

SB 2026

Measure Title:
RELATING TO PAROLE

Report Title:
Parole Services Fee

LINDA LINGLE
GOVERNOR



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

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No. _____

TESTIMONY ON SENATE BILL 2026
RELATING TO PAROLE

HAWAII PAROLING AUTHORITY
Albert Tufono, Chair

Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Chair Espero, Vice Chair Bunda and Committee Members:

The Hawaii Paroling Authority (HPA) supports Senate Bill 2026, establishing a parole services fee and a parole services special fund. The practice of collecting a fee associated with parole supervision is a practice that is being utilized by 34 states throughout the country. Fees are either assessed monthly (ranging between \$15 to \$185) or single payment (ranging between \$200 to \$300).

Should this bill become law, the use of these funds would be focused on enhancement of parole services, mainly staff training and database enhancement. HPA has been implementing evidence-based practices since 2002 and has seen a significant decrease in the recidivism rate in the parole population. However, to apply evidence-based skills, a minimum of 60 plus hours of training is required for new staff to get them familiarized with interviewing, assessing and formulating case management strategies. Veteran staff also requires training to maintain their

skill level. Due to the current economic condition and budget constraints, funding for training has been eliminated from our agency's budget.

The current database system at HPA does not have the capacity to capture parole supervision information necessary for evidence-based practices. HPA was fortunate in receiving a federal grant in 2009 to enhance our current database system. However, our agency currently lacks the additional funding that will be required to maintain the system on a monthly basis.

Lastly, while HPA supports this bill, we are requesting that several amendments be made, specifically who will be collecting the fee. We are recommending that HPA be identified as the agency responsible for the collection of this fee. Should this committee support this bill, we ask for the opportunity to assist in amending the current language. We thank you for this opportunity to testify.

January 25, 2010

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

Aloha Senators Espero and Bunda,

Thank you for holding a Committee hearing on SBs 2025 and 2026 tomorrow. As you may know, corrections is an issue of great significance to me from both a research and policy standpoint. Hawaii has made enormous strides in the area of inmate reentry in the last few years and much of the credit goes to your Committee and its hard work in this area. Parole, naturally, is conspicuously important to public safety and clearly is an area where many improvements can be made. These improvements should make gains in terms of public safety, costs, and equity.

Therefore, I must convey my strong opposition to both SB 2025 and 2026 and hope you will do the same because I feel that these two bills, if passed, would reverse the progress we've made as a State in the area of reentry. My specific comments are below each bill:

**SB 2025 PSM, JGO (Judiciary and Government Operations Committee)
Relating to Parole, Annual Review, Discretionary**

Making annual reviews discretionary for segments of the parole population is not constructive from a correctional management perspective. Inmates who are making progress on their rehabilitation programs need to be acknowledged and regular hearings give these individuals an important goal to work towards. Why should such inmates languish in prison when they are appropriate for release? (The cost savings between incarceration and community supervision need hardly be mentioned here.) Finally, this bill makes no comment about possible disparities that will arise from such discretion or what recourse individuals have to the denial of requests for discretionary parole hearings. Therefore, I see this as an important equity and liability issue—one that the State should not ignore.

**SB 2026 PSM, WAM (Ways and Means Committee)
Parole Services Fee**

The costs of our correctional policies are, in large part, shifted already to the inmate and her family. People exit prison with little money and many expenses; their families are already burdened by many years of hardship. The Brennan Center for Justice found that Maryland's

Parole Supervision Fee is a barrier to reentry. As with my earlier comments, with all of the work that Hawaii has done to create a comprehensive reentry system, why reverse course? Given the difficulties involved in collecting these fees (as witnessed in other States), this fee seems more a symbolic punishment than part of a rational approach to reentry.

In short, I believe that these bills are unworthy of consideration for passage. Nor do they reflect the record of clear thinking and policymaking that generally has characterized your Committee's work in the past. Thank you for your attention.

