

# **SCR 128/ SR 76**

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A  
WORKING GROUP TO EXAMINE SMARTER SENTENCING TO  
IMPROVE THE QUALITY AND RELIABILITY OF STATE CRIMINAL  
SENTENCING PRACTICES.

PSM, JDL

DAVID Y. IGE  
GOVERNOR



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

NOLAN P. ESPINDA  
DIRECTOR

Cathy Ross  
Deputy Director  
Administration

Deputy Director  
Corrections

Shawn H. Tsuha  
Deputy Director  
Law Enforcement

TESTIMONY ON SENATE CONCURRENT RESOLUTION 128 /  
SENATE RESOLUTION 76  
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY  
TO FORM A WORKING GROUP TO EXAMINE SMARTER SENTENCING  
TO IMPROVE THE QUALITY AND RELIABILITY OF STATE  
CRIMINAL SENTENCING PRACTICES

Nolan P. Espinda, Director  
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Tuesday, March 31, 2015, 1:15 PM  
State Capitol, Conference Room 229

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) would like to offer **comments** on Senate Concurrent Resolution (SCR) 128 / Senate Resolution (SR) 76. While the PSD appreciates the intent of this resolution and the Legislature's efforts to reduce prison overcrowding, we do not believe we would be able to fulfill the measure's requirements.

The PSD is not involved in the sentencing part of the judicial process but serves as the repository for all defendants sentenced to incarceration by the courts. Because the PSD does not participate in the adjudication and sentencing phases of judicial proceedings, it does not maintain records pertaining to the sentencing alternatives available to a defendant.

We thank you for your interest in this matter and for allowing us to testify.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

1136 Union Mall, Suite 600  
Honolulu, Hawai'i 96813  
Telephone: 808 587-1143  
FAX 808 587-1146

MARI MCCAIG  
Chair

ABELINA SHAW  
Commissioner

MARTHA ROSS  
Interim Commissioner

PAMELA FERGUSON-BREY  
Executive Director

TESTIMONY ON SENATE CONCURRENT RESOLUTION 128/  
SENATE RESOLUTION 76  
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO  
FORM A WORKING GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE  
QUALITY AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Tuesday, March 31, 2015; 1:15 PM  
State Capitol, Conference Room 229

Chair Espero, Vice Chair Baker, and Members of the Senate Committee on Public Safety,  
Intergovernmental and Military Affairs:

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to testify before you today. The Commission strongly supports these resolutions with amendment. Because special considerations must be taken into account when sentencing perpetrators of sexual assault, domestic violence, and driving under the influence and no single victim advocacy group can adequately represent the interest of all victims of crimes; the working group should also include, at a minimum, a representative from the Sex Abuse Treatment Center, a domestic violence advocacy group such as the Hawai'i State Coalition of Against Domestic Violence; and MADD.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-

related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available.

This resolution seeks to review the use of smarter sentencing over the last ten years and to make recommendations that would improve the quality and reliability of smarter sentencing in Hawai'i. Currently, the proposed work group does not include any victim advocacy groups to represent the interests of victims and community safety. Victims have a vested interest in sentences that not only rehabilitate inmates but also protect the community and victims. Victims should have a voice in this workgroup.

Evidence based sentencing must take into consideration that not all sentencing tools have been verified for perpetrators of all types crimes. Special considerations must be taken into account when sentencing perpetrators of sexual assaults, domestic violence, and driving under the influence. The advocacy groups for the victims of these groups have the specialized knowledge necessary to adequately address sentencing of the perpetrators of these crime. The Sex Abuse Treatment Center, MADD, and a domestic violence advocacy group such as the Hawai'i State Coalition Against Domestic Violence should be made a part of the workgroup.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Concurrent Resolution 128/Senate Resolution 76 with amendment to add Sex Abuse Treatment Center, MADD, and a domestic violence advocacy group such as the Hawai'i State Coalition Against Domestic Violence to the workgroup.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 11:17 AM  
**To:** PSMTestimony  
**Cc:** conniem@ihs-hawaii.org  
**Subject:** Submitted testimony for SCR128 on Mar 31, 2015 13:15PM

**SCR128**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Connie Mitchell	IHS, The Institute for Human Services, Inc.	Support	No

Comments: Smarter sentencing can provide deterrent to further criminal activity while also providing encouragement toward more pro-social behavior. Let's take a look at where it has worked and save the taxpayers of Hawaii some money.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Tuesday, March 31, 2015

1:15 p.m.

