incarcerated persons in Hawai‘i’s overcrowded correctional facilities.

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

¹ Hawai‘i Correctional Facilities: Infectious Disease Emergency Capacities, Hawai‘i Correctional System Oversight Commission, Sept. 2020 at p. 3; <https://ag.hawaii.gov/wp-content/uploads/2020/09/FINAL-REPORT-091120.pdf>. As used herein, “design capacity” is the number of inmates a facility can hold according to the architect or planner of the facility. “Operational capacity,” which generally exceeds design capacity is the number of inmates a facility can hold as determined by the Corrections Population Management Commission in 2001. *Id.*

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

³ *Id.*

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

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

Creation of a “good time credit system.”

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

Prohibition of incarceration for technical violations.

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

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

⁵ Id.

⁶ Id.

which would require their return to incarceration and the resultant expenditure of correctional resources and state funds. Under current HPA administrative rules, parolees who are returned to custody for an alleged parole revocation must have a hearing within sixty days of their return to custody. Hawai'i Administrative Rules ("HAR") 23-700-43(f).⁷ Generally parole revocation hearings are held within the sixty-day period, but they sometimes exceed this period. During the pendency of the parole violation proceedings, the State bears the cost of re-incarceration of an individual who may subsequently be released after the parole violation hearing. Re-incarceration is disruptive to the lives of the parolee and generally results in a loss of employment or educational opportunities and financial and personal hardship. The amendment to HRS § 353-66(e) and (f) which allow parolees accused of technical violations to remain in the community during the pendency of their parole violation proceedings not only eliminates the costs associated with reincarcerating parolees who do not pose a risk to public safety but also allows the parolees to maintain their place in the community without disruption.

Conclusion.

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

Thank you for the opportunity to comment on this measure.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i**

February 3, 2022

RE: S.B. 2515; RELATING TO PAROLE.

Chair Nishihara, Vice-Chair DeCoite and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in opposition to S.B. 2515.

The primary effect of S.B. 2515, if passed, would be to *prohibit* the Hawaii Paroling Authority (“HPA”) from reimprisoning a parolee or revoking parole, for essentially any violation of an offender’s parole, unless the parolee commits one of several offenses listed in the bill.

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

While proponents of S.B. 2515 seem to fear that parolees are having their parole revoked for a single, insignificant violation of their parole, that has not been the Department's observation or experience in these proceedings. In fact, the HPA is widely known to allow parolees multiple chances, and makes great efforts to weigh the severity of an offender's particular violations and circumstances, sometimes to the frustration of the Department and crime victims affected by the offender's underlying crime. We also note that S.B. 2515 would seek to delete the limitations that have already been placed on the HPA, which ensure parolees are not reimprisoned for more than six months, for most violations of parole. Currently, even if a parolee repeatedly refuses to comport with the terms and conditions of parole, they cannot be reimprisoned for any longer than six months.

As a final note, the definition of "technical violations" found in S.B. 2515 is so broad that it would only allow the HPA to reimprison a parolee or revoke parole if the parolee commits one or more of a very limited number of offenses. Upon reviewing the short list of offenses that *would* allow HPA to revoke parole (page 6, lines 10-13), the Department is deeply concerned that S.B. 2515 would literally allow a parolee to commit a wide variety of serious offenses—or arguably multiple offenses—without any possibility of being taken back to prison, for violating their parole. Some examples of offenses that would be allowed, are:

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

While S.B. 2515 appears to have good intentions, in terms of wanting to recognize those parolees who comply with the terms and conditions of their parole, the HPA already has ample authority to lighten restrictions on parolees, reconsider any terms and conditions of parole, and does so with the specific circumstances of each parolee in mind. If the Legislature is interested in establishing a good time credit for parolees, the Department suggests that a study be done of its potential impacts on the criminal justice system, as well as the administrative burdens it may place on the HPA. It is our understanding that putting a system in place to track good time credits and process parolee grievances would be quite expensive.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes passage of S.B. 2515. Thank for you the opportunity to testify on this matter.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Tuesday, February 2, 2022

1:10 PM

SB 2515 – SUPPORT FOR PAROLE REFORM

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,100 Hawai'i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

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

SB 2515 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 parole. It is important that people have something to work toward, instead of endless surveillance.

According to the January 24, 2022 DPS Population Report¹, currently there are 615 people on parole statewide. Most of these folks are there for substance misuse or technical violations of the conditions of their parole. This is a HUGE expense. At \$219 a day this costs \$134,685 a day, \$942,795 a week, \$3,771,180 a month, and \$45,254,160 a year.

One of the big problems with the department and parole is that the employees think their job is punishment. In order to huli the criminal legal system from a punitive one to a rehabilitative one, employees must be trained or re-trained as to what their function is.

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

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

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.

Research has been proven that incarceration only enhances criminality. Why would we send someone to criminal college when there are other ways to address wrongdoing?

Hawai'i needs to abandon punishment as a way to change behavior. Violence only brings on more violence. Why do we ~~allow~~ promote this abuse?

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

Mahalo for this opportunity to testify.

¹ Department of Public Safety, Weekly Population Report, January 24, 2022.
<https://dps.hawaii.gov/wp-content/uploads/2022/01/Pop-Reports-Weekly-2022-01-24-.pdf>

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



Hawai'i

Committees: Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing Date/Time: Thursday, 1:10PM, February 3, 2022
Place: Via Videoconference
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2515 Relating to Parole

Dear Chair Nishihara, Vice Chair DeCoite, and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **strong support of S.B. 2515**. This bill eliminates incarceration as a sanction for technical violations of parole, creates a good time credit system for reduction of parole terms, and prohibits the imposition of certain unreasonable parole conditions.

