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No. _____

TESTIMONY ON HOUSE BILL 2001
RELATING TO PUBLIC SAFETY

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016; 10:00 a.m.
State Capitol, Conference Room 309

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

The Department of Public Safety (PSD) would like to provide **comments** on House Bill (HB) 2001. At the present time, the Department staffs two active commissions that work to advise and assist the Department in two important areas – the Corrections Population Management Commission (CPMC), established in 1993 (Act 8) and the Reentry Commission (Act 24), which was established in 2009.

The CPMC works to develop statewide sentencing and corrections policies aimed at reducing the State's prison population. The Reentry Commission is tasked with recommending policies and programs to develop, monitor, and review the comprehensive reentry program, facility educational and treatment programs, rehabilitation services, work furlough, and the Hawaii Paroling Authority's oversight of parolees.

Both commissions are required to meet quarterly, and after a period of inactivity caused by changes in Departmental leadership, began meeting again in 2015 with new, enthusiastic, and knowledgeable members.

Inasmuch as the two aforementioned commissions seem to cover the areas proposed in HB 2001 for the Commission of Criminal Justice and Sentencing Reform, PSD would like to suggest giving the CPMC and Reentry Commissions time to do their work and report their progress to the Legislature in 2017.

Thank you for the opportunity to present this testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i

February 4, 2016

RE: H.B. 2001; RELATING TO PUBLIC SAFETY.

Chair Takayama, Vice-Chair Yamashita, members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 2001.

The purpose of H.B. 2001 is to create a statewide plan for sentencing and corrections policies to reduce the prison population. The bill also intends to reduce spending on corrections and reinvest any savings into programs that will lower recidivism. The purpose of the Department of Public Safety by its very nature is to protect the public. Attempting to lower the prison population by manipulating or abolishing well-established sentencing policies—simply to meet arbitrary headcount goals—would directly counteract the goal of public safety.

Our Department opposes H.B. 2001 and the methods derived to reach the intended goals. Specifically, Section 6, subsection (b)(1), (2), and (3) outlines the minimum sentencing policies the proposed commission would address. Abolishing statutes controlling mandatory minimum sentences and repeat offenders alone would reduce the prison population. However, these specific statutes were created for the very purpose of holding defendant's who have been given numerous opportunities to serve community-based rehabilitation to be held accountable. Many defendants who have been sentenced under the repeat offender statute have already been given the opportunity to take advantage of deferral, specialty courts and/or probation. In many cases, defendants have been sentenced to numerous stints of probation to allow for treatment rather than a term of imprisonment. To abolish sentencing statutes and raising monetary thresholds in theft cases reducing the amount of felony theft charges would undoubtedly reduce the jail population; however, the public would be placed at a greater risk of danger as a result.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 2001. Thank you for the opportunity to testify on this matter.

pbstestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 01, 2016 10:15 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB2001 on Feb 4, 2016 10:00AM

HB2001

Submitted on: 2/1/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	No

Comments: We FULLY SUPPORT this great effort to address the need to drastically reduce our prison population!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair

Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016

10:00 a.m.

Room 309

SUPPORT FOR HB 2001 - Commission on Criminal Justice & Sentencing Reform

Aloha Chair Takayama, Vice Chair Yamashita 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 almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 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 Native Hawaiians, far from their ancestral lands.

HB 2001 Establishes a Commission on Criminal Justice and Sentencing Reform in the Governor's Office; requires the Commission to develop a statewide framework of sentencing and corrections policies to further reduce the State's incarcerated population by 25% by year 2025. The Commission shall also develop a plan to reduce spending on corrections and reinvest in strategies to increase public safety and reduce recidivism.

Community Alliance on Prisons is in support of this measure. Setting a goal of reducing the state's population of imprisoned people is a good start.

All across the nation jurisdictions are reforming their criminal justice systems by reducing their imprisoned populations, implementing community-based programs to address the needs in their communities, and reinvesting money into programming to reduce recidivism.

The governor is asking for \$489.3 million to build a jail – think about what we could do in the community with half a billion dollars to address our social problems: reestablish the community health care system, increase substance abuse treatment, and renovate housing for those living unsheltered. There are so many ways to address these issues; hiding people in correctional facilities and warehouses has only proven that this method is expensive and is not producing the outcomes we need.

This bill starts the discussion and we support it! Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 4:25 PM
To: pbstestimony
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for HB2001 on Feb 4, 2016 10:00AM*

HB2001

Submitted on: 2/2/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 4:00 PM
To: pbstestimony
Cc: hermanw3880@yahoo.com
Subject: Submitted testimony for HB2001 on Feb 4, 2016 10:00AM

HB2001

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Herman Wong	Individual	Support	No

Comments: I, as a concerned member of the local Facebook group Stolen Stuff Hawaii, will be submitting testimony to amend the bill as follows: 1. Removing mention of the Three Strikes portion of the bill. 2. Removing the need to raise the monetary thresholds for felony theft. 3. Adding two community watch advocates to the Commission panel who understand and can vocalize our communities needs and concerns. 4. Adding a representative from the four counties of law enforcement (HPD) to the Commission panel. I would also submit as an opinion that it would be more productive to seek to establish a dedicated drug treatment facility to place drug offenders, as placing an individual within a prison environment is not the best way to rehabilitate drug addicts, and I have a similar opinion with regards to the imprisonment of the mentally ill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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My car was stolen from outside my residence about 2 months ago. All belongings from inside of car were never returned. Thanks to Stolen Stuff Hawai'i, a vigilant member spotted my car and alerted police. The perpetrators were identified but I was never summoned to press charges. I feel that I live in a very unsafe neighborhood on a very unsafe island.