Room 229

### SUPPORT INTENT of SCR 128 - EXAMINING SMARTER SENTENCING

Aloha Chair Espero, Vice Chair Baker and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals under the care and custody of the department of public safety, always mindful that 1,500 of those imprisoned 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.

SCR 128 requests the department of public safety to form a working group to examine smarter sentencing to improve the quality and reliability of state criminal sentencing practices.

Community Alliance on Prisons supports the intent of this resolution, however, we suggest that the appropriate convenor of any working group regarding sentencing would have to be the Judiciary. The department of public safety should certainly be a member but their role is the care and custody of those sentenced by the court. The department has no discretion in the sentencing arena and generally does not weigh in on sentencing bills.

We further suggest that instead of looking back over the last 10 years, the working group review sentencing laws to ensure that they are fair and proportionate to the circumstances of the crime and make recommendations.

There is a House Concurrent Resolution that was heard by the Judiciary Committee on March 24<sup>th</sup> (HCR 146 HD1) that establishes a broad-based group of stakeholders to review certain sentencing statutes.

The principle of proportionality in sentencing is simple: the punishment should be in proportion to the severity of the crime. This principle underlies the creation of categories of felonies (Classes A, B, C, D, etc.) and the assignment of different sentencing options to each category.

## THE DATA

In July 2014, the Vera Institute of Justice's Center on Sentencing and Corrections issued a review of state sentencing and corrections trends<sup>1</sup>. The introduction to the report states:

From the early 1970s to the beginning of the 21st century, crime control policy in the United States was dominated by an increasing reliance on incarceration. The growth in punitive sanctioning policies—mandatory penalties, truth-in-sentencing laws, and habitual offender statutes like “three strikes” laws—resulted in many more people going to prison for longer periods of time, dramatically accelerating the U.S. incarceration rate and the cost of corrections. By January 1, 2013, the number of persons confined to state prisons surpassed 1.3 million—an increase of nearly 700 percent from 1972—and total state correctional expenditures topped \$53.3 billion in fiscal year 2012.

In 2013, 35 states passed at least 85 bills to change some aspect of how their criminal justice systems address sentencing and corrections. In reviewing this legislative activity, the Vera Institute of Justice found that policy changes have focused mainly on the following five areas: reducing prison populations and costs; expanding or strengthening community-based corrections; implementing risk and needs assessments; supporting offender reentry into the community; and making better informed criminal justice policy through data-driven research and analysis.

## THE RESEARCH

The logic behind supporting harsher sentences is simple: locking up people for longer periods of time should enhance public safety. From this view, putting people in prison for years or even decades should prevent offenders from re-offending by incapacitating them and/or deterring would-be-offenders from committing crimes. However, **contrary to deterrence ideology and “get tough” rhetoric, the bulk of research on the deterrent effects of harsher sentences fails to support these assertions.**<sup>2</sup>

\*\*\*\*\*

A series of studies have examined the public safety effects of imposing longer periods of imprisonment.<sup>3</sup>

\*\*\*\*\*

Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend. A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various

---

<sup>1</sup> *Recalibrating Justice: A Review of 2013 State Sentencing and Correction Trends*, Vera Institute of Justice, Ram Subramanian, Rebecka Moreno, Sharyn Broomhead, July 2014.

<http://www.vera.org/sites/default/files/resources/downloads/state-sentencing-and-corrections-trends-2013-v2.pdf>

<sup>2</sup> *“Sentence Severity and Crime: Accepting the Null Hypotheses,”* Anthony Doob and Cheryl Webster, *Crime and Justice*, 30:143-195, 2003.