The parole system in Hawai'i needs urgent reform.¹ Reincarceration of people for technical violations—things like a missed appointment, being late for curfew because of work, associating with someone with a criminal record, or failing to report a change of address—contributes heavily to overcrowding in our jails and prisons. On average, approximately one-fourth of jail and prison admissions in Hawai'i each week are the result of parole and probation infractions.² And **in fiscal year 2020, 100% of all Hawai'i parole revocations were for technical violations.**³

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.**⁴

Critically, there is no evidence that reincarcerating people for non-criminal infractions improves public safety. Instead, it destabilizes individuals on parole by erasing their fragile progress. Upon release 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

¹ Notably, Edmund Fred Hyun, Chair of the Hawai'i Paroling Authority, was an official signatory to the "Statement on the Future of Probation & Parole in the United States," last revised November 13, 2020 and prepared by EXiT: Executives Transforming Probation & Parole.

<https://www.exitprobationparole.org/statement>. This statement acknowledges that "community supervision has...become overly burdensome, punitive and a driver of mass incarceration, especially for people of color." *Id.* It includes recommendations that states "eliminate incarceration for technical violations," and "tailor conditions of probation and parole to the needs and goals of each individual" with conditions only imposed if they "specifically relate to the person's offense behavior." *Id.*

² 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.

³ <https://dps.hawaii.gov/hpa/files/2020/10/2020-Annual-Report.pdf>.

⁴ <https://nicic.gov/state-statistics/2019/hawaii-2019>.

lead to *more* crimes of poverty, not fewer. Currently, the Hawai‘i Paroling Authority (“HPA”) can also incarcerate for up to 60 days while an individual awaits a parole revocation hearing—meaning their progress is disrupted and life torn apart based on an *unproven* allegation of *non-criminal* conduct.⁵

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

Notably, Hawai‘i currently lags behind other states that have successfully implemented parole reform, including at least **24 states that have limited reincarceration to more serious and repeated violations** and at least **18 states that have incentivized rules compliance by allowing people to earn early discharge from parole**.⁶ Recidivism rates for new crimes in these states have remained flat, and in some states have declined.⁷ New York State also recently passed comprehensive reform with the “Less is More Act,” which implements similar changes to S.B. 2515—including limiting the use of incarceration for technical violations and awarding a 30-day earned time credit for every 30-day period without violations.⁸

Finally, S.B. 2515 **proposes critical prohibitions on the use of certain unreasonable conditions of parole**. The Prison Policy Initiative recently gave Hawai‘i a C+ grade when evaluating the parole systems of all 50 states, pointing out that it is one of only 13 states that places restrictions on association in its standard parole conditions.⁹ This condition disproportionately impacts marginalized communities and people of color—specifically Native Hawaiians, Pacific Islanders, and Blacks—and

⁵ HRS § 706-670(7) (“When a parolee has been recommitted, the authority shall hold a hearing within sixty days after the parolee’s return to determine whether parole should be revoked.”). An individual on parole is re-incarcerated while awaiting their revocation hearing based on a “probable cause” standard. Alexis L. Watts, Edward E. Rhine, & Julie L. Matucheski, *Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States*, Hawai‘i, Robina Institute of Criminal Law and Criminal Justice (2017); *see also* Hawai‘i Paroling Authority, Parole Handbook, at 24 (revised September 2020), https://dps.hawaii.gov/hpa/files/2020/11/HPA-Parole-Handbook_Revised_09_2020-1.pdf.

⁶ Independent Commission on New York City Criminal Justice and Incarceration Reform. 2021. Parole Reform: Conservative States Leave New York Behind, <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/60a3cbe6862b67754b916d2a/1621347302580/Red+States+Parole+Report+Final.pdf>.

⁷ *Id.*

⁸ S.1144A/A.5576A, Less Is More: Community Supervision Revocation Reform Act, *see generally* <https://lessismoreny.org/>.

⁹ https://www.prisonpolicy.org/reports/grading_parole.html; https://www.prisonpolicy.org/reports/parole_grades_table.html; *See* Hawai‘i Paroling Authority, Parole Handbook, at 30–31. (“You shall not, without prior approval of your parole officer, associate or be in the company of any person convicted of a criminal act, including anyone under the active supervision of the Hawai‘i Paroling Authority.”).

Chair Nishihara and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs
February 3, 2022
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severely restrict individuals' ability to rebuild a productive life in their neighborhood by maintaining important family and other social connections.

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

S.B. 2515 is a comprehensive bill that would improve the parole system and substantially reduce our overcrowded jails and prisons in Hawai'i. For these reasons, the ACLU of Hawai'i **strongly supports S.B. 2515**. 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.



Hawai'i

Committees: Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing Date/Time: Thursday, 1:10PM, February 3, 2022
Place: Via Videoconference
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2515 Relating to Parole

Dear Chair Nishihara, Vice Chair DeCoite, and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **strong support of S.B. 2515**. This bill eliminates incarceration as a sanction for technical violations of parole, creates a good time credit system for reduction of parole terms, and prohibits the imposition of certain unreasonable parole conditions.

The parole system in Hawai'i needs urgent reform.¹ Reincarceration of people for technical violations—things like a missed appointment, being late for curfew because of work, associating with someone with a criminal record, or failing to report a change of address—contributes heavily to overcrowding in our jails and prisons. On average, approximately one-fourth of jail and prison admissions in Hawai'i each week are the result of parole and probation infractions.² And **in fiscal year 2020, 100% of all Hawai'i parole revocations were for technical violations.**³

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.**⁴

Critically, there is no evidence that reincarcerating people for non-criminal infractions improves public safety. Instead, it destabilizes individuals on parole by erasing their fragile progress. Upon release 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

¹ Notably, Edmund Fred Hyun, Chair of the Hawai'i Paroling Authority, was an official signatory to the "Statement on the Future of Probation & Parole in the United States," last revised November 13, 2020 and prepared by EXiT: Executives Transforming Probation & Parole.

<https://www.exitprobationparole.org/statement>. This statement acknowledges that "community supervision has...become overly burdensome, punitive and a driver of mass incarceration, especially for people of color." *Id.* It includes recommendations that states "eliminate incarceration for technical violations," and "tailor conditions of probation and parole to the needs and goals of each individual" with conditions only imposed if they "specifically relate to the person's offense behavior." *Id.*

² 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.

³ <https://dps.hawaii.gov/hpa/files/2020/10/2020-Annual-Report.pdf>.

