



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS  
" A Police Organization for Police Officers Only "  
Founded 1971

February 5, 2024

**VIA ONLINE**

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice-Chair  
Senate Committee on Judiciary  
Hawaii State Capitol, Rooms 228, 201  
415 South Beretania Street  
Honolulu, HI 96813

Re: **SB 2347 - Relating to Crime**

Dear Chair Rhoads, Vice-Chair Gabbard, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers (“SHOPO”) and write to you on behalf of our Union in **strong support** of SB 2347. This bill establishes the offense of habitual violent misdemeanor crime to allow prosecutors to charge a person who is convicted of three or more violent misdemeanors within five years with a class C felony.

Our officers are on the front lines battling crime 24 hours a day, seven (7) days a week, 365 days a year. We are frustrated by what seems to be a revolving door for the habitual violent offenders who we arrest, just to see them set free to commit more crimes. In the past few months, east and west O`ahu communities are being rocked by a spike in violent crimes, including homicides. Our officers are doing whatever we can through surge enforcement operations to combat this troubling trend, but without more teeth in the laws for repeat violent offenders, these efforts can only go so far. It is not coincidental that we often hear it reported in the media that a person with an extensive rap sheet of violent crimes has been arrested again and again without ever being locked up.

This bill is targeted toward persistent habitual violent offenders who have the following violent misdemeanors convictions: (a) Assault in the third degree under section 707-712; (b) Assault against a law enforcement officer in the second degree under section 707-712.6; or (c) Sexual assault in the fourth degree under section 707-733. By allowing prosecutors to charge certain repeat offenders with a class C felony, this bill will help our hard-working officers and prosecutors do their jobs to keep our communities safe.

We thank you for allowing us to be heard on this bill and hope your committee will unanimously support this bill.

Respectfully submitted,

ROBERT “BOBBY” CAVACO  
SHOPO President

RC jmo

**Main Office & Honolulu Chapter Office**  
1717 Hoe Street  
Honolulu, Hawaii 96819-3125  
Tel: (808) 847-4676 "84 SHOPO"  
www.shopohawaii.org Fax: (808) 841-4818

**Hawaii Chapter Office**  
688 Kinoole Street, Room 220B  
Hilo, Hawaii 96720-3877  
Tel: (808) 934-8405  
Fax: (808) 934-8210

**Kauai Chapter Office**  
3176 Oihana Street, Suite 104, Lihue  
Mailing Add: P. O. Box 1708  
Lihue, Hawaii 96766-5708  
Tel: (808) 246-8911

**Maui Chapter Office**  
1887 Wili Pa Loop, Suite 2  
Wailuku, Hawaii 96793-1253  
Tel: (808) 242-6129  
Fax: (808) 242-9519

State of Hawai‘i  
The Office of the Public Defender

S.B. No. 2347: RELATING TO CRIME

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Honorable Committee Members

The Office of the Public Defender **opposes** this bill.

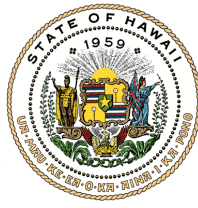
We are still living in the era of mass incarceration. The United States imprisons and through probation and parole supervises more people than any other nation on the planet. Scholars, activists, legislators, and some prosecutors recognize that we can no longer criminalize our way out of social problems like violent crime.

Moreover, while indeed “only a few [people] become persistent offenders who habitually commit crimes,” overpoliced areas tend to be places with a lot of people of color and working-class neighborhoods. That means that a disproportionate number of people being prosecuted for crimes—violent or otherwise—also come from some of the most vulnerable parts of our society. Another felony offense for “habitual” crime will not fix these social problems.

It only contributes to mass incarceration and mass supervision. Jails are already too full. Probation and parole officers are already overworked. Creating a new felony offense will mean that more defendants will opt for more trials in an already taxed judicial system. A three-strikes law like this one does not and will not reduce violent crime. It will only put more people in prison, remove them from their families and community, and create more problems than solutions.

Indeed, violent crime is a social problem that must be addressed by the Legislature. But crime reduction takes hard work like building the community from the ground up, investing in poor neighborhoods, and education. Reducing crime by making more criminal offenses has not worked over the last forty years. It is not going to work now.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

JARED K. REDULLA  
Deputy Director  
Law Enforcement

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 2347

RELATING TO CRIME

Before the Senate Committee on Judiciary

Friday, February 9, 2024; 9:30 a.m.