As a member of Stolen Stuff Hawaii, I am witness to the aftermath of dozens of crimes every day. The majority of these crimes are committed by repeat offenders who continue to relapse to their old ways.

It is vital that we take steps to reduce recidivism in our state. Although I don't think we should reduce the penalties for criminal behavior, I believe we should improve our judicial system.

I support a modified HB2001 with the following amendments:

1. Remove mention of the Three Strikes portion of the bill.
2. Remove the need to raise the monetary thresholds for felony theft.
3. Request to add two community watch advocates to the Commission panel who understand and can vocalize our community's needs and concerns.
4. Request to add a representative from the four counties of law enforcement to the Commission panel

With these amendments, I strongly support HB2001.

Mahalo,

Pam Caesar

Lecturer and Coordinator for GoFarm Hawai'i at Leeward Community College



LATE

HB2001
RELATING TO PUBLIC SAFETY
House Committee on Public Safety

February 4, 2016

10:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend to the Board of Trustees a position of **SUPPORT WITH AMENDMENTS** for HB2001. This bill will establish an accountable commission to develop a much-needed and long-awaited strategy to reduce the State's incarcerated population, reduce corrections costs, and proactively invest in public safety and recidivism reduction initiatives. Given OHA's past and current investment in criminal justice reform initiatives, OHA respectfully requests the opportunity to contribute to the commission's work as an official named member.

Decades of following a traditional criminal justice approach have now led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent,¹ and by 1,400 percent between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40 percent of our prison population today.² The rapid growth of our incarcerated population, much higher than the national rate, strongly counsels the reexamination of our criminal justice approach, including our policies with respect to criminal liability, prisoner rehabilitation, and reintegration. In addition, the overrepresentation of Native Hawaiians in the criminal justice system indicates the existence of larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.³ OHA believes that the commission created under this measure may represent a significant step towards addressing the need for a new and progressive criminal justice approach, as well as the systemic issues that have led to the disproportionate impact of the current criminal justice system on the Native Hawaiian community.

¹ OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians ~~only~~ represent only 24% of the general public in Hawai'i. *Id.* at 36.

³ OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." (~~at pg. 10~~)—Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

OHA itself has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that would improve public safety, more effectively rehabilitate pa‘ahao, reduce recidivism, and save taxpayer dollars.⁴ OHA has also invested substantially in research, outreach, and other initiatives to examine and reduce the impact of the criminal justice system on the Native Hawaiian community, including through the administration of the Native Hawaiian Justice Task Force (NHJTF). Therefore, OHA believes that the commission created by this measure may benefit substantially from its participation, particularly in representing the interests of overrepresented pa‘ahao as well as the recommendations of the NHJTF. Accordingly, OHA respectfully requests an amendment to this bill beginning on page 5, line 21, to read as follows:

- president’s designee;
- (26) The president of Mothers Against Drunk Driving Hawaii or the president’s designee; and
 - (27) The administrator of the office of Hawaiian affairs, or the administrator’s designee.

with a change to the number of commission members described on page 2, line 13, to reflect the amendment.

In light of the above, OHA urges the Committee to **PASS WITH AMENDMENTS** HB2001. Mahalo nui loa for the opportunity to testify on this important measure.

⁴ The ~~NHJTF~~ [Native Hawaiian Justice Task Force](http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wpcontent/uploads/2012NHJTF_REPORT_FINAL_0.pdf) recommended several options to address systemic issues resulting in the overrepresentation of Native Hawaiians in ~~the-our~~ criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua, and bolstering reintegration programs and services to better prevent recidivism. OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012), http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wpcontent/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

pbstestimony

From: Shelly Sprinkle <chelle373@yahoo.com>
Sent: Wednesday, February 03, 2016 5:39 PM
To: pbstestimony
Subject: SUPPORT: HB2001 with amendments.



I support HB2001 with amendments.

Dear Chair Takayama, Vice Chair Yamashita and Committee Members,

As a member of Stolen Stuff Hawaii, I am witness to the aftermath of dozens of crimes every day. The majority of these crimes are committed by repeat offenders who continue to relapse to their old ways.

It is vital that we take steps to reduce recidivism in our state. Although I don't think we should reduce the penalties for criminal behavior, I believe we should improve our judicial system.