⁴ <https://nicic.gov/state-statistics/2019/hawaii-2019>.

lead to *more* crimes of poverty, not fewer. Currently, the Hawai‘i Paroling Authority (“HPA”) can also incarcerate for up to 60 days while an individual awaits a parole revocation hearing—meaning their progress is disrupted and life torn apart based on an *unproven* allegation of *non-criminal* conduct.⁵

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

Notably, Hawai‘i currently lags behind other states that have successfully implemented parole reform, including at least **24 states that have limited reincarceration to more serious and repeated violations** and at least **18 states that have incentivized rules compliance by allowing people to earn early discharge from parole**.⁶ Recidivism rates for new crimes in these states have remained flat, and in some states have declined.⁷ New York State also recently passed comprehensive reform with the “Less is More Act,” which implements similar changes to S.B. 2515—including limiting the use of incarceration for technical violations and awarding a 30-day earned time credit for every 30-day period without violations.⁸

Finally, S.B. 2515 **proposes critical prohibitions on the use of certain unreasonable conditions of parole**. The Prison Policy Initiative recently gave Hawai‘i a C+ grade when evaluating the parole systems of all 50 states, pointing out that it is one of only 13 states that places restrictions on association in its standard parole conditions.⁹ This condition disproportionately impacts marginalized communities and people of color—specifically Native Hawaiians, Pacific Islanders, and Blacks—and

⁵ HRS § 706-670(7) (“When a parolee has been recommitted, the authority shall hold a hearing within sixty days after the parolee’s return to determine whether parole should be revoked.”). An individual on parole is re-incarcerated while awaiting their revocation hearing based on a “probable cause” standard. Alexis L. Watts, Edward E. Rhine, & Julie L. Matucheski, *Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States*, Hawai‘i, Robina Institute of Criminal Law and Criminal Justice (2017); *see also* Hawai‘i Paroling Authority, Parole Handbook, at 24 (revised September 2020), https://dps.hawaii.gov/hpa/files/2020/11/HPA-Parole-Handbook_Revised_09_2020-1.pdf.

⁶ Independent Commission on New York City Criminal Justice and Incarceration Reform. 2021. Parole Reform: Conservative States Leave New York Behind, <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/60a3cbe6862b67754b916d2a/1621347302580/Red+States+Parole+Report+Final.pdf>.

⁷ *Id.*

⁸ S.1144A/A.5576A, Less Is More: Community Supervision Revocation Reform Act, *see generally* <https://lessismoreny.org/>.

⁹ https://www.prisonpolicy.org/reports/grading_parole.html; https://www.prisonpolicy.org/reports/parole_grades_table.html; *See* Hawai‘i Paroling Authority, Parole Handbook, at 30–31. (“You shall not, without prior approval of your parole officer, associate or be in the company of any person convicted of a criminal act, including anyone under the active supervision of the Hawai‘i Paroling Authority.”).

Chair Nishihara and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs
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severely restrict individuals' ability to rebuild a productive life in their neighborhood by maintaining important family and other social connections.

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

S.B. 2515 is a comprehensive bill that would improve the parole system and substantially reduce our overcrowded jails and prisons in Hawai'i. For these reasons, the ACLU of Hawai'i **strongly supports S.B. 2515**. 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.

TESTIMONY IN SUPPORT OF SB 2515

TO: Chair Nishihara, Vice Chair DeCoite, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 1, 2022 (1:00 PM)

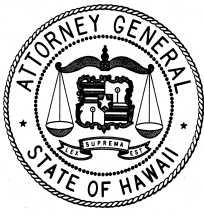
Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** SB 2515, which creates a good time credit system, places limits on technical violations of parole, and provides that substance treatment is not required of parolees under certain circumstances.

The continued absence of substantive bail reform, sentencing reform, and parole reform sets the stage for perennially overcrowded carceral facilities. The Department of Public Safety relayed a critical data point to the [HCR 85 Prison Reform Task Force, which published its final report in January 2019](#): ***only 26% of the combined jail and prison population is incarcerated for class A or B felony, while the remaining 74% are incarcerated for a class C felony or lower (misdemeanor, petty misdemeanor, technical offense, or violation)***. Over-incarceration is further exacerbated by [Hawai'i having the longest average term of probation in the nation](#) (59 months).

The continued criminalization of personal drug use and possession perpetuates lasting social, medical, and legal stigma. Criminalization also helps drive the overcrowding of carceral facilities and subjects persons from under-resourced communities to prolonged periods of criminal legal supervision, including parole. [The enforcement of drug laws pertaining to personal use and possession of drugs has disproportionately impacted Native Hawaiians](#). In this regard, the criminal legal system's enforcement of punitive drug laws embodies the kind of structural [racism that this Legislature declared a public health crisis via HCR 112](#).

HHHRC is strongly opposed to the continued criminalization of behavioral health problems and [supports the decriminalization of personal drug use and possession](#). Many of those we work with have behavioral health problems, including those related to substance use and mental health conditions. HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse. Criminalization compounds their suffering and further jeopardizes their health and well-being.

Thank you for the opportunity to testify on this measure.



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

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 2515, RELATING TO PAROLE.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

DATE: Thursday, February 3, 2022 **TIME:** 1:10 p.m.

LOCATION: State Capitol, Via Videoconference

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

Chair Nishihara and Members of the Committee:

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

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

prescription unless the underlying crime is "reasonably related to" alcohol, narcotics, or controlled substances.

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

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

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

(section 710-1016.7, HRS), resisting arrest (section 710-1026, HRS), tampering with a witness (section 710-1072, HRS), tampering with physical evidence (section 710-1076, HRS) and criminal contempt of court (section 710-1077, HRS); (iii) any misdemeanor offenses under chapter 711, HRS, including disorderly conduct (section 711-1101, HRS), harassment (section 711-1106, HRS), desecration (section 711-1107, HRS), abuse of a corpse (section 711-1108, HRS), cruelty to animals in the second degree (section 711-1109, HRS), violation of privacy in the second degree (section 711-1111, HRS); (iv) any misdemeanor offenses in chapter 712, HRS, including prostitution (section 712-1200, HRS), commercial sexual exploitation (section 712-1200.5, HRS), commercial sexual exploitation near schools or public parks (section 712-1209, HRS), promoting pornography (section 712-1214, HRS); and (v) all misdemeanor drug offenses. The bill also removes the Hawaii Paroling Authority's ability to revoke parole for failing to undergo substance abuse treatment.