State Capitol Conference Room 016, Via Videoconference

**WRITTEN TESTIMONY ONLY**

Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

The Department of Law Enforcement (DLE) **strongly supports** Senate Bill 2347.

This bill establishes the offense of habitual violent misdemeanor crime for those persistent offenders who habitually commit violent crimes.

This is an important measure to address the rise of violent crime in our community. Currently, there is very little ramifications for those who habitually commit violent misdemeanors and many repeat offenders know there is little in the way of consequences for their repeated acts of violence. This bill will make it clear that continued violent behavior will be treated with appropriate criminal sentences for the significant danger these actions pose to the community. The community looks to the Legislature, law enforcement, and the courts to protect them from the people that this bill is intended to address. This bill should be passed to give the criminal justice system a tool to address the habitual violent offender.

Thank you for the opportunity to testify in support of this bill.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
KA 'OIHANA O KA LOIO HO'OPI'I  
CITY AND COUNTY OF HONOLULU**

STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEB: <https://honoluluprosecutor.org/>

THOMAS J. BRADY  
FIRST DEPUTY PROSECUTING ATTORNEY  
HOPE MUA LOIO HO'OPI'I



**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawai'i**

February 9, 2024

**RE: S.B. 2347; RELATING TO CRIME.**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, **in support of** S.B. 2347.

The purpose of this bill is to hold those who commit repeated acts of misdemeanor violence accountable and to deter others from committing repeated acts of misdemeanor violence.

The bill is limited to three misdemeanor offenses.

- Assault in the Third Degree
- Assault Against a Law Enforcement Officer in the Second Degree
- Sexual Assault in the Fourth Degree

Under current Hawai'i law ([HRS 706-663](#) & [HRS 706-640](#)) people who commit these offenses face a maximum sentence of one year in jail and a maximum fine of \$2,000. However, most convicted of these offenses, including repeat offenders, spend very little time, if any, in jail.

Offenders convicted of these misdemeanor offenses for repeatedly injuring others, attacking police officers, and committing sexual assault face almost no consequences. They quickly learn they will not be held accountable and are free to commit the same crimes again and again.

The Department believes S.B. 2347 addresses the problem by giving prosecutors the discretion to charge a person with any combination of three or more convictions of the above offenses within a five year period with a class C felony. Class C felonies are punishable by up to five years in prison and a \$10,000 fine.

Enacting S.B. 2347 would also give the court more rehabilitative sentencing options. Because defendants would have felony status, they could be placed in programs to help with the underlying issues contributing to their criminal behavior. They could be enrolled in Hawai'i's Opportunity Probation with Enforcement (HOPE) Probation program or directed into Mental Health Court or Veterans Treatment Court.

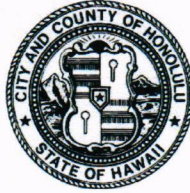
Statutes for Habitual Property Crime ([708-803](#)) and Habitually Operating a Vehicle Under the Influence of an Intoxicant ([291E-61.5](#)) are holding people accountable, praised by victims, reducing incidents of property crime, and making our roads safer. S.B. 2347 can curtail incidents of violent misdemeanor crimes in a similar fashion.

If adopted, S.B. 2347 would give prosecutors another tool in promoting public safety.

Thank you for the opportunity to testify in support of S.B. 2347.

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**  
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [honoluluupd.org](http://honoluluupd.org)

RICK BLANGIARDI  
MAYOR  
MEIA



ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE TC-BT

February 9, 2024

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2347, Relating to Crime

I am Thomas Chang, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2347, Relating to Crime.


Deterring habitual violent crime is paramount in ensuring the safety of the community and potential victims. Habitual violent crimes can cause irreversible impacts to victims and the community as a whole. This measure will strengthen the HPD's ability to combat frequent habitual violent crime violators.


The HPD urges you to support Senate Bill No. 2347, Relating to Crime.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
\_\_\_\_\_  
Arthur J. Logan  
Chief of Police

  
Thomas Chang, Captain  
Criminal Investigation Division



Committee: Judiciary  
Hearing Date/Time: Tuesday, February 9, 2024 at 9:30am  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in OPPOSITION to S.B. 2347  
Relating to Crime**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The ACLU of Hawai'i strongly **OPPOSES S.B. 2347**, which establishes the offense of habitual violent misdemeanor crime and creates a mandatory minimum sentence.

