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TESTIMONY ON SENATE BILL 1539
RELATING TO BAIL HEARINGS.

by
Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, February 5, 2019; 1:15 p.m.
State Capitol, Conference Room 229

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Public Safety Department (PSD) supports Senate Bill (SB) 1539, which ensures that a defendant has a right to a prompt hearing to determine whether the individual will be released or detained prior to the adjudication of criminal charges.

This measure is based on the House Concurrent Resolution No. 134 (2017), Criminal Pretrial Task Force's recommendation to provide a due process review prior to continued detainment.

Thank you for the opportunity to present this testimony.

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILIARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, February 4, 2019

1:15 pm

Room 229

SUPPORT SB 1539 - PROMPT BAIL HEARING

Aloha Chair Nishihara, Vice Chair Wakai 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 more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 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 Kanaka Maoli, far, far from their ancestral lands.

SB 1539 adds a provision that, upon formal charge and detention, defendants shall have the right to a prompt bail hearing concerning release or detention and whether any condition will reasonably assure the defendant's appearance. It permits defendants to be represented by counsel at the hearing or have one appointed if they are financially unable to obtain representation and permits defendants to present evidence and witnesses and to cross-examine witnesses who appear at the hearing.

Community Alliance on Prisons supports this measure and encourages the committee to pass it!

Mahalo for this opportunity to testify.

SB-1539

Submitted on: 2/4/2019 10:35:05 AM

Testimony for PSM on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Susan Graham	Individual	Support	No

Comments:

SB-1539

Submitted on: 2/4/2019 10:50:39 AM

Testimony for PSM on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	Yes

Comments:

SB1539 Relating to Bail Hearings

I support SB1539 that would require prompt bail hearings for people awaiting trial. Getting people out of jail quickly minimizes the disruption of their lives. Psychologists have estimated that as little as three days in jail can have serious mental health impacts on individuals. In addition, of course, holding people in jail unnecessarily is very expensive to the taxpayers and requires larger jails.

I am concerned about homeless people, in these hearings, who may be seen as unreliable about returning to court. It is important that the court set up ways to assist a person in returning. New York City phones individuals to notify them of upcoming hearings, and provides a cell phone to anyone who doesn't have one. The City found that the rate of failure to return to court was the same for those released without cash bail as for those who had paid cash bail.

I urge you to pass SB1539, with or without an amendment as suggested above.