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



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 3, 2022

TO: Honorable Senator Clarence Nishihara
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

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

SUBJECT: **SB2515 Related to Parole**

POSITION: STRONG SUPPORT

Chair Nishihara, Vice Chair DeCoite and Members of the Committee

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

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

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

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

SB-2515

Submitted on: 2/2/2022 8:23:34 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kealii Kaanapu	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons

SB-2515

Submitted on: 2/2/2022 9:04:43 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Grant Cummins	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

SB-2515

Submitted on: 2/2/2022 9:23:01 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Adrienne Boxer	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

I Adrienne Boxer, Parole Officer IV with the Hawaii Paroling Authority oppose this bill.

SB 2515 undermines the ability of the Hawaii Paroling Authority and its staff to effectively supervise offenders in the community.

SB-2515

Submitted on: 2/2/2022 9:20:14 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Terence James Mejia	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

SB-2515

Submitted on: 2/2/2022 11:58:27 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erik Shuman, Maui Parole Section Supervisor	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.



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

To: Senator Nishihara, Chair
Senator DeCoite, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and military affairs

Re: **SB 2515, relating to parole**
1:10 PM, February 3, 2022

Chair Nishihara, Vice Chair DeCoite, and committee members,

On behalf of HCAN Speaks!, thank you for the opportunity to **testify in support of SB 2515, relating to parole**, specifically section 6.

Reincarceration for a technical violation causes unnecessary disruption in a person's life. It disrupts their employment, housing, and relationships with their children and families. From a child-centered perspective, the sudden removal of a parent due to a technical violation (ex. missing an appointment) can cause additional harm and trauma to an already traumatic experience. It is estimated that 4 percent of children in Hawai'i have had a parent incarcerated.¹ Numerous studies show the importance of maintaining the child and parent relationship during incarceration and after.² Supporting the child-parent relationship benefits the immediate family and the community. As we implement other trauma-informed initiatives (like the Trauma-Informed Care Taskforce), we should also stop using reincarceration for technical violations.

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

Thank you,

Kathleen Algire
Director of Early Learning and Health Policy

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

² Western, B., & Smith, N. (2018). Formerly Incarcerated Parents and Their Children. *Demography*, 55(3), 823–847. <https://doi.org/10.1007/s13524-018-0677-4>

Casey W.M., Copp J.E., Bales W.D. Releases from a local jail: The impact of visitation on recidivism. *Crim. Justice Policy Rev.* 2021;32:427–441.

LATE

SB-2515

Submitted on: 2/2/2022 4:31:12 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorenn Walker	Testifying for Hawai'i Friends of Restorative Justice	Support	No

Comments:

We strongly support this bill to help reform our parole system including creating "good time credit" (aka: compliance credit) for people on parole and prohibits certain technical rule violations.

Our organization has worked with people involved in the legal system for almost 20 years. We have developed programs and studied what [helps people desist](#) from crime.

Please refer to the Pew Foundation's 2020 report about reforming our parole and probation systems including using compliance credits that would shorten the time of community supervision: [Policy Reforms Can Strengthen Community Supervision: A framework to improve probation and parole.](#)

Sadly, our probation and parole agencies, which government created to make our community safer, and which many people work for with the very best intentions of helping others, have led to [making people more vulnerable to injustice and crime](#). Some of the rules that these agencies follow are unhelpful and harmful. For example, parole or probation conditions that order a person to work for a specified number of hours a week, to stay out of a certain neighborhood or away from certain people, can create violations that often lead to revocations and re-incarceration that come at a high cost to the individual, their families, and to our community. The person loses their job, a family loses a loved one, and the community pays for re-incarceration with their hard earned tax dollars—the sense of injustice too that the person on parole or probation suffers can also damage their ability to stay optimistic and hopeful in desisting from crime and substance use. Moreover, these kinds of revocations often have little or no bearing on the crime that the individual was incarcerated for.

Please pass this measure and work to meaningfully reform our parole and probation systems. Please contact Lorenn Walker, JD, MPH at lorenn@hawaiifriends.org for further information about our support for the bill. Mahalo for your public service.

SB-2515

Submitted on: 2/1/2022 9:13:54 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Gibson-Viviani	Individual	Support	No

Comments:

Aloha Chair, Vice Chair and Members of the Committee,

Please consider supporting SB2515. It will prohibit incarceration for certain technical violations and create a good time credit system, by which criminal defendant on probation may reduce their time on probation through compliance with conditions of probation.

I believe too many people are incarcerated for technical violations of parole and this needs to be fixed.

Thank you,

Wendy Gibson-Viviani RN/BSN

Kailua

SB-2515

Submitted on: 2/2/2022 7:54:35 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Meliza Manuel	Individual	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

SB-2515

Submitted on: 2/1/2022 1:49:54 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

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

Comments:

I support the SB2515 bill. Time off for good behavior is a concept that has been around for a long time because it works. Creating incentive for parolees, a carrot as opposed to a stick, is in place in numerous states and it should be here in Hawaii as well because it works. There should be a nexus between parolee obligations and their needs (substance abuse, anger management) and the crimes they have been convicted of. Otherwise, it is just unnecessary waste of limited resources. We need to use the classes, programs and testing requirements for those who need them. If there is no program available to the parolee in their County, that program should not be ordered. Better yet, hopefully more programs can be developed. Until then, having to move to satisfy requirements is just not feasible for parolees in general.