**The ACLU supports legislation to eliminate mandatory minimum sentences.** Mandatory minimum sentences reduce the sentencing discretion of judges, perpetuate racial disparities, and give prosecutors the leverage they have historically used to strong-arm defendants out of their constitutional rights and force them to plead to harsh sentences.

Mandatory minimums threaten due process principles, eliminate transparency in charging and ultimately sentencing decisions, and create powerful incentives for the perversion of justice.

A prosecutor is not required to disclose their reasons for bringing or dropping a charge. Judges, on the other hand, typically must disclose their reasons for sentencing in the written, public court record, and aggravating factors can be contested by the defendant.

**As Justice Anthony Kennedy stated, "the trial judge is the one actor in the system most experienced with exercising discretion in a transparent, open, and reasoned way."**

Under mandatory sentencing laws, prosecutors have control over sentencing because they have total and unreviewable authority to decide what charges to pursue. In prosecutors' hands, the minimum transforms to a tool for prosecutors to incentivize behavior and make judgment calls. This charging power can be used to cut deals, secure testimony against other defendants, and force guilty pleas where the evidence is shaky.

A defendant faced with a plea deal of paying a fine or the risk of going to jail for up to 5 years if they decided to go to trial is likely to choose the former, no matter how weak the evidence. The threat of mandatory minimum penalties may cause people to give false information, to plead guilty to charges of which they may actually be innocent, or to forfeit a strong defense.



**A recent task force report by the American Bar Association found that “mandatory sentencing laws often make the risks of taking a case to trial intolerable, and in some cases, prosecutors understand and exploit these fears to induce defendants to plead guilty in cases where they otherwise would prefer to exercise their constitutional right to have the case decided by a jury. Similarly, mandatory collateral consequences, including the threat of deportation, push defendants to accept pleas in cases they might otherwise fight at trial.”<sup>1</sup>**

By putting all discretion in the hands of prosecutor offices that may be rewarded for achieving numerous convictions for unnecessarily long sentences, mandatory minimums ensure that public policy concerns take a back seat. If there is a reason in a particular case to believe that a more severe sentence is warranted, the decision should be left to the judge, who has fewer incentives to ratchet up sentencing.

### Sentences should be individualized, not one-size-fits-all.

Mandatory sentences don't allow judges to reduce a defendant's sentence based on any number of mitigating factors, including circumstances of the case or a person's role, motivation, or likelihood of repeating the crime. This approach to sentencing is unfair, treating similar defendants differently and different defendants the same. It is ineffective at reducing criminal behavior, because it is not consistently applied.

### Mandatory minimums are ineffective at improving public safety.

There is no evidence that there is a public safety benefit to mandating severe sentences, regardless of circumstances. Indeed, **the evidence overwhelmingly shows that imprisonment largely fails to advance public safety goals, while creating lasting negative consequences for people, families, and communities.**<sup>2</sup>

The U.S. prison population has increased nearly seven times the size it was in the past 35 years. Studies have found that not only do harsher sentencing laws and increased prison populations not reduce crime, they actually correlate with a small increase in violent crime and property crime rates.<sup>3</sup>

---

<sup>1</sup> [2023 Plea Bargain Task Force Report](#), American Bar Association Criminal Justice Section (2023).

<sup>2</sup> Vera Institute for Justice, *A New Paradigm for Sentencing in the United States* (Feb. 2023) (finding that the carceral system has not “been effective in delivering accountability, building public safety, or repairing harm, results we can ask sentencing to deliver. They have, however, disproportionately hurt Black and Latino communities.”).

<sup>3</sup> Dhondt, Geert Leo, "The Relationship Between Mass Incarceration and Crime in the Neoliberal Period in the United States" (2012). *Open Access Dissertations*. 636.  
<https://doi.org/10.7275/4xa6-js81>



## Reimagining Public Safety Requires Investments in Data-Driven Strategies to Effectively Reduce Violence

The ACLU supports investments in solutions that actually protect individuals and families, and create safer streets and communities. Here's a list of 8 alternatives that policy makers and communities can invest in to help effectively reduce harm and violence.

