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TESTIMONY ON HOUSE BILL 2276
RELATING TO PUBLIC SAFETY

by
Clayton A. Frank, Director
Department of Public Safety

House Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, January 28, 2010; 9:45AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) **strongly opposes** House Bill 2276. This measure does not specify who will develop or write the many comprehensive correctional impact statements that may be required, but only that the Corrections Population Management Commission (CPMC) will assist. The statute governing the CPMC (HRS §353F) does not provide any funding and/or positions to carry out its functions.

Over the last several legislative sessions, there have been no less than 30 proposed bills that would require a correctional impact statement under this measure. Additionally, there is no similar requirement on any other type of proposed legislation. Thus, this measure could be seen as prejudicial or discriminatory.

Further, given the nature and complexities of correctional impact statements, even if there existed staff and other resources necessary to conduct the research, compile the data, and put together a report for the legislature, given the length of the regular

annual legislative session and the compressed time between hearings, it would be extremely difficult, if not impossible to meet the requirements set forth in this measure.

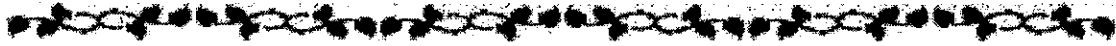
In addition, given the current unprecedented economic challenges facing the state, at this time, it would not be prudent to enact this type of costly legislation, which would negatively impact the priorities set forth in the Executive Supplemental Budget for Fiscal Year 2010-2011.

Thank you for the opportunity to provide testimony on this measure.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, January 28, 2010

9:45 AM

Room 309

SUPPORT HB 2276 - Correctional Impact Statements

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 2276 - Correctional Impact Statements require bills to amend or create new offenses, or to change parole or probation procedures, to be accompanied by a correctional impact statement. The bill requires assistance of the corrections population management commission to prepare an analysis of the corrections population impact through use of the Sentencing Simulation Model.

This bill also tracks the ethnicity of individuals and gives more information to policymakers to make an informed decision by using the Sentencing Simulation Model developed by PSD several years ago to determine the impact of legislation on the criminal justice system, the economy, on Hawaiians, at-risk communities, prisons etc.

Community Alliance on Prisons **SUPPORTS** this important bill. This is a tool to give policymakers valuable information to help make informed decisions. How did Hawai'i come to have such a rising prison population? The short answer is that the war on drugs and the passage of 'tough on crime' legislation that calls for the incarceration of low-level drug lawbreakers has led us down this dark path.

The Sentencing Simulation Model helped policymakers determine the impact of sentencing legislation before its passage. The tool is neutral and policymakers are only presented with the facts/data.

With overcrowded prisons and a rising corrections budget - PSD's budget rose 75.5% in the last decade and the budget for contract beds rose 192% during that same time - the information provided by these correctional impact statements would be invaluable to policymakers, researchers, families, concerned citizens, etc.

Hawai'i is in dire financial straits - this bill would give policymakers information on the impacts of their impending decisions so they could assess the cost-effectiveness of any proposed legislation.

Hawai'i has been following the 'tough on crime' model which has resulted in a burgeoning prison population and almost two thousand of our people being banished to the hands of prison profiteers thousands of miles from home.

The Sentencing Simulation model is now housed at the AG's office and should be restarted to assist policymakers with the analysis needed on sentencing bills to assess their impact before they are passed.

There are more cost effective and efficient ways for Hawai'i to address the root cause of much of the crime in our communities.

Correctional or Racial Impact Statements provide much needed information to policymakers, which is why Iowa and Connecticut have passed such laws and other jurisdictions are considering them. We simply can no long afford to incarcerate individuals we are mad at.

Incarceration is the most expensive sanction and should be reserved for those who we are afraid of. The result of mass incarceration is that it has lost its deterrent effect...it has actually become a 'rite of passage' for many young men in our community. This is not the message we should be sending to our youth.

Community Alliance on Prisons urges passage of HB 2276.

Mahalo for this opportunity to share our thoughts.



Committee: Committee on Public Safety
Hearing Date/Time: Thursday, January 28, 2010, 9:45 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2276, Relating to Public Safety

Dear Chair Hanohano and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of H.B. 2276, which seeks to require bills to amend or create new offenses, or to change parole or probation procedures, to be accompanied by a correctional impact statement.

In these difficult economic times, it is important that proposed legislation is carefully scrutinized (through methods like impact statements) to determine whether passing the legislation is in the State’s best interests. Correctional impact statements are particularly important because of the immense costs that come with sending additional individuals to prison (or sending individuals to prison for longer periods of time). The minimal – or nonexistent – deterrent effect from extended sentences and mandatory minimum terms, for example, simply may not be worth the extraordinary financial cost to Hawaii’s taxpayers. A correctional impact statement will help inform the process to ensure that we spend our limited resources in the most efficient and effective way possible, saving the State from long-term expenses that have little to no benefit in return.

Furthermore, correctional impact statements may help to address some of the racial and ethnic disparities that exist in our criminal justice system. For example, as evidenced in last year’s info briefing regarding the over-representation of native Hawaiians in the criminal justice system, native Hawaiians are disproportionately represented in prison. Again, the minor up-front cost of preparing an impact statement will go a long way to ensuring that we have an effective and equitable criminal justice system.

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Hon. Rep. Hanohano, Chair, PBS Committee
and Members Thereof
January 28, 2010
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The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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From: Mary Elizabeth [nugayou@yahoo.com]
Sent: Wednesday, January 27, 2010 9:48 AM
To: PBStestimony
Subject: SB 2276
Attachments: --static--liam_crowdsurfer_bottom.gif

COMMITTEE ON PUBLIC Safety

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, January 28, 2010

9:45 AM

Room 309

SUPPORT SB 2276

Correctional Impact Statement

Dear Chair Hanohano, Vice Chair Aquino, and members of the committee:

I support this measure because I believe it will be provide vital information to the Legislators to better assist them in making decisions on bills/issues that come before them.

Aloha and mahalo,
Elaine Funakoshi