SB-2515

Submitted on: 2/2/2022 8:36:38 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Bott	Testifying for Dept. of Public Safety, Hawaii Paroling Authority	Oppose	No

Comments:

I am in strong opposition of SB 2515 as it undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons. Many of the so called "technical violations" are in place to hold parolees accountable and to ensure they are making right choices. Parolees struggle with making right choices so parameters are set to let them know there will be consequences to their actions, something they did not think about most likely when they were involved with their criminal behavior. To lessen the consequence and allow for substance use whether or not it is related to their crime will just enhance the opportunity to cloud parolees judgement and lower their inhibitions to act accordingly and will cause some parolees to participate in risky behavior. Additionally, allowing convicted felons to associate also is risky as this may heighten and enhance their criminal thinking as they may not be talking about what they can do to better themselves but what can they do to commit more crimes or how they got away with things. I am all for offering more treatment programs and would greatly like to see funding for this especially on the neighbor islands where treatment programs are limited. The purpose of parole is to work with and keep offenders from hopefully re-offending. If we allow parolees to use substances, associate with other offenders or felons and have to wait for a new conviction or an absconding violation to occur in order to revoke or violate their parole, then it will already be too late to address any problems or concerns that may have occurred prior to this in order to keep this type of behavior from happening in the first place. Thank you for reading my submittal and I hope you will consider this in your final decision.

Robert Bott, Parole Officer

SB-2515

Submitted on: 2/2/2022 8:14:30 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher L. Bardon	Individual	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons. As a person who is a current Parole Officer with over twenty years of work experience in this field both on the mainland and in the State of Hawaii. I believe that the changes in the bill restricting how the Hawaii Paroling Authority is allowed to address violations will not be beneficial to the rehabilitation of those under supervision. The Hawaii Paroling Authority already has an Early Discharge process in place to address good behavior.



**Testimony of Faith Action for Community Equity
IN SUPPORT OF SB2515, Relating to Parole
To the Senate Committee on Public Safety, Intergovernmental, and Military Affairs
February 3, 2022 1:10pm via video conference**

Aloha Chair Clarence K. Nishihara, Vice Chair Lynn DeCoite, and Senate Committee on Public Safety, Intergovernmental, and Military Affairs,

We at Faith Action for Community Equity believe in the inherent worth and dignity of all. Our members work together to address the root causes of systemic justice challenges facing our communities. We are writing in **SUPPORT** of SB2515 because it creates methods for defendants to reduce their parole by good credit which will reduce our incarcerated population and incentivize good behavior by defendants.

In Hawai'i, like many other states, people on probation or parole can be reincarcerated for making simple mistakes like missing a probation appointment or struggling to get a job. In the Hawai'i Paroling Authority 2020 Annual Statistical Report, 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, zero had their parole revoked for felony offenses. Overcrowding in our prisons is financially costly to the state and to those incarcerated, their families, and communities.

Thank you for your care of our communities by working to reduce our incarcerated population.

If you have any questions, please contact the Community Organizer at Faith Action for Community Equity: Cassandra Chee (she/her) at cchee@faithactionhawaii.org or 425-381-3868

Mahalo for this opportunity to testify.

Cassandra Chee

SB-2515

Submitted on: 2/1/2022 12:33:17 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Bethel	Individual	Support	No

Comments:

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

I am writing in strong support of SB 2515 which creates a good time credit system that enables those on probation to reduce their time on probation through compliance with conditions of probation. It provides that the restriction against unnecessary associations may only apply to persons involved in the underlying offense or the prosecution of the offense, allows for prohibition of alcohol or unauthorized drug use only if related to the offense, requires that substance abuse treatment be mandated only if the program is available or the person has been accepted into the program, and prohibits incarceration for certain technical violations.

The provisions in SB 2515 take a more focused approach that associates the conditions of probation and parole with the underlying offense. Rather than imposing a long term probation period that is unreasonably restrictive, punitive, and psychologically demoralizing, the good time credit system to shorten the probation period would enable individuals to proactively work toward self-improvement. A shorter period would help avoid reincarceration due to insignificant technical violations.

According to a 2018 study by the PEW Charitable Trusts, Hawaii has by far the longest probation period in the entire country. The length of Hawaii's probation period has increased by almost 100% since the year 2000. There is evidence that longer probation periods lead to higher rates of incarceration due to technical violations. This is a major reason that we have an overcrowding problem in our jails and prisons and why we spend so much, not only on managing our probation population, but also on warehousing people who do not pose a danger to public safety and who do not really need to be in prison. The unnecessary expense of these short-sighted policies robs our criminal justice system of resources to apply towards recently released individuals who need more support as well as more high-risk individuals.

Regarding the prohibition against associating with other convicted individuals, it has been noted that the associations that develop in drug treatment and other programs provide an important source of social support upon release from prison and may reduce the risk of recidivism.

In the interests of public safety and cost-effective criminal justice policy, please pass SB 2515.

Mahalo,

Diana Bethel, Honolulu

SB-2515

Submitted on: 2/2/2022 9:00:52 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jerolene Sing	Individual	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

SB-2515

Submitted on: 2/2/2022 9:50:51 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Victoria Romanello	Individual	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons and poses a risk to public safety.

SB-2515

Submitted on: 2/2/2022 9:49:24 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roy Massey	Individual	Oppose	No

Comments:

SB 2515 is not a good bill for public safety. The Bill has numerous errors and should not be passed. I would like to list a few errors that should be noted. The Parole Officers do not send parolees back to prison for violating "just technical violations", but do work with the parolees to address violations - examples are referring parolees to substance abuse treatment - usually a few referrals are submitted while trying to assist the parolee with their addiction problems. Only when parolees become a risk to the community do the Parole Officers submit violation reports for retake and the parolee goes before the Parole Board for a hearing. By this time, the parolee has continued to use drugs while in treatment, is a risk as he/she may be driving while under the influence, associating with other drug users and quite possibly engaged in criminal activity to support their drug use. Recently there was a death caused by a repeat DUI offender on Maui that resulted in the death of a 72 year old man riding a bike - the driver wasn't on parole, but had just been arrested 5 days prior to the negligent homicide - I wonder how many crimes, and possible deaths, would have resulted if SB 2515 was already passed? The SB 2515 wants to have parolees being able to hang out with other convicted felons (we do not allow it at this time) and the reason we don't allow that is the parolees are "higher risk" when with other felons to commit additional crimes. There probably is no way to gauge what the HPA has accomplished by preventing crimes, violence and threats to community safety by the policies we now enforce. The policies and processes are legal, justified and just makes good sense for community safety.