### **1. *There are many effective approaches to reducing violence that don't involve police.***

Investments in [housing](#), [health care](#), [jobs programs](#), [education](#), [after school programs](#), [gun control](#), [environmental design](#), and [violence interruption programs](#) have all been proven to quantifiably reduce violence. For example, one [study](#) found that every additional community-focused nonprofit in a medium-sized city leads to a 12 percent reduction in homicide rate, a 10 percent reduction in violent crime, and a 7 percent reduction in property crime. In Philadelphia, simply cleaning vacant lots in neighborhoods below the poverty line resulted in a [29 percent decrease](#) in gun assaults.

### **2. *Policing is not especially effective at reducing violence.***

Police typically deal with violence only after someone has already been killed, injured, or otherwise harmed. Even then, many police departments are alarmingly ineffective at holding anyone accountable for violent crimes, as reflected by low “clearance rates” (whether any suspect is ever charged for a reported crime).

### **3. *Investing so heavily in policing is not evidence-based.***

Our dependence on police as first responders to every social problem is the product of decades of reliance on antiquated and [disproven theories](#) about safety, and fearmongering of powerful [police lobbyists](#). Policing as a one-size-fits-all solution to violence is simply a bad and dangerous policy choice made by elected officials — one they now have a responsibility to correct.

### **4. *There is no connection between violence and police budgets.***

America has steadily increased police funding year-over-year [regardless of whether crime rates are going up or down](#). There is no documented connection between the two. In 2020, for example, Houston, Nashville, Tulsa, and Fresno all increased their police budgets — and all saw increased homicides. [Most experts believe](#) the recent increase in homicides in some cities is due to the pandemic, economic stress, unprecedented gun sales, and the defunding of community services — not a lack of resources for police.

### **5. *There is a connection between violence and defunding social services.***

As noted above, community investments have proven effective at reducing violence, and the converse is also true: Underfunding and defunding these supports for decades in communities of color has a deeply destabilizing effect that [increases the likelihood of homicide](#), violence, and other crime.

## **6. Violence interruption programs show extraordinary promise during moments of heightened interpersonal violence.**

In addition to long-term investments in social infrastructure, “violence interruption programs” — community-driven interventions to prevent or peacefully resolve conflict — are proving remarkably effective. For example, in Baltimore, directly impacted staff and volunteers of the Safe Streets Program engage in conflict resolution and connect people to services and resources. [Since last June](#) alone, the group has peacefully resolved over 400 conflicts without police, 70 percent of which involved a gun.

## **7. Violence is a complex public health problem with numerous interconnected causes.**

Violence is caused by [many different things](#), including poverty, alcohol, guns, interpersonal conflict, unmet mental health and social needs, juvenile trauma, and more. It is no wonder then that relying on a single approach — policing — has not worked in the past and is not going to work to meet the moment now.

## **8. We know what works to build safe and healthy communities.**

Reducing violence is difficult and takes time, but the solutions are not mysterious. To see them in action, just look at a nearby affluent neighborhood or community. You’re likely to find a neighborhood where people have stable, well-paying jobs and access to well-funded public services, experience little violence, and have a fairly small police force that responds only when it is wanted. Instead of fully and equitably funding all these same approaches in low-income communities and communities of color, we overfund police year after year after year.

This is a critical moment to decide which path we are going to take to address violence. Are we going to continue the dangerous *status quo* of endlessly cutting blank checks for policing, prosecution and incarceration while neglecting proven alternatives? Or will we finally decide to fully invest in a more effective multi-pronged approach to public safety and community health?

In closing, we urge this Committee to defer S.B. 2347.