<sup>3</sup> *“A Meta-Analysis of Adult Offender Recidivism: What Works!”*, Paul Gendreau, T. Little, and Claire Goggin, *Criminology*, 34(3):575-607, 1996; . *“Policy Evaluation and Recidivism,”* Martin A. Levin, *Law and Society Review*, 6(1):17-46, 1971;

*“Recidivism: The Effect of Incarceration and Length of Time Served,”* Lin Song and Roxanne Lieb, Olympia, WA: Washington State Institute of Public Policy, 1993.

offenses and criminal histories. **Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship between length of time in prison and recidivism, and found that longer prison sentences were associated with a three percent increase in recidivism.** Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months. The authors also assessed the impact of serving a prison sentence versus receiving a community-based sanction. Similarly, being incarcerated versus remaining in the community was associated with a seven percent increase in recidivism.<sup>4</sup>

Researchers also find an increased likelihood that lower-risk offenders will be more negatively affected by incarceration. Among low-risk offenders, those who spent less time in prison were 4% less likely to recidivate than low-risk offenders who served longer sentences. **Thus, when prison sentences are relatively short, offenders are more likely to maintain their ties to family, employers, and their community, all of which promote successful reentry into society.** Conversely, when prisoners serve longer sentences they are more likely to become institutionalized, lose pro-social contacts in the community, and become removed from legitimate opportunities, all of which promote recidivism.<sup>5</sup>

\*\*\*\*\*

The Sentencing Project<sup>6</sup> documented that three states – New York, New Jersey, and California – have led the nation in recent years by reducing their prison populations by about 25%.

New York and New Jersey achieved a 26% reduction from 1999 to 2012, and California experienced a 23% decline from 2006 to 2012.

**While some proponents of continued high rates of incarceration warn of the prospect of a “crime wave” if populations are reduced, we found no evidence for such an outcome in these states.** During this time frame, a period in which crime rates were declining nationally, these three states generally achieved greater reductions in violent and property crimes than national averages.

Our findings suggest that it is possible to achieve substantial prison population reductions – much greater than the very modest 4% reduction that state prisons have achieved since their 2009 peak – without adverse effects on public safety.

We also note that even a reduction of 25% in the level of incarceration would still leave the United States with a rate that is more than five times that of most industrialized nations.

---

<sup>4</sup> **“The Effects of Prison Sentences on Recidivism,”** Paul Gendreau, Claire Goggin, and Francis T. Cullen Ottawa, Ontario, Canada: Public Works and Government Services Canada, 1999

<sup>5</sup> **“Recidivism: The Effect of Incarceration and Length of Time Served,”** Lin Song and Roxanne Lieb, Olympia, WA: Washington State Institute of Public Policy, 1993

<sup>6</sup> **Can We Reduce The Prison Population By 25%?,** The Sentencing Project, Marc Mauer and Nazgol Ghandnoosh, August 5, 2014. <http://www.thecrimereport.org/viewpoints/2014-08-can-we-reduce-the-prison-population-by-25>

To achieve reductions of this scale or greater will require both building on current initiatives in more expansive ways and taking on areas of the corrections system that have received little attention to date.

Below is a selection of changes in policy and practice that hold the potential for substantial reductions in imprisonment:

- Expand diversion programs and their admissions criteria
- Reduce sentence lengths for drug offenders
- Establish an upper limit on all prison terms
- Reduce parole and probation supervision of low-risk individuals
- Reclassify certain felony offenses as misdemeanors

\*\*\*\*\*

Several states (Colorado, Georgia, Idaho, Maryland, Mississippi, Montana, Nevada, South Dakota, and Texas) empowered sentencing commissions, created oversight councils, or convened working groups. These bodies were tasked with reviewing sentencing and corrections policies; recommending changes based on evidence, best practices, and impact analyses; and overseeing implementation of criminal justice reform. **Through the use of data and research findings, these groups have helped states adopt more consistent and fair sentencing and corrections policies and better allocate criminal justice resources.** Some are also charged with **ongoing oversight and evaluation of enacted policies** to ensure that desired results are achieved and recommend adjustments if they are not. Some of the reform laws passed in 2013 were products of such working groups.<sup>7</sup>

In light of the bipartisan movement in Congress, the Right on Crime initiative with Newt Gingrich and Grover Norquist, and the Koch Brothers funding criminal justice reform, this is the time for Hawai'i to step up and join the other jurisdictions that are realizing great savings while enjoying less crime, less recidivism, and safer and healthier communities.