SB-2515

Submitted on: 2/2/2022 9:25:13 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mikyong Hwang	Individual	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

The writers of SB 2515 obviously do not know how parole works and how it will adversely effect the agency. Without technical violations, we will have no authority to supervise parolees that are out in the community. The majority of parolees, whether they were convicted of a drug crime or not, have a substance abuse problem that needs to be addressed. SB 2515 strips away our power to get them the help that they need. If parolees continue to do drugs out in the community without any help, what do you think will happen? Are you content with convicted felons that are using drugs running around in the community that you live in without adequate supervision?

I highly oppose SB 2515.

SB-2515

Submitted on: 2/2/2022 8:48:03 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roblynn Kami	Testifying for HPA	Oppose	No

Comments:

SB 2515 diminishes the power of Hawai'i Paroling Authority to efficiently abide by our duty to protect the safety of the public.

SB-2515

Submitted on: 2/2/2022 9:23:04 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Yatsushiro	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

Opposition for this bill is simple due to the fact that technical violations are a reflection of rehabilitation and public safety, which is what defines community supervision. Hence, without technical violations then there's no purpose for community supervision.

SB-2515

Submitted on: 2/2/2022 9:27:20 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benjelyn Lamoreaux	Testifying for HPA	Oppose	No

Comments:

SB 2515 undermines the ability of the Hawaii Paroling Authority (and its staff) to properly supervise convicted felons.

SB-2515

Submitted on: 2/2/2022 9:44:23 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hana Denning	Testifying for Hawaii Department of Public Safety	Oppose	No

Comments:

SB 2515 appears to be based on the misguided notion that alternatives to incarceration (sanctions other than secure detention) are not being utilized as a matter of practice by community supervision agencies. This could not be further from the truth as incarceration is visited as the last resort after a parolee violates conditions of parole. Parole Officers are tasked with the difficult decision of determining when to retake a parolee into custody only after all possible avenues of rehabilitation and redirection in the community are proven unsuccessful by the parolee's conduct. The parole violation, whether technical or for a new crime, is only a snapshot of the circumstances of the case prior to reincarceration. By the time reimprisonment is considered, parolees have already posed a danger to the community based on a variety of factors to include substance abuse (cited in the bill as technical violation), propensity towards violence, creating new victims, domestic violence, and engaging in child abuse and neglect. It is important to note that this conduct is taking place after the inmate is granted the privilege to complete their sentence in the community after demonstrating a required minimal security risk while incarcerated. The conditions of parole serve as guidance to the parolee as how to remain law abiding and remain in the community until discharged from their sentence. With positive community adjustment, parolees qualify for early discharge from their sentence.

In closing, while incarceration is costly, it is difficult to put a price on protecting human life. Reimprisonment can become necessary to protect the lives of the parolee and community members. Reimprisonment also serves to link parolees to a higher level of services to meet their needs before it is too late, and they are facing new felony charges resulting in new victims, repeat victims, and a new lengthy term of imprisonment thereby increasing costs to taxpayers. SB 2515 would significantly undermine the Hawaii Paroling Authority's ability to properly supervise parolees.

SB-2515

Submitted on: 2/2/2022 10:02:57 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tyler Barr	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515 is dangerously naïve.

**Testimony of Jacquie Esser to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

February 3, 2022

S.B. No. 2515: RELATING TO PAROLE

Chair Nishihara, Vice Chair DeCoite, and Members of the Senate Committee:

I write in strong support of Senate Bill 2515 which creates a good time credit system, limits the conditions that can be included in a term of supervision and prohibits the use of incarceration for certain technical violations.

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

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

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

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

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

³ Id.

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

Mahalo for the opportunity to provide testimony.

SB-2515

Submitted on: 2/2/2022 10:24:35 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Albert L Bolosan	Testifying for Hawaii Paroling Authority	Oppose	No

Comments:

SB 2515

I am opposed to this bill as it compromises the safety of our families, our neighbors, and the community at large.

The bill makes claims that jails are overcrowded due to probation/parole technical violations.

The bill does not address the lack of a new Jail or prisons facilities, the increase in population on Oahu, and continued drug use (specifically Meth) and related crimes to drug addiction.

The bill also mentions providing “good time” to parolees. If the writers of the bill did their research, Parole has a policy in place for early release. The bill does not provide any data or information on this topic at all.

As a parole officer, I view SB 2515 as a misguided attempt to use the argument of “to save money” by allowing convicted criminals to remain free in the community when their behavior shows otherwise.

The bill will allow child molesters, rapists, murderers, family abusers, drunk drivers, robbers, assaulters, to remain free on parole despite observable behavioral indicators that a parolee is a danger to others.

The bill also does not account for parolees with Mental health diagnosis such as Schizophrenia, PTSD, Anxiety, Depressive disorder, Anti-social disorders to name a few. SB2515 would severely curtail parole's ability to supervise these type of clients when presenting a danger to themselves, to their family, or the community. The technical violations process allows parole to mitigate these behaviors before it becomes a volatile situation by returning a parolee to custody for their own safety, allowing for correctinal facilities to conduct additional assessment, provide necessary mental health treatment, and a eventually create a comprehensive reentry plan.

The “technical violations” as SB2515 claims as “expensive” are used by parole officers to mitigate criminal behaviors and actions to prevent harm to the parolee and to the community. Would we let a convicted drunk driver continue to drink alcohol on parole? Would we allow a convicted Child Molester to drive around late at night near school functions or places where

young people congregate? Should we allow a convicted murderer who now abuses alcohol as a coping mechanism remain free on parole because his charges were not alcohol related? Of course not, allowing destructive behavior to persist would be irresponsible and compromise the safety of our community. Yet, SB2515 would allow this to happen.

Clearly, SB2515 lacks the depth and analysis of a serious study on crime/criminal behavior, recidivism, drug use, family abuse, and the cultural-social and economic complexities that our criminal justice system/public safety agencies have to grapple with daily.