Sincerely,

**Carrie Ann Shirota**

Carrie Ann Shirota

Policy Director

ACLU of Hawai‘i

[cshirota@acluhawaii.org](mailto:cshirota@acluhawaii.org)

American Civil Liberties Union of Hawai‘i  
P.O. Box 3410  
Honolulu, Hawai‘i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

*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.*



The Institute for Human Services, Inc.  
Ending the Cycle of Homelessness

**TO:** Honorable Sen. Karl Rhoads  
Chair, Senate Committee on Judiciary  
  
Honorable Sen. Mike Gabbard  
Vice Chair, Senate Committee on Judiciary

**FROM:** Angie Knight, Community Relations Manager  
IHS, The Institute for Human Services, Inc.

**RE:** SB2347 - RELATING TO CRIME.

**HEARING:** Friday, February 9, 2024 at 9:30 AM

**POSITION:** IHS, The Institute for Human Services **strongly supports** SB2347.

As Hawaii's largest nonprofit human services organization providing intensive and specialized homeless outreach across O'ahu, we encounter individuals who clearly pose a threat to our community; often, these individuals are struggling with chronic substance use and chronic mental illness and often, both at the same time.

Mental illness and substance use disorders are on the rise among the homeless community. In the 2023 O'ahu Point in Time Count, 39% of those surveyed reported having a known mental illness, while 31% reported having a substance use disorder. These are disabilities that need to be treated and should engender compassion. However, violent behaviors that occur while under the influence of these two mental disabilities cannot be excused. While we are opposed to the criminalization of individuals solely because they suffer from mental illness or addiction, we are aware of the threat some of them pose to our community, including other more vulnerable homeless individuals.

We have been painfully enlightened to the impact of a changing landscape of substances being distributed on the street as violence has erupted within and outside our shelters with greater frequency. Methamphetamine is currently far more potent than ever due to its manufacturing in overseas drug labs. Many drugs are being mixed with others, resulting in a hastened path to addiction. The mixture of methamphetamine in street marijuana has had the effect of precipitating unexpected violence when the use of marijuana previously has been historically effective in reducing anxiety and calming users.

IHS advocates diligently for the treatment of homeless persons who are afflicted with serious and persistent mental illness through assertive homeless outreach and also petitioning for guardianships or court-ordered community treatment when they require long-acting medication, sometimes over their objection. These efforts have been generally successful for the subjects we select, who are often the most vulnerable.



**The Institute for Human Services, Inc.**  
Ending the Cycle of Homelessness

This bill is needed to distinguish those persons from those whose behaviors have evolved to include habitual violent acts against citizens of and visitors to our community. Many times, being incarcerated for a sufficient period to motivate and receive treatment is the only way to break the cycle of violence for some whose mental illness and addictions continue untreated in the community.

Ultimately, this bill has the potential to reduce the risk of injury to members of our community and re-establish the expectation that violent behaviors are not tolerated in the Aloha State. Please move this forward on behalf of our entire community.

Thank you for the opportunity to testify.

**SB-2347**

Submitted on: 2/8/2024 1:08:27 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Josh Frost	Testifying for ACLU of Hawaii	Oppose	Written Testimony Only

Comments:

The ACLU of Hawai'i **OPPOSES SB2347**, which establishes the offense of habitual violent misdemeanor crime.

We will be submitting more substantial testimony.

**SB-2347**

Submitted on: 2/8/2024 3:27:55 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Kitchens	Testifying for Stolen Stuff Hawaii	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members,

I wholeheartedly endorse SB2347 as the Creator and Founder of Stolen Stuff Hawaii, Hawaii's largest anti-crime group with over 231,000 members on FB and IG combined . In light of escalating crime rates, it's imperative that we address violent offenses promptly. While categorized as misdemeanors, experiences of "Assault 3" or "Sex Assault 4" victims reveal the profound impact beyond mere legal classification – it violates personal safety and sanctity, inflicting emotional trauma with damaging effects. Such offenders must be held accountable, particularly those with a habitual pattern of harm. SB2347 ensures repeat offenders cannot continue their heinous actions unchecked in our community. I urge the committee to support and pass this crucial bill.

Mahalo and stay safe,

Michael Kitchens  
Stolen Stuff Hawaii

**SB-2347**

Submitted on: 2/9/2024 5:54:19 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nikos Leverenz	Testifying for Drug Policy Forum of Hawaii	Oppose	Written Testimony Only

Comments:

Chair Rhoads, Vice Chair Gabbard, and Committee Members:

This not-so-novel "three strikes, you're a felon" approach is unwarranted at this time and should be deferred.

Prosecutors already have sufficient mechanisms to further the continued criminalization of those with little or no economic means, with current practices disproportionately impacting those from Native Hawaiian and Pasifika communities.

Felony convictions have a range of collateral consequences that significantly impair a person's ability to obtain housing, employment, and otherwise available services.