We *can* enhance public safety AND reduce the cost of corrections by using data-driven and evidence-based strategies. This is what Justice Reinvestment is all about: using data and analysis rather than hype and hysteria.

Hawai'i's crime rate is the lowest in decades. An article by George Will<sup>8</sup> stated:

*Overcriminalization has become a national plague. And when more and more behaviors are criminalized, there are more and more occasions for police, who embody the state's monopoly on legitimate violence, and who fully participate in humanity's flaws, to make mistakes.*

<sup>7</sup> **Recalibrating Justice** For example, in participating in the federally-funded Justice Reinvestment Initiative, four states in 2013 convened a task force or working group to analyze drivers of their prison population and formulate policy solutions to address those drivers. Those states (and their resulting legislation) are: Kansas (HB 2170), Oregon (HB 3194), South Dakota (SB70), and West Virginia (SB 371).

<sup>8</sup> **The Plague of Overcriminalization.** by GEORGE WILL , December 10, 2014 8:00 PM  
<http://www.nationalreview.com/article/394392/plague-overcriminalization-george-will>

*Harvey Silverglate, a civil-liberties attorney, titled his 2009 book Three Felonies a Day to indicate how easily we can fall afoul of America's metastasizing body of criminal laws. Professor Douglas Husak of Rutgers University says that approximately 70 percent of American adults have, usually unwittingly, committed a crime for which they could be imprisoned.*

*(...)*

*Citing Husak, Professor Stephen L. Carter of the Yale Law School, like a hammer driving a nail head flush to a board, forcefully underscores the moral of this story:*

*Society needs laws; therefore it needs law enforcement. But "overcriminalization matters" because "making an offense criminal also means that the police will go armed to enforce it." The job of the police "is to carry out the legislative will." But today's political system takes "bizarre delight in creating new crimes" for enforcement. And "every act of enforcement includes the possibility of violence."*

*Carter continues (in speaking about the Eric Garner case in NYC):*

*It's unlikely that the New York Legislature, in creating the crime of selling untaxed cigarettes, imagined that anyone would die for violating it. But a wise legislator would give the matter some thought before creating a crime. Officials who fail to take into account the obvious fact that the laws they're so eager to pass will be enforced at the point of a gun cannot fairly be described as public servants.*

The Koch Brothers are speaking out on overcriminaliation. An article<sup>9</sup> co-authored by Charles Koch in January of this year opens with this paragraph:

*As Americans, we like to believe the rule of law in our country is respected and fairly applied, and that only those who commit crimes of fraud or violence are punished and imprisoned. But the reality is often different. It is surprisingly easy for otherwise law-abiding citizens to run afoul of the overwhelming number of federal and state criminal laws. This proliferation is sometimes referred to as "overcriminalization," which affects us all but most profoundly harms our disadvantaged citizens.*

And ends with this paragraph:

*Reversing overcriminalization and mass incarceration will improve societal well-being in many respects, most notably by decreasing poverty. Today, approximately 50 million people (about 14 percent of the population) are at or below the U.S. poverty rate. Fixing our criminal system could reduce the overall poverty rate as much as 30 percent, dramatically improving the quality of life throughout society—especially for the disadvantaged.*

Examining sentencing laws is not being soft on crime; it is being SMART ON CRIME.

Mahalo for this opportunity to testify.

---

<sup>9</sup> *The Overcriminalization of America* - How to reduce poverty and improve race relations by rethinking our justice system. By CHARLES G. KOCH and MARK V. HOLDEN, January 07, 2015.

<http://www.politico.com/magazine/story/2015/01/overcriminalization-of-america-113991.html#.VRR7QvnF-Sr>



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

*Executive Director*  
Adriana Ramelli

*Advisory Board*

*President*  
Mimi Beams

*Vice President*  
Peter Van Zile

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Marilyn Carlsmith

Senator  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Councilmember  
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Gidget Ruscetta

Joshua A. Wisch

DATE: March 31, 2015

TO: The Honorable Will Espero, Chair  
The Honorable Rosalyn Baker, Vice Chair  
Senate Committee on Public Safety, Intergovernmental and Military  
Affairs

FROM: Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

RE: Testimony in Support of S.C.R. 128 / S.R. 76  
Requesting the Department of Public Safety to Form a Working Group

I would like to thank the Committee for this opportunity to provide testimony on behalf of The Sex Abuse Treatment Center (the SATC), a program of Kapi'olani Medical Center for Women & Children, in support of Senate Concurrent Resolution 128 / Senate Resolution 76 (S.C.R. 128 / S.R. 76). We further respectfully request your consideration of our additional comments concerning this measure.