Sincerely,

Marilyn Brown, Ph.D.
University of Hawaii at Hilo

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 PM

Room 229

STRONG OPPOSITION TO SB 2026 - Relating to Parole

PSDTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda 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.

SB 2026 establishes a parole service fee to be made a condition of parole by the Hawai'i paroling authority. It establishes a parole service special fund and specifies proportional deposits of the parole service fee into the parole services special fund and the crime victim compensation special fund.

Community Alliance on Prisons stands in strong opposition to this measure.

Hawai'i has chosen incarceration as a policy and parole is part of the cost of that policy. Parole costs about \$5/day per individual while incarceration costs an average of \$118/day per individual.

If Hawai'i were truly serious about reentry, money would be released to fund reintegration programs that assist individuals in rebuilding their lives, restoring their families and revitalizing their communities.

Bills like SB 2026, only serve as another barrier to reentry. This measure shifts the burden for punishment to the incarcerated individuals and their families.

Hawai'i no longer gives gate money, therefore many individuals leave prison with little to no money and huge debt. Prison jobs are hard to get and pay between twenty five and fifty cents

per hour, foreclosing the opportunity for most to save. The little money those who work do make generally goes to purchase the necessary (overpriced) toiletries at the commissary.

Maryland imposed a parole service fee and below are the recommendations made in a 2009 report entitled, **MARYLAND'S PAROLE SUPERVISION FEE - A BARRIER TO REENTRY**

Source: BRENNAN CENTER FOR JUSTICE Rebekah Diller, Judith Greene, and Michelle Jacobs
http://brennan.3cdn.net/fbee4fbc0086ec8804_4tm6bp6oa.pdf

The recommendations in the report were based on suggestions made by many reentry professionals, parole personnel and formerly incarcerated persons on parole.

"In light of the detrimental effect that the parole supervision fee has on parolees, the many factors that impede individuals' reentry from prison into society, and the widespread inability of individuals to pay, this report raises serious questions about the continued use of the parole supervision fee as a revenue source in Maryland..."

The Report's Recommendations to the Maryland Legislature:

- ***Abolish the parole supervision fee outright.*** *The Maryland Legislature should abolish the supervision fee outright in light of the inability of most parolees to afford it, the limited revenue it raises, and the detrimental effect it has on reentry. This is the path that Virginia chose in 1994 after finding that its parole supervision fee undermined correctional goals and was too difficult to collect.*

In the alternative, the Legislature should:

- ***Implement a sliding scale fee tailored to an individual's financial circumstances.*** *Those parolees who can pay more should pay more. Those who are able to pay very little or nothing should have their obligations adjusted accordingly.*

- ***Ensure that the obligation to pay the fee does not commence until a Division of Parole and Probation agent has done an initial assessment of the parolee's circumstances.*** *The DPP is better positioned than the Parole Commission to evaluate an individual's ability to afford the fees and make payment."*

A Bureau of Justice Statistics report entitled **REPAYING DEBTS**, Bureau of Justice Statistics - Justice Center - Council on State Governments

(http://brennan.3cdn.net/e85b4e2e15de529c09_ezm6b62ov.pdf) recommends that lawmakers who are considering legislation that would impose or increase fines, fees, or surcharges be provided with an impact statement projecting the legislation's effect on the ability of a person released from prison or jail to meet his or her child support and restitution obligations.

The report suggests that new fines, fees, and surcharges may be legislated in response to pressure from taxpayers to ensure that people convicted of crimes help contribute to prosecution and incarceration costs, and to fund new criminal justice initiatives, such as a new problem-solving court or treatment program.