For those with behavioral health problems, criminalization constitutes the most severe and lasting stigma perpetuated by dominant structures of power.

As the state contemplates entering into a public-private partnership to erect a new billion dollar jail facility, policymakers should instead endeavor to initiate much needed, long overdue reforms related to behavioral health crisis response, sentencing, pre-trial incarceration, reentry services, and probation and parole practices, among other areas.

Mahalo for the opportunity to provide testimony.



**SB-2347**

Submitted on: 2/3/2024 5:39:07 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Deutzman	Individual	Support	In Person

Comments:

**Aloha Chair Rhoads , Vice Chair Gabbard and members of the Senate Judiciary Committee,**

**You all have seen the headline grabbing crimes in our community. In almost every major case , the perpetrator’s extensive criminal history sparks outrage among your constituents.**

**SB 2347 ,“Habitual Violent Misdemeanor Law”, is urgently needed to properly sanction individuals who have a propensity to commit violent crimes. Exactly 20 years ago, your colleagues found it necessary to pass the “Habitual Property Crime Law” to address defendants with a habit of committing non-violent crimes like theft. It’s only logical to use the same rationale to punish incorrigible violent criminals.**

**As a two time victim of frightening ,unprovoked attacks by chronic criminals , I’ve been following hundreds of arrests in my Waikiki neighborhood for the past three years. It’s become very clear that there are some people out there with a pattern of violent behavior which is not appropriately addressed by the justice system . Even though in each case innocent victims are being hurt , the the crime is charged as a misdemeanor. A misdemeanor is considered a “minor crime” by many .But when a community is attacked over and over again by the same person the cumulative effect of the misdemeanors on the community is “a death by a thousand cuts”.**

**It’s important to understand the nature of these crimes. The most commonly committed violent misdemeanor included in this law is assault 3. An assault 3 charge mandates that the victim is physically injured. The successful prosecution of assault 3 also requires the victim to follow through and press charges. Despite the high bar to secure an assault 3 conviction, there are people in my area with multiple recent assault 3 convictions. One individual has three assault 3 convictions and three harassment strike-shove convictions in less than two years. In chronological order his sentences for his assault 3 convictions were (1st) 90 days (2nd) 40 Days (3rd) 120 days. In the last case prosecutors asked for one year (the maximum) or six months and one year probation but the judge only sentenced him to four months no probation.**

**Your intervention is needed to slow down the revolving door of justice and punish chronic violent criminals with felonies.**

**Mahalo For Considering This Law**

**John Deutzman**

**Waikiki**

**SB-2347**

Submitted on: 2/3/2024 8:55:13 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Individual	Support	Written Testimony Only

Comments:

I write in support as a private citizen. I am the Vice Chair of the Waikiki Neighborhood Board but we have not yet met to take a formal Board position. I have resided in Waikiki since 1990. At our Board meetings, crime is a concern that is front and center every month. Progress has been made with some recent efforts and yet issues still persist. This measure would help in that clearly if an individual is committing multiple violent offenses, even though they may be misdemeanors, they must be dealt with in a more serious fashion. While each individual offense may technically be a misdemeanor, at some point this represents someone who is more of a danger to the community and the criminal justice system should acknowledge that.

I appreciate the work of Senator Moriwaki in introducing this and urge favorable consideration by the Committee.

**SB-2347**

Submitted on: 2/4/2024 8:14:02 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doug Sensenbrenner	Individual	Support	Written Testimony Only

Comments:

I support any law that helps take dangerous criminals off the streets.

**SB-2347**

Submitted on: 2/4/2024 8:59:12 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

support

**SB-2347**

Submitted on: 2/5/2024 10:52:12 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ROBERT J FINLEY	Individual	Support	Written Testimony Only

Comments:

As the Waikiki Neighborhood Board has not had the opportunity to debate this issue I am writing in support as an individual. Month after month our residents complain about these "frequent flyers" who are apprehended on multiple occasions (some number in the hundreds of arrests and pleas of guilty) and are still on the street violating the rights of our residents and visitors. Creating this new policy should at least give the criminal element time in custody and put them on a probation status that should return them to custody if they repeat the crimes again.

Mahalo to Senator Moriwaki for supporting our residents.