S.C.R. 128 / S.R. 76 requests that the Department of Public Safety form a working group to examine and make a report of smarter sentencing methods to improve the quality and reliability of sentencing practices, with specific reference to cases over the last ten years in which smarter sentencing principles were applied to the negotiation and recommendation of a sentence; cases during the same period to which the principles could have been applied; and possibilities to design, implement and streamline a sentencing process applying the principles.

The smarter sentencing principles referenced in S.C.R. 128 / S.R. 76 are part of a general movement towards implementing evidence-based decision making policies and processes throughout the criminal justice system. The goals of such policies and processes are to apply science and research to: (1) undo and prevent damage to communities caused by crime and its after effects; (2) reduce the creation and growth of "crime culture"; (3) prevent contagion of criminality from one generation to the next; (4) mitigate the high costs of incarceration; and (5) reduce distrust in the justice system by assuring responsiveness to community, victim, and offender needs.

The SATC strongly supports implementing evidence-based methods to improve the sentencing process with respect to these purposes, emphasizing the importance of applying necessary and appropriate sanctions that deter would-be criminals from committing offenses; restrain offenders to limit their opportunities to commit further crime; prevent perpetrators from repeating their offenses or committing worse crimes in the future; and help victims and communities to recover from crimes.

While we believe that evidence-based methods to ensure effective criminal sentencing with the least harm to society should be implemented, the SATC is very concerned that the working group requested by S.C.R. 128 / S.R. 76 does not specifically include government or community organizations that serve as victim representatives or advocates.

The United States Department of Justice's National Institute of Corrections, in its "Framework for Evidence-Based Decision Making in Local Criminal Justice Systems," specifically includes victim advocates and service providers among its list of key decision makers and stakeholders in the criminal justice system. This is consistent throughout the body of research and discussion concerning the evidence-based decision making movement.

It is important that victims be represented and included in any dialogue involving the application of smarter sentencing principles on a statewide level. Therefore, we respectfully request the enclosed amendment to S.C.R. 128 / S.R. 76, asking that the SATC and other victim representatives be included in the working group.

We believe that the SATC's inclusion in particular would be appropriate as the victims of sexual abuse and assault that we serve represent a substantial cross-section of our community that includes 1 in 5 women and 1 in 17 men, encompassing every age, race, nationality, culture and socio-economic group.

By helping to ensure that criminal sanctions in the State of Hawai'i effectively address all of the harmful impacts of crime on our island communities, your support for the formation of a working group to guide use of smarter sentencing principles in our justice system represents a strong, positive step towards healing those affected by crime and preventing future offenses.

---

## SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A WORKING GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

WHEREAS, the prison population in the United States has grown tremendously over the past four decades despite the tapering off of crime over the past twenty years, partly due to the imposition of lengthy sentences; and

WHEREAS, the increasing number of individuals imprisoned has led to rising operating costs, community reliance on incarceration, and growing numbers of inmates prematurely released from prison each year; and

WHEREAS, offender recidivism rates continue to be an issue because many inmates who are released from incarceration are not prepared to lead law-abiding lives and reintegrate into society; and

WHEREAS, the number of inmates prematurely released has led to a growing sentiment that there is interdependency among participants in the judicial process that needs to be recognized in working with each other and in the decision-making processes regarding offenders; and

WHEREAS, smarter sentencing uses research and science to enhance the decision making ability of criminal justice stakeholders in the selection and application of fair, just, proportionate, and efficient sanctioning goals; and

WHEREAS, at each decision point during the process of charging an individual with an offense, negotiating and recommending a plea deal, and determining the ultimate sentence, there is an opportunity to use research-based smarter sentencing; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, the House of Representatives concurring, that the Department of Public Safety is requested to convene a working group to examine the concept of smarter sentencing to improve the quality and reliability of the State's criminal justice sentencing policies and practices; and

BE IT FURTHER RESOLVED that the purpose of the working group is to research:

- (1) The number of cases over the last ten years in which smarter sentencing principles were applied to the negotiation and recommendation of a sentence;
- (2) The number of cases over the past ten years in which principles of smarter sentencing were applicable; and
- (3) Possibilities of designing, implementing, and streamlining a process involving smarter sentencing; and

BE IT FURTHER RESOLVED that the Department of Public Safety is requested to include in the working group:

- (1) The Chair of the Senate and House of Representatives committees with primary jurisdiction over the Judiciary;
- (2) The Chair of the Senate and House of Representatives committees with primary jurisdiction over public safety;
- (3) The county prosecutor of each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;
- (4) One public defender to represent the Office of the Public Defender located in each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;
- (5) The Attorney General, or the Attorney General's designee;

- (6) Two members appointed by the Chief Justice of the Hawaii Supreme Court;
- (7) One representative of the American Civil Liberties Union of Hawaii;
- (8) One representative of the Hawaii Civil Rights Commission; and
- (9) One representative of The Sex Abuse Treatment Center;
- (10) One representative of [other victim advocacy organization(s) or service provider(s)]; and
- (911) Four members from the community, to be appointed by the Governor; and

BE IT FURTHER RESOLVED that the working group is requested to select a chairperson from among its members and meet at least five times prior to December 31, 2015; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Director of Public Safety, Prosecuting Attorney of the County of Hawaii, Prosecuting Attorney of the County of Kauai, Prosecuting Attorney of the County of Maui, Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, Attorney General, Administrator of the Courts, Executive Director of the American Civil Liberties Union of Hawaii, and Executive Director of the Hawaii Civil Rights Commission.

OFFERED \_\_\_\_\_  
BY:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 12:49 PM  
**To:** PSMTestimony  
**Cc:** maucrowe@gmail.com  
**Subject:** Submitted testimony for SCR128 on Mar 31, 2015 13:15PM

**SCR128**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
james crowe	Individual	Support	No

Comments: Smarter sentencing is replacing out-dated harder sentencing nationally. Please support it for our Hawaii people.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2015 4:58 PM  
**To:** PSMTestimony  
**Cc:** maukalani78@hotmail.com  
**Subject:** Submitted testimony for SCR128 on Mar 31, 2015 13:15PM

**SCR128**

Submitted on: 3/29/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileana Funakoshi	Individual	Support	No

Comments: PSM COMMITTEE Sen. Will Espero, Chair Sen. Rosalyn Baker, Vice Chair SCR 128 3/31/15, 1:15pm, Rm 229 Dear Chair Espero, Vice Chair Baker, and Committee Members: I am e. Ileana Funakoshi writing in support of SCR 128. This Smarter Sentencing Resolution is well overdue and welcomed. Whatever working group can look back ten years and come up with a recommendation on SMART changes to the sentencing statutes - reducing some felonies to misdemeanors and decriminalizing some other minor offenses - will be well received. Nationally, as you know, many other states are reviewing their stagnant statutes and updating them also. Please consider the millenniums and the change in demography in the study. Mahalo for the opportunity to submit my testimony and your hard work. Aloha, e. ileina funakoshi

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 25, 2015 2:37 PM  
**To:** PSMTestimony  
**Cc:** peter.thoenen@yahoo.com  
**Subject:** Submitted testimony for SR76 on Mar 31, 2015 13:15PM

**SR76**

Submitted on: 3/25/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter Thoenen	Individual	Support	No

Comments: No additional comments beyond agree with the stated premise and goal.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 30, 2015 2:19 PM  
**To:** PSMTestimony  
**Cc:** gladys.baisa@mauicounty.us  
**Subject:** Submitted testimony for SCR128 on Mar 31, 2015 13:15PM

**SCR128**

Submitted on: 3/30/2015

Testimony for PSM on Mar 31, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gladys Coelho Baisa	Individual	Support	No

Comments: I'm in SUPPORT of SCR 128. I realize that this measure wants the working group to look back 10 years to determine where smarter sentencing was applied. I would like this group when named, to recommend SMART changes to the sentencing statutes...reducing some felonies to misdemeanors and decriminalizing some other minor offenses (similar to what CA just did in Act 47).

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)