If SB2515 is passed, I am afraid we will see an increase in crime in our neighborhoods.

Mahalo.

SB-2515

Submitted on: 2/2/2022 10:55:28 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonathan Aronce	Testifying for HPA	Oppose	No

Comments:

I have been a Probation Officer and Parole Officer in the State of California and Hawaii. I have worked in the community correction field for over 15 years. I have supervised juvenile and adult offenders in the community.

I understand the need for prison reform and an overhaul of the criminal justice and corrections system. I oppose this bill but am open for it to be re-written so that it allows Probation and Parole to effectively supervise offenders in the community to motivate change. I had experienced the change California went through with Assembly Bill 109 which overhauled their institutions overcrowding and essentially decriminalized certain crimes.

Offenders need services to motivate change and limiting Probation and Parole Officers ability does not make change. We need mental health, behavioral intervention programs, and drug treatment programs to assist our supervision of these offenders in the community. The legislature needs to provide the corrections field with a stable funding for correctional based services. The community will be safer and thriving with services for offenders. Please re-write this bill and I strongly oppose the passing of this bill.

The proposed measures in S.B. NO. 2515 although well intended has unintended repercussions and consequences that may not be in the best interest of public safety:

Technical Violations: The parole conditions promote law-abiding and pro-social behaviors and require necessary treatment to mitigate risks offenders pose to the community. The conditions are not punitive in nature. The conditions are intended to address criminogenic factors that include anti-social behaviors and criminal thinking. Parole conditions driven by Evidence Based Practices (EBP) reduce the risk parolees pose to our community. The EBP science and research are nationally recognized and sound. EBP is found to produce better outcomes than traditional supervision methods. PSD is on the right track in using the Level of Service Inventory-Revised (LSI-R), an actuarial risk and needs assessment instrument. The LSI-R produces an inmate's risk level that correlates to a level of recidivism (High; Moderate-High; Moderate; Low-Moderate; Low) **and** criminogenic factors (i.e.: Alcohol/Drugs; Criminal History; Companions; Education/Employment; Leisure Activities). The EBP research found a significant reduction in recidivism rates when criminogenic factors are properly addressed. Many of the parole conditions have a direct correlation to a criminogenic factor:

- Substance abuse treatment facilitates and supports addressing addiction that more times than not is the root cause of criminal behavior
- Refraining from the use of alcohol/drugs supports sobriety and mitigates a trigger to criminal behavior
- Prohibited association with other felons discourages engaging with negative peers with anti-social and criminal behaviors

Monitoring and enforcing conditions is critical to inmate reintegration into the community. Often, technical violations include precursor behaviors that manifest into criminal behaviors and convictions for new crimes, not to mention the impact on victims of crime and cost of prosecution and lengthy incarceration. The revocation process serves to break the cycle of negative behavior and facilitate the opportunity for corrective intervention such as substance abuse treatment and other programs. The revocation process also has a punitive purpose for offenders that are unwilling to conform to basic rules that are intended to mitigate recidivism and hold them accountable for their maladaptive behaviors.

The State of Hawaii has placed a premium on offender re-entry. Rightfully so. Some of the proposed elements of this bill contravenes a wholistic approach to offender re-entry that is supported by research and science. The concept of re-entry begins at the time of an arrest and conviction and permeates through incarceration and parole. The parole system is the tail-end in this spectrum. It would behoove the Paroling Authority to have all necessary resources and authority to fashion parole, and to execute parole supervision in the best interest of the community and inmates. By doing so, the parole infrastructure should remain intact to facilitate their mission.

LATE

SB-2515

Submitted on: 2/2/2022 1:15:13 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

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

Comments:

None

LATE

SB-2515

Submitted on: 2/2/2022 1:30:59 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Echo Wyche	Individual	Support	No

Comments:

I fully support this bill as a means to reduce the revolving door of incarceration for technical violations within our prison system.

At this time our state has a high recidivism rate and much of this is related to non-crime parole violations. We need to be working towards lessening our incarcerated population, not penalizing citizens for lack of resources, and encouraging compliance through positive reinforcement.

LATE

SB-2515

Submitted on: 2/2/2022 1:46:53 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
LaRisa Nebre	Individual	Oppose	No

Comments:

SB 2515 undermines the ability for any HPA officer and its staff to effectively and appropriately supervise convicted felons in our communities. This should not be considered.

LATE

SB-2515

Submitted on: 2/2/2022 6:40:43 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Inge Detlefsen	Individual	Support	No

Comments:

Aloha Chair Nishihara & Vice Chair DeCoite,

My name is Inge Detlefsen and I am testifying in strong support of SB2515 relating to parole.

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 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on [SB2514 / SB2515] and keep our loved ones together.

Mahalo for your consideration,

Inge Detlefsen

LATE

Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs:

I am a current member of the Hawaii Paroling Authority and I take this opportunity to express my opposition to SB 2515 as currently worded. My reasons are as follows:

Technical violations are the enforcement of parole rules created to enhance some of the basic provisions of parole such as monitoring the whereabouts and activities of parolees. They are, after all, still serving sentences for crimes deemed serious enough to warrant prison sentences. Without the ability to enforce technical violations, the only true violations of parole become absconding and the commission of new crimes which is what parole supervision is designed to prevent. While technical violations may seem minor, they are most often used as a means to halt a pattern of behavior that may lead to new crimes.

This same enforcement process applies to the ban on drugs and alcohol, and the discouragement of associating with others convicted of crimes. The consumption of drugs and alcohol are highly correlated with recidivism in most of the research produced by the Evidence Based Practices movement that is the current state of the art in criminal justice. The same is true of criminal associates. The parole officers encourage healthy alternatives to drug use and criminal associates, but often need to take steps to discourage parolees who continue to use drugs and associate with known criminals.

Parole officers do not revoke parole arbitrarily. Most of the cases brought before the Board for revocation show that the parolee committed several violations and that the parole officer made attempts to counsel him or her and tried other interventions before finally recommending revocation. There are cases where a high-risk parolee was revoked for one violation, but in my this opinion this was appropriate action for that individual.