**SB-2347**

Submitted on: 2/6/2024 12:41:39 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Greg Misakian	Individual	Support	Written Testimony Only

Comments:

I support SB2347.

Greg Misakian



**SB-2347**

Submitted on: 2/6/2024 12:22:44 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

Support!

**SB-2347**

Submitted on: 2/6/2024 9:49:40 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Pullman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support this legislation. In fact, I believe \$100 is not enough. Jurors should be paid at least minimum wage for the important work they do. Too often, being called for jury duty can break a person financially. In a state like Hawaii, where rent is exorbitant, paying someone \$15 a day to serve one of the most important functions in society is an insult. Even \$100 a day is not enough to replace lost income and being called for a two-week trial could result in inability to pay rent and eviction. Because Hawaii has the highest rent in the nation, we should pay our jurors more than any other state. I would advocate raising the rate to \$200 per day. If this results in added expenses to the state, perhaps it would incentivize badly needed reforms to our criminal justice system, such as the decriminalizing of drugs for starters. The fact that it is a felony carrying five years in prison for the possession of even the smallest quantity of drugs is an outrage in the 21st century. Ridding ourselves of these draconian drug laws would save all the money we need to boost the rate of pay for jurors to a living wage - \$200/day. Mahalo for your time! - David Pullman

**SB-2347**

Submitted on: 2/7/2024 10:36:01 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gustavo Gonzalez	Individual	Oppose	Written Testimony Only

Comments:

This bill is just pandering to local police and prosecutors. There is NO NEED to continue to increase punishments for petty crimes. This will clog the court systems further, and will only serve to create a permanent incarcerated class in Hawaii.

**SB-2347**

Submitted on: 2/7/2024 1:30:06 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joanye Curtis	Individual	Support	Written Testimony Only

Comments:

I support any law that helps take dangerous criminals off the street and make our neighborhoods safer.

**SB-2347**

Submitted on: 2/7/2024 4:36:13 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in SUPPORT

**SB-2347**

Submitted on: 2/7/2024 5:16:57 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators,

My name is Colleen Rost-Banik. I am a resident of Waikiki and a Sociology Instructor at University of Hawaii, Manoa. I have also worked with women at the Women's Community Correctional Center for the past 6 years, initially teaching sociology courses and now facilitating a creative writing course.

I ask that you please oppose SB2347 which would reclassify misdemeanor assault as a class C felony upon a third conviction for the offense. This is known as a habitual offender law, modeled after Three Strikes laws that have been popularized but have had minimal impact, at best, for reducing crime rates and offender actions. What they have been successful at is placing more people in prison, which simply leads to more violence.

Rather than focus on punitive measures for people who repeat offenses, we need to invest in restorative justice initiatives as well as fully fund, implement, and expand the Crisis Outreach Response and Engagement (C.O.R.E.) program.

Please oppose SB2347. It offers nothing more than political theater and the appearance of being 'tough on crime.'

Mahalo for your time and attention. I trust that you will do what is pono for our communities by halting SB2347.

Colleen Rost-Banik PhD

**SB-2347**

Submitted on: 2/8/2024 10:42:14 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Liam Chinn	Individual	Oppose	Written Testimony Only

Comments:

**I oppose SB2347 for the following reasons:**

- **SB2347 is an example of what criminologists refer to as crime control theater. Habitual Offender laws give the perception of a serious response to crime, but actually do little to combat crime.**
- **Locking people up for an offense as minor as shoving another person is not how we will reduce crime in our neighborhoods and communities.**
- **Studies on deterrence and punishment find that increasing the severity of punishments has a very limited deterrent effect, and the harshest policies tend to be the least effective.**
- **SB2347 is not effective justice policy.**
- **Under this bill the prosecution doesn't need to prove any state of mind. This means being of sound mind is inconsequential when they commit an offense.**
- **This bill creates the pretext for long-term incarceration of houseless people who experience chronic mental illness, extracting vulnerable people from their communities rather than providing them assistance.**
- **Hawaii has tried the mass incarceration approach and habitual offender laws for decades. It has failed. In just the last four decades Hawaii's combined jail and prison population increased 670%, and the incarceration rate increased 400%.**
- **This "tough on crime" approach and has not worked, Hawai'i's recidivism rate is over 50%.**
- **There are more promising alternatives that the legislature is currently considering, including restorative justice, mobile crisis responders, and crisis drop off centers which are proven to be more effective than incarceration.**
- **The Hawaii public safety system must be overhauled into a more rehabilitative framework to provide offenders with the resources, support, and skills they need to desist from crime.**



## STRONG OPPOSITION TO SB 2347—RELATING TO CRIME

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Olivia Chang and I am a student and Kaka’ako resident. I am testifying in strong opposition to SB 2347, a bill that would allow the prosecution to charge people with three or more violent misdemeanors within five years with a class C felony.