The report cautions that *“while understandable, these actions can have unintended consequences: the fines, fees, and surcharges already imposed on people sentenced to prisons and jails can collectively impair people’s ability to meet their financial obligations to their victims and families and to complete the conditions of their sentence.”*

The report also urges legislators/policymakers to curb the extent to which the operations of criminal justice agencies rely on the collection of fines, fees, and surcharges from people released from prisons and jails. *“Doing so will likely require tough decisions. Nevertheless, the limited ability of people released from prisons and jails to meet all of their financial obligations, and the primacy of ensuring that these individuals remain able to pay child support and restitution, means that policymakers must confront recent trends and revisit how they are funding criminal justice operations.”*

This last point is very important. In these trying economic times it is tempting, we’re sure, to shift costs to lower the burden on the general fund. Community Alliance on Prisons respectfully reminds policymakers that policies cost money.

Part of our economic troubles are caused by the policies enacted to incarcerate low level lawbreakers instead of directly addressing their pathways to crime in more cost-effective and efficient alternatives to incarceration. Prison is the most expensive sanction and should be reserved for people we are afraid of, not those we are mad at.

This economic crisis presents us with tremendous opportunities to rethink our policies and to create policies that are just, humane, compassionate, and reasonable.

Community Alliance on Prisons respectfully asks the committee to hold this bill.

Mahalo for this opportunity to share our thoughts with the committee.



the
**Drug Policy
Forum**
of hawai'i

January 26, 2010

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair and
Members of the Committee on Public Safety & Military Affairs

From: Jeanne Ohta, Executive Director

Re: SB 2026 Relating to Parole
Hearing: Tuesday, January 26, 2010, 1:15 p.m., Room 229

Position: Strong Opposition

The Drug Policy Forum of Hawai'i writes in opposition to SB2026, Relating to Parole. This measure establishes a parole service fee to be made a condition of parole by the Hawaii Paroling Authority.

This measure hinders reentry of those exiting incarceration. Many individuals leave prison with little money and limited resources; and many have other financial obligations like child support. This fee would raise limited revenue and in fact may be a false revenue. Collecting the money and the negative impact of imposing the fee on those who cannot afford it may actually cost the state more than the funds actually raised by increased rates of recidivism.

Financial obligations that cannot be met will hinder reentry and may increase incarceration rates. Public policy should encourage successful reintegration with society, not place barriers that lead to failure.

We urge the committee to hold this bill. Thank you for this opportunity to provide testimony.

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

STRONG OPPOSITION TO SB 2026

Parole Services Fee

Dear Chair Espero, Vic Chair Bunda, and members of the committee:

It is unbelievable that such a bill would be proposed. I realize that the State has a budget shortfall, but to make up a deficit by bleeding the incarcerated for more money is unimaginable. Their opportunities for paid "positions" of \$.25 p/hr and \$.50 p/hr (maximum pay) has been diminished. They pay \$.25 p/min to make phone calls. For some unknown reasons, their families cannot order books from "approved" book companies and have them mailed directly to them. They have to purchase books at a higher rate because they don't have membership as their parents do.

The bottom line is they don't have money, so who pays. Their families. The inmate, when released, has to find housing, a job, and deal with emotional changes in his life; and now, you're going to put another roadblock in his path. Are we trying to find means to keep them incarcerated? That is what I see this bill doing.

So senators, I urge you to vote down this bill.

Mahalo and Aloha,

Elaine Funakoshi

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS (PSM)

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, January 26, 2010

1:15 p.m.

Room 229

STRONG OPPOSITION - SB 2026

Aloha Senator Espero, Senator Bunda and Members of the committee,

I am strongly against SB 2026. It appears that the legislature is attempting to save taxpayer money by shifting the financial burden of parole supervision to reintegrating inmates. Unfortunately it will have the exact opposite effect and cost the taxpayers millions more in the long run. The majority of Hawaii's inmates are parole violators. Prison costs between \$50 for out-of-state and \$100 per day in-state. That is \$18K to \$36K per year to feed, clothe and provide surveillance for each inmate. Parole costs approximately \$4./day.