One provision of SB 2515 that may warrant further study is the provision for earning good time while on parole. This provision could be a useful tool in the toolbox of the parole officer as reward for good behavior. Conversely, the loss of good time can be used as an intermediate sanction when the parolee violates parole rules.

Implementing this provision would be a major change for the Parole Supervision Branch. A pilot program where the program could be designed and tested then evaluated for effectiveness is the best way to proceed rather than trying to implement it statewide.

Thank you for this opportunity to comment on this bill.

LATE

SB-2515

Submitted on: 2/2/2022 8:24:32 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

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

Comments:

I support SB 2515. Many parolees deal with issues upon release. And their crimes are all different and the solution is NOT, incarceration. Many lack the tools or resources to re-enter into their community. Many is excited to be self supprting to their own contribution. But lack of experience or have nowhere to go to comply with their parole expectation. Or need help to gain experience and knowledge in seeking employment and learning how to be responsible or skills that is needed to hold the job.

Placing parolees back into the system for something small. Just sets them back and the time . To do it over again, again and again. Thank you for your time.

LATE

SB-2515

Submitted on: 2/2/2022 6:40:22 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
nicole rhton	Individual	Support	No

Comments:

Aloha Chair Nishihara & Vice Chair DeCoite,

My name is Nicole and I am testifying in strong support of SB2515 relating to parole.

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 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on SB2515 and keep our loved ones together.

Mahalo for your consideration,

nicole

LATE

SB-2515

Submitted on: 2/2/2022 8:23:26 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

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

Comments:

Aloha Chair Nishihara & Vice Chair DeCoite,

My name is Dhyan Sandhya and I am testifying in **strong support of SB2515** relating to parole.

Currently, people in Hawai'i on probation or parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a 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 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on SB2515 and keep our loved ones together.**

Mahalo for your consideration,

Dhyan Sandhya

LATE

SB-2515

Submitted on: 2/2/2022 8:25:54 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ansley Calandra	Individual	Support	No

Comments:

Aloha Chair Nishihara & Vice Chair DeCoite,

My name is Ansley Calandra and I am testifying in **strong support of SB2515** relating to parole.

Currently, people in Hawai'i on probation or parole can be reincarcerated for making simple mistakes like missing a parole appointment or struggling to get a job. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities; namely Native Hawaiians, Pacific Islanders, and Black people. Most people released from prison struggle to obtain stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination associated with a 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 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. **Please vote yes on SB2515 and keep our loved ones together.**

Mahalo for your consideration,

Ansley Calandra

LATE

SB-2515

Submitted on: 2/2/2022 7:46:19 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Raymond Pintor	Individual	Support	No

Comments:

Aloha Chair Nishihara & Vice-Chair DeCoite,

My name is Raymond Pintor and I am testifying in strong support of SB2515 relating to parole.

Currently, people in Hawai'i on parole can be reincarcerated for making simple mistakes. These conditions hurt public safety by destabilizing individuals on parole, their families, loved ones, and their communities. 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 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote yes on SB2515 and keep our loved ones together.

Thank you/Mahalo for your consideration,

Raymond Pintor

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

LATE

Thursday, February 3, 2022 at 1310 HST

RE: Testimony in SUPPORT of SB2835 Relating to Insurance

Aloha Chair Clarence K. Nishihara, Vice Chair Lynn DeCoite, and the members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

Mahalo for hearing SB2514 and SB2515 relating to probation and parole respectively. I am writing in **strong support** of both bills.

The concept of our jails and prisons originate from feudal England where dreaming of the death of a king warranted capital punishment; therefore, it is cruel by design. There are other forms of criminal punishment such as bail, parole, and probation that serve as an extension of such cruelty.

For example, technical violations for people who are out on parole or probation will result in the person being incarcerated. The United States Constitution prohibits one from being tried twice for the same crime (double jeopardy clause, 5th amendment), prohibits cruel and unusual punishment (8th amendment), and maintains that every person has the right to be treated fairly in the court system (due process, 4th and 15th amendments). Due process is the only command that is mentioned twice.

If one cannot be tried twice for the same crime, it makes even less sense that they can forgo the entire trial and “head directly to jail” due to a technical violation. Technical violations can be as arbitrary as showing up late to an appointment or missing a phone call. Additionally, criminal punishment for a technical violation disproportionately affects poor people, the working class, and disabled people:

- A majority of employers prohibit the use or possession of mobile devices while on the job; therefore, it can be hours before a missed call can be returned.
- Unsurprisingly, many people who are out on parole or probation live in poverty. Traffic is already an issue on the island for people who own personal vehicles. A poor person who relies on the bus will face far more hurdles when needing to get from point A to point B.
- Last, there is a shortage of care-related services including a shortage of over 1800 physicians on the island of O’ahu alone according to pre-pandemic figures. Another cruel technical violation is the failure to attend treatment, especially when there is a shortage of service providers. This issue is addressed specifically in the bill which is why I will reaffirm that I **strongly support** SB2514 and SB2515.

Mahalo for considering my testimony,

Soon Kim

Senate District 15

LATE

SB-2515

Submitted on: 2/3/2022 1:52:45 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen Young	Individual	Support	No

Comments:

Aloha Chair Nishihara & Vice Chair DeCoite,

I strongly support SB2515 relating to parole.

Under current laws, people in Hawai‘i who are on probation or parole can be reincarcerated for making simple mistakes like missing a probation appointment or struggling to get a job. This is extremely destabilizing for individuals on parole, their families, loved ones, and their communities. Most people released from prison struggle to acquire stable housing, find and maintain employment, and further their education because of systemic injustices, community disinvestment, and the stigma and discrimination that often comes with a felony record. For those on parole, this also leaves them more vulnerable to houselessness and unemployment, increasing the likelihood that they will be rearrested for crimes of poverty.

We cannot allow these harmful cycles to continue. There is no good reason to pack the prisons. SB2515 would allow people to safely remain with their families in their communities as they readjust to life outside of incarceration. Please vote YES in support of SB2515 and keep our loved ones together.

Mahalo for your consideration,
Kristen Young
Honolulu resident, District 11