

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON HOUSE BILL 410  
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, February 5, 2009; 9:15AM  
State Capitol, Conference Room 309

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

The Department of Public Safety (PSD) understands and sincerely appreciates this committee's concerns with the impact that new bills may have on the Department. There are many bills every legislative session that will impact the corrections division and possibly our offender population.

House Bill 410 does not specify who will develop or write the many comprehensive correctional impact statements that may be required. As you know, this measure calls for the report(s) to include the number of criminal cases per year that may be impacted by the proposed legislation, the fiscal impact, projected impact on native Hawaiians, the projected impact on at risk communities, and the impact on existing correctional institutions. Compliance with this measure would require time consuming, and complex evaluation of each bill that may have impact on the PSD.

At present, the PSD does not have the required staff or other resources necessary to comply with the provisions of this measure. The Department acknowledges that this

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measure has merits; however, given the fiscal difficulties, it would not be prudent to pursue enactment at this time.

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

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 ALAKEA STREET, GROUND FLOOR  
Honolulu, Hawaii 96813

ALBERT TUFONO  
CHAIR

DANE K. ODA  
MEMBER

ROY W. REEBER  
MEMBER

MAX OTANI  
ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 410  
RELATING TO PUBLIC SAFETY

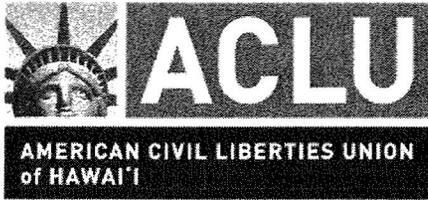
HAWAII PAROLING AUTHORITY  
Albert Tufono, Chair

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

Chair Hanohano, Vice Chair Aquino and Committee Members:

The Hawaii Paroling Authority (HPA) cannot support House Bill 410 as currently written. HPA is a member of the corrections population management commission and supports its efforts, however, this bill does not specify who will be responsible for producing the correctional impact statement. Given the numerous legislative bills that are introduced each year regarding penal code, probation and parole, persons responsible for producing these statements would require resources that are not currently available. While the efforts of the commission to project prison population trends are commendable, this bill cannot be effective without proper funding.

Thank you for this opportunity to testify.



Via E-mail: PBSTestimony@Capitol.hawaii.gov  
Committee: Committee on Public Safety  
Hearing Date/Time: Thursday, February 5, 2009, 9:15 a.m.  
Place: Room 309  
Re: Testimony of the ACLU of Hawaii in Support of HB 410, 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 HB 410, which seeks to require a correctional impact statement be attached to any bill that proposes a change in the law that creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole or probation procedures.

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 the recent 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.

American Civil Liberties Union of Hawai'i  
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Honolulu, Hawai'i 96801  
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Hon. Rep. Hanohano, Chair, PBS Committee  
and Members Thereof  
February 5, 2009  
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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,

A handwritten signature in black ink, appearing to read 'D. M. Gluck', written in a cursive style.

Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

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COMMITTEE ON PUBLIC SAFETY  
Rep. Faye P. Hanohano, Chair  
Rep. Henry J.C. Aquino, Vice Chair  
Thursday, February 5, 2009  
Room 309 at 9:15am

**SUPPORT: HB 410 RELATING TO PUBLIC SAFETY  
CORRECTIONAL IMPACT STATEMENT**

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

My name is Carrie Ann Shirota, and I am writing in support of HB 410. I am an attorney on the island of Maui and have previously worked as a Public Defender, Civil Rights Enforcement Attorney, and staff member of a reentry program on Maui. I am also an active member of Community Alliance on Prisons. These experiences have shaped my advocacy efforts to promote accountability and transparency within our correctional system.

HB 410 requires a correctional impact statement be attached to any bill that proposes a change in the law that creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures.

Effective criminal justice policies are shaped by data about what works, not political sound bites and emotions based on highly televised tragic criminal cases. I support this bill because correctional impact statements would provide legislators with tools to make informed decisions prior to enacting laws that impact the criminal justice system. It would provide elected officials with research to justify cost effective criminal justice policies rather than policies that merely appeared to be "tough on crime."

In light of the difficult economic times before us, legislators have an even greater responsibility to ensure that we are spending our money on criminal justice policies that are cost effective. Please support HB 410!

Sincerely,

Carrie Ann Shirota, Esq.  
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(808) 269-3858  
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