Parole/probation programs such as Judge Alm's HOPE on Oahu and Judge Rafetto's Special Services on Maui give extra attention to parolees. This decreases the chance they will receive more lengthy prison stays. The cost of this service goes up from the usual \$4/day, however it is still drastically less than the cost of incarceration. It also saves in social costs as the parolee can begin to integrate with his/her family and become a contributing member of society.

During this recession even competent, record free people are having difficulty earning a living. To believe that ex-cons, returning from a traumatic prison experience, with few job skills and a criminal record can earn enough money to pay their living expenses *and* parole fees is unrealistic.

The way to help both offenders and victims is through restorative justice programs. Seeing an offender get years of punishment isn't as healing as, when appropriate and with sufficient support, receive a genuine apology and appropriate restitution. This is the only way to make things pono.

The traditional punishment based system isn't decreasing crime. The US has the highest per capita rate of incarcerated citizens of any country in the world. Many states are going broke under the weight of the private prison system (who, just like hotels, strives for maximum occupancy).

There is an organization, Justice Reinvestment (www.justicereinvestment.org) who will work, for free, with any state who requests a data-driven analysis of its corrections system. They will help policy-makers: "reduce spending on corrections, increase public safety and improve conditions in the neighborhoods to which most people released from prison return."

I respectfully request that you investigate Justice Reinvestment before making decisions that will inadvertently cost Hawaii taxpayers millions more, and continue the intergenerational cycle of crime and punishment.

Mahalo for hearing my concerns,
Netra Halperin, MA
Kihei, Maui, Hawaii

From: Fattorosi, Erin [mailto:efattorosi@metcalfconstruction.com]
Sent: Monday, January 25, 2010 9:17 AM
To: PSM Testimony
Subject: Bill #2026

Aloha,

I am writing to voice my opposition to Bill #2026 currently before the legislature. As a mother of a prisoner, this bill seems absurd. First of all, the administration of this fee will far outweigh the proceeds. Inmates already face a steep, uphill climb upon release. Why on earth would you put this extra burden on them which will only cost the state money. These are people who have made a mistake. There but for the grace of God go us. Please do not pass this bill. It is a mistake and is not the direction we should be going. We need to help these people, not frustrate them right back into prison.

Thank you for your kind consideration,

Erin Welsh

VP Administration
(808) 329-1975 Ext. #14
Cell: (808) 960-8395

From: Lela M. Hubbard [mailto:lmhubbard@hawaiiantel.net]
Sent: Monday, January 25, 2010 2:25 PM
To: PSM Testimony
Subject: Strong Opposition-SB 2026

Committee on Public Safety and Military Affairs (PSM)
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
Tuesday, January 26, 2010 1:15p.m. room 229

Aloha!

Thank you for hearing this bill and allowing me to give my testimony. I oppose bill SB 2026 the court, at the time of sentencing, could add on, if they must pay into the crimevictim compensation special fund.

There should be no parole service fee. It is hard enough on the prisoners who are being released that they have little or no money. They have a hard time finding a job. for those with no family or friends to help support them, they have nothing. It is not the prisoners responsibility to pay the parole service, it is the states.

Aloha,

Regina DiasTaula
99-118 Kohomua St. #101
Aiea, Hi. 96701-3846

From: Lela M. Hubbard [mailto:lmhubbard@hawaiiantel.net]
Sent: Monday, January 25, 2010 9:38 PM
To: PSM Testimony
Subject: Opposition to SB 2026

This is a ridiculous bill that should die quickly. If we want inmates to integrate into society well, we can not overburden them with debt. We need to give them the tools to succeed when they are out---programs to give them skills so they can have decent jobs and help to find housing that is affordable. These are impossible challenges without support from family, friends or a reentry program.

Who is thinking up these harsh measures? Why not charge room and board in prison?

These two measures appear to reflect the meanness in Hawaii prison policy.

Please vote for humane treatment and against this bill.

Mahalo for this opportunity,

Lela M. Hubbard
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