

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
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Honolulu, Hawaii 96813

ALBERT TUFONO
CHAIR

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MEMBER

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MEMBER

MAX OTANI
ADMINISTRATOR

No. _____

**TESTIMONY ON SENATE BILL 2768, SD2
RELATING TO PAROLE**

HAWAII PAROLING AUTHORITY
Albert Tufono, Chair

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

March 11, 2010, 9:00 a.m.
State Capital, Room 309

Chair Hanohano, Vice Chair Aquino and Committee Members:

The Hawaii Paroling Authority (HPA) supports Senate Bill 2768, SD 2, allowing the use of a continuum of administrative sanctions when a parolee violates a term or condition of parole. Intermediate sanctions are currently utilized by HPA after it is determined that the parolee's presence in the community would not compromise public safety. SB 2768, SD 2, would put HPA's practices into law and possibly reduce litigation alleging unjust punitive action.

HPA currently has no funding to implement several of the sanctions listed in this bill and ask this Committee for your support in obtaining these resources in the future. We thank you for the opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 11, 2010

9:00 a.m.

Room 309

Problem with and Suggestion for SB 2768 SD2 - Parole Administrative Sanctions

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 diverse community initiative working to improve conditions of confinement for Hawai'i's incarcerated individuals, enhance the 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 2768 SD2 allows Hawai'i Paroling Authority to use a continuum of administrative sanctions when a Parolee violates a term or condition of parole.

Section 1(b) of SB 2768 SD2 lists a continuum of administrative sanctions that HPA can already utilize in their supervision of parolees.

Community Alliance on Prisons opposes the highlighted portion of Section 1 (c), which states: *"As a part of the continuum of administrative sanctions, if the Hawaii Paroling Authority deems it appropriate to return the parolee to custody for a violation of a term or condition of parole, the parolee shall be returned to custody for a length of time to be determined by the Hawaii Paroling Authority but **not to exceed two years before being eligible for parole consideration in the case of a technical violation.**"*

The 2008 Annual Statistical Report (<http://hawaii.gov/psd/attached-agencies/hpa/2007AnnualStatRptHPA.pdf/view>) of the Hawai'i Paroling Authority cites the number of Parole Violation Hearings as:

	<u>05-06</u>	<u>06-07</u>	<u>07-08</u>
# of Parole Violation Hearings	415	304	305
# OF PAROLEES REVOKED	363	264	284

Let's do the math on this: 284 individuals who this bill recommends would be sent back to prison for at least two years for a technical parole violation.

One year incarceration for a technical parole violation for 284 individuals at \$127/day
(the average of the highest (\$137/day - PSD testimony under oath) and lowest day rate (\$118/day PSD figure cited in EVERYONE PAYS research released in 2009) for incarceration in a Hawai'i prison.

365 days x \$127/day = \$46,355 per individual for one year
\$46,355 x 284 individuals = **\$13,164,820**

Two years incarceration for a technical parole violation for 284 individuals at \$127/day

730 days x \$127/day = \$92,710 per individual for two years
\$92,710 x 284 individuals = **\$26,329,640**

Does spending up to \$26 million make sense in order to sanction someone who missed his/her appointment with or call to his/her parole officer? Does it make sense to reincarcerate someone who has a dirty drug screen when we know that community treatment is cheaper and more effective than incarceration?

In this economy, where families are struggling to survive, wouldn't it make more sense to re-purpose money from incarceration into community programs that directly address an individual's pathway to incarceration?

What about creating HOPE Parole? The success that adult probation is having with the HOPE project is hard to deny. Having a unit at HPA that actually *wants and helps* people to succeed would be encouraging to both individuals exiting incarceration and to the community.

In these dire economic times, other jurisdictions are finding that reincarcerating individuals for technical violations is costly. This is forcing them to think out of the box/cell and they are amending their statutes to forbid the reincarceration of technical violators.

Hawai'i needs to consider alternative sanctions for violations and those sanctions should be appropriate to the violation. As our safety net becomes more and more tattered, we must seek ways to work together to build safe and healthy communities. Philip Zimbardo, renowned psychologist and lead researcher of the Stanford Prison Experiment (<http://www.prisonexp.org/>) says, "We send felons to prison and they exit as criminals." That is *not* the outcome we desire as a community.

Let's do what works. Let's understand that substance addiction is a recurring disorder that can and must be treated in a medical modality.

Substance abuse treatment provided in the community is more cost-effective than imprisonment. Substance-involved people have come to compose the majority of Hawai'i's incarcerated population. A Deputy Prosecutor testified this session that substance use plays a role in the commission of 70% of crimes. Treatment delivered in the community is one of the

most cost-effective ways to prevent such crimes and costs approximately \$30,000 less than incarceration per person per year.

Research entitled, *"The comparative costs and benefits of programs to reduce crime"*, Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. *Olympia: Washington State Institute for Public Policy* shows that that for every \$1 spent on drug treatment in the community, \$18 is saved.

The data is there. The path is clear.

Treatment works, Prisons don't.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 3:25 PM
To: PBStestimony
Cc: rmiller@aya.yale.edu
Subject: Testimony for SB2768 on 3/11/2010 9:00:00 AM

Testimony for PBS 3/11/2010 9:00:00 AM SB2768

Conference room: 309
Testifier position: support
Testifier will be present: Yes
Submitted by: Prof. Richard S. Miller
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Submitted on: 3/10/2010

Comments:

I strongly support this bill. The State of Hawaii can no longer support a policy that sends our people to jail for purely technical violations!