

LATE TESTIMONY

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Gil Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Tuesday, February 14, 2012

2:05 p.m.

Room 325

SUPPORT for HB 2515 HD1 - RELATING TO CRIME

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 2515 HD1 started out as a great measure and we support most of it because it is based on data-driven research and best practices. We can no longer afford to place public safety at risk by investing our resources in the wrong place. This measure takes a deep look at Hawai'i's criminal justice system and a wider look at what works elsewhere and suggests ways that we can enhance community safety by building in efficiencies in our criminal justice system.

We are heartened that many things are already happening in various sectors in the system such as working to make bail more efficient, training on assessments that will help make better decisions throughout the system, and placing our resources where they will do the most good, thanks to the incredible work of the analysts from the Justice Center.

This bill is first and foremost about public safety and holding individuals accountable for their actions, while recognizing that substance abuse is the root cause of much of Hawai'i's crime. It is widely recognized that substance abuse is best treated as a public health issue and this bill amends eligibility for probation to include second time offenders for certain drug offenses and allows a one-time expungement of a drug conviction record for an individual sentenced to probation without a previous sentence to probation for a drug offense. We suggest the expungement provision also include second-time drug offenses since we know - and the research is clear - that relapse is part of the disorder.

This measure also reduces the time of probation from five to three years for class B and class C felonies, except sexual offenses and child abuse. We know that those most likely to re-offend do so in the first or second year after the sentence of probation, therefore, this bill comports with national research as well as with our own experience as shown in the data produced by the Interagency Council for Intermediate Sanctions (ICIS).

Research and experience also shows that incentives are what works with drug offenders, therefore, establishing an incentive time credit for probationers to reduce time on probation is a good idea.

The felony threshold for theft hasn't increased from \$300 since 1986. In the last 26 years, we have seen runaway inflation and it is ridiculous to incarcerate an individual for a \$305 theft at a cost of \$137 per day! Increasing the threshold to \$750 for the minimum threshold value of property or services stolen that constitutes theft in the second degree is more reasonable. CAP's own research found that most states' thresholds range from \$750 to \$1,500.

Therefore, Community Alliance on Prisons urges the committee to pass this well-researched bill, based on our own data that was reviewed by independent analysts, to enhance public safety, accountability for wrongdoers, and expend our resources more wisely.

Mahalo for this opportunity to testify.