A large body of research, and a devastating history of mass incarceration, show that harsher punishments do not deter crime<sup>1,2,3</sup>. Do people harm each other after performing a cost-benefit analysis of how long they will spend in prison? Most violent acts are not premeditated, but are the result of existing conditions which *produce* the potential for harm. Being unsheltered, without food, unable to afford adequate healthcare—these things produce risk of offense. People become desperate when our community turns a blind eye to those struggling to meet basic needs.

Much like the failed “Three Strikes” bills of the 90s, this bill would actually increase the likelihood of people committing violent offenses. In 2002, the American Bar Association wrote of “Three Strikes” bills:

*“...However, despite the claims of "three strikes" supporters, the data on which they rely do not withstand close scrutiny. More recent empirical research supports many of the claims of "three strikes" critics that the law simply cannot deliver on its promises and insofar as it may have some marginal deterrent effect, it comes at too high a cost.”*<sup>4</sup>

Our criminal legal system already imposes sanctions accordingly for those who are convicted of a violent misdemeanor. Unnecessary felony charges, with the accompanying time in prison and fines & fees, will mean many more of our community members will struggle to keep a job, stay housed, and put food on their family’s table after prison—making it far more likely that they will be caught up again in the criminal system in the future.

It seems this bill is a thinly disguised attempt to punish and clear away Hawai’i’s unhoused into the prison system. Many places in Hawai’i have seen an increase in our unhoused population as upscale high-rises rapidly push out our neighbors. But being houseless is not a crime. Our unhoused neighbors—who are every bit a part of our community as you and I—need support and care, not punishment.

Sentencing must deliver safety for everyone based on evidence. If we are truly looking to reduce the risk of harm for everyone, we could start by ensuring everyone—not just the wealthy—can meet their basic needs of food, housing, and healthcare. We might also consider community

---

<sup>1</sup> <https://perma.cc/2KJL-SAE8>

<sup>2</sup> <https://www.jstor.org/stable/10.1086/670398>

<sup>3</sup> <https://news.ucr.edu/articles/2011/10/11/evidence-does-not-support-three-strikes-law-crime-deterrent>

<sup>4</sup>

[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/human\\_rights\\_vol29\\_2002/spring2002/hr\\_spring02\\_vitiello/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol29_2002/spring2002/hr_spring02_vitiello/)

violence intervention programs, which have been shown to reduce homicides and shootings by building relationships with people at the center of gun violence in communities<sup>5</sup>.

As for accountability to those who have been harmed, survivors of crime have consistently stated that they prefer the justice system focus more on rehabilitating people who commit crimes than punishing them, and investments in proactive measures—such as education or job programming, mental health treatment, drug treatment, or community service—over harsh prison sentences<sup>6</sup>.

Let's invest in real solutions, instead of cruel punishments that worsen the problem at hand.

---

<sup>5</sup> <https://www.vera.org/community-violence-intervention-programs-explained>

<sup>6</sup>

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

**SB-2347**

Submitted on: 2/8/2024 11:25:52 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kala Fisher	Individual	Oppose	Written Testimony Only

Comments:

I opppse SB2347 for the following reasons. This bill creates the ability for long term incarceration of houseless people who may experience chronic mental illness, which only removes these vulnerable people from their communities, rather than providing any assistance. This "tough on crime" approach has not worked, as Hawai'i's recidivism rate is over 50%. There are more promising alternatives in the current consideration of the legislature, such as restorative justice. Thank you for your time and consideration of this bill.

**SB-2347**

Submitted on: 2/8/2024 1:52:32 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Danielle Sears	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It is not necessary to have an elevated crime and increased sentencing for these types of crimes. Each case can be determined on an individual level.