



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
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The Twenty-Fifth Legislature, State of Hawaii
House of Representatives
Committee on Public Safety

Testimony by
Hawaii Government Employees Association
February 5, 2008

H.B. 410 – RELATING TO
PUBLIC SAFETY

The Hawaii Government Employees Association supports the purpose and intent of H.B. 410, which requires a correctional impact statement when there is a change in the law that creates a public offense, significantly changes an existing offense or penalty, or changes existing sentencing, parole or probation procedures. The impact statement must include a variety of information, including the estimated number of criminal cases per year that may be affected by the legislation, the financial impact of confining persons and the impact on the capacity of existing correctional facilities. Before such legislation is approved by the State Legislature and the Governor, policymakers should know the projected costs.

Many state legislatures are extremely concerned about the projected growth in prison populations and accompanying increases in corrections spending. As a result, a number of state legislatures have passed laws to expand community corrections, manage probation and parole violators, boost incentives for good behavior, prepare inmates for re-entry, and link released offenders to community support.

Without options to reduce correctional-related expenditures, these costs will take away from other worthwhile state programs. Thank you for the opportunity to testify in support of H.B. 410.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



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

LATE TESTIMONY

February 5, 2009

To: Representative Faye Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair
And Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: HB 410 Relating to Public Safety
Hearing: February 5, 2009, 9:15 a.m., Room 309

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in support of HB 410 which requires that 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.

Ethnic disparities exist in the rates of incarceration in Hawai'i. It is estimated that 38% of those incarcerated are of Native Hawaiian ancestry. Since Native Hawaiians make up less than 38% of the state's population, there is an apparent over-representation of Native Hawaiians. Although there are many reasons for this over-representation, many of the policies on sentencing and drugs produce disproportionate racial effects.

✓ In hind-sight, some of these effects could have been predicted prior to the adoption of legislation. I am not implying that these effects were deliberate or intended. I believe that legislation is enacted with good intention but sometimes there are unintended consequences. These unintended consequences can be avoided if the potential impact of proposed legislation is known prior to enactment. It is more difficult to correct the situation after the disparity has occurred.

✓ The correctional impact statement is similar to environmental impact statements. It would allow legislators and the public to know in advance any racial disparity and to consider alternative policies that could accomplish the same goal without causing harm to the affected populations. It would also include information on how many criminal cases per year will be affected; the fiscal impact of incarceration for those cases; the projected impact on at-risk communities; and how the census of Hawai'i's prisons will be affected.

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Incarceration has become an expensive policy, with costs rising each year. Any new proposal should be considered with these additional costs in mind. Is the policy effective in increasing public safety? Are there alternatives that are more effective in achieving our goals and more cost-effective?

✓ Connecticut and Iowa are the first states to enact legislation requiring racial impact statements. Similar bills have been introduced in Oregon and Illinois.

✓ Examples of legislation and policies that have adversely affected communities of color are: crack/powder cocaine disparities; drug-free zone laws; and zero-tolerance policies. Eliminating the potential disparities will help keep fairness within our criminal justice system. When we fail to do that, we foster public mistrust in the system and it impedes the State's ability to promote public safety. A sense that the criminal justice system is fair is essential to the functioning of Hawai'i's democratic society.

Please pass HB 410 so that any new legislation will be accompanied by the resulting fiscal and racial impacts; and those impacts can be considered before the legislation is enacted.