I support a modified HB2001 with the following amendments:

1. Remove mention of the Three Strikes portion of the bill.
2. Remove the need to raise the monetary thresholds for felony theft.
3. Request to add two community watch advocates to the Commission panel who understand and can vocalize our community's needs and concerns.
4. Request to add a representative from the four counties of law enforcement to the Commission panel.

With these amendments, I strongly support HB2001.

Mahalo.

Name: Shelly Sprinkle
Email: chelle373@yahoo.com
Address: 87-1910 Pakeke St.
Waianae, Hawaii 96792
United States

Multiple Testifiers with Same Testimony

- Shelly Sprinkle Lehua Alina
- Kimberly Eku-Ryan
- Florencetina Leae
- Jamie Aroni
- Trisha Boucher
- Karina Van Zandy
- Eve Williams
- Eric Wong
- Laurie Torres
- Stephanie Kozuma
- Wade Matsuda
- Jason Lum
- Laurie Puglia
- Cindy Pollard
- Randal Chaves
- Jardine Serrao
- Sheryl Shiroma
- Shannon McAneeley
- Claudine Calpito
- Wanda Brown
- Lisa Nakamura
- Melinda Yamauchi
- Samuel Awai
- Peter Hachida
- Elaine Padeken
- A. Dorsett
- Jennifer Mahu
- Vincent Flores
- Linda Mensching
- Michelle Marquette
- Shirley Kaneshiro
- Christopher Lai
- Joy Inada
- Mike Parrish
- Dean Hirada
- Kanoe Fairley
- Richard Bautista
- Joy Inada
- Lois Brown
- Jerry Yoshikane

LATE

LATE

IGHT CRIME. FIND YOUR STUFF.

February 4, 2016

To: Representative Gregg Takayama, Chair
Representative Kyle Yamashita, Vice Chair
Committee Members

RE: Support HB2001 with amendments



Dear Chair Takayama, Vice Chair Yamashita, and Committee members,

I am the creator of the statewide community watch group known as Stolen Stuff Hawaii (SSH). We have a member base of over 42,000 Hawaii-based residents. Our mission is to use the power of social media to help those who have been victimized by crime by helping them to locate their stolen property, provide emotional support, as well as awareness. In a very short time, our group has proven to be instrumental in the recovery of stolen property as well as identifying the criminals responsible for it.

I have spent close to two years administrating SSH and in that short amount of time I have seen countless criminal acts reported by our community. One look at our group will reveal thousands of crime-related posts where our citizens have been accosted and victimized by criminals. It is tragic and has been an eye-opener for most everyone in the group to the realities of high levels of property crime we face as a community.

What is even more disturbing is that many of these criminals are repeat offenders. We have had many examples where these criminals have had over 30, sometimes 40, and even 70 prior convictions. Our community is appalled by this and their trust in the legal system has been shaken, repeatedly.

We must do better as a community. It's for these reasons that I support HB2001 in an effort to get to the root cause of recidivism. What makes a criminal relapse into a life of crime after being punished? It seems as if our prisons are nothing but training grounds for criminals and offer little incentive to rehabilitate. We need programs that will give impetus for change for those that have lost their way.

Working with Representative Mizuno has given our extremely large group valuable opportunity to voice their concerns as well as give insight into the problems our community faces when dealing with repeat criminal offenders. This bill is about dealing with the root causes which are lack of education, poverty, illegal drug use, mental health issues, and having the proper support groups that will keep those who commit crimes from returning to that life once their time is served

You may have noticed quite a few testimonies sent in from our group, all in support of HB2001 but with amendments.

The truth is that our community doesn't want softer punishment. If anything, they want stricter penalties for those that commit crimes. They are sick and tired of being victimized by the same offenders over and over again. Consideration must be made and reducing penalties will only anger our community even further. However, they do understand that simply sending criminals to prison does little to combat the root causes of recidivism.

Our group supports this bill but only if the following amendments are made:

- Remove mention of the Three Strikes portion of the bill.
- Remove the need to raise the monetary thresholds for felony theft.

In addition, we request the following be added in order to better promote our community's interests as well as support for our local law enforcement:

- Request to add two community watch advocates to the Commission panel who understand and can vocalize our community's needs and concerns.
- Request to add a representative from the four counties of law enforcement to the Commission panel.

I am also requesting that I be allowed to represent my community by being one of the two community watch advocates. I have a direct line to the people of Hawaii and have a distinct level of empathy for those who have been victimized by crime. Administering Stolen Stuff Hawaii for the past few years has given me an insight into a vast majority of problems our members have faced. I'll be sure to represent everyone's concerns as best as I can.

I invite everyone on the Committee to join Stolen Stuff Hawaii and bear witness to the crimes that occur every single day. You will most likely be shocked and appalled by it. I know I have and that is why we must do more to protect and serve our community.

I support HB2001 with the above amendments.

Thank you for your time and consideration.

Sincerely,

Michael J. Kitchens
Creator & Administrator,
Stolen Stuff Hawaii
Facebook.com/stolenstuffhawaii
mikek@stolenstuffhawaii.com