

T E S T I M O N Y

Re S.B. 75 (Relating to the Hawaii Paroling Authority)
Before the Senate Judiciary Committee
February 25, 1975

by the John Howard Association of Hawaii
Ted Sakai, Executive Director

The John Howard Association urges this Committee to give favorable consideration to Senate Bill 75, which would reconstitute the current Parole Board into a full-time Paroling Authority composed of members chosen for their ability to make paroling decisions.

This bill is basically the same as S.B. 17-1973, which was passed by the 1974 Legislature but vetoed by the Governor. However, this bill is stronger than S.B. 17 in that it has been modified to clearly meet two of the three objections declared by the Governor in his veto message. H.B. 107 provides for the proper transfer from the current Board to the envisioned Authority, and it diminishes the possibility of an overly dominant chairman.

The third objection voiced by the Governor was that other alternatives to professionalizing the Board should be considered. We are of the opinion that the Board as currently constituted is incapable of meeting its responsibilities. Its functions are tremendously demanding--in terms of the complexity of factors involved in reaching any decision, in terms of time required to study and understand any single case, and in terms of effect on the safety of our community and the life of every individual person considered. These functions should be conducted by persons with appropriate training and background, who can devote the necessary time to make judicious decisions.

The need for a change from the current Board is pressing. The community is being shortchanged today and will continue to be as long as the current system continues. S.B. 75 offers a truly viable alternative, and it should be tried.

TESTIMONY TO SENATE COMMITTEE ON JUDICIARY
ANDREW I. T. CHANG, DIRECTOR
DEPARTMENT OF SOCIAL SERVICES & HOUSING

Date: 2/25/75, 9:00 a.m., Senate Conference Room 4

SB 75 - Relating to the Hawaii Paroling Authority

The Department of Social Services and Housing appreciates the opportunity to testify before this Committee on Senate Bill 75 and wishes it known that we concur with and support the concept of this measure. In addition, we wish to further inform this Committee of our total agreement that there is a need to reconstitute our present Parole Board system in order to more effectively and efficiently achieve the dual and inseparable purposes of parole, the protection of society on the one hand and the rehabilitation of the offender on the other. This Department wishes to emphasize that our position is in no way intended or meant to be a criticism of the present members of the Board of Paroles and Pardons. Instead we are of the firm understanding and belief that current demands of parole work can no longer be effectively met should our system remain as it is. This view is shared by the members of the present Board of Paroles and Pardons who are more often than not frustrated by their intense desire to provide the needed community service but who are unable to do so because of time and financial constraints.

We have had the opportunity to review SB 75 and respectfully wish to make certain comments and observations. In addition, we wish to make recommendations which we believe will assist this Committee in arriving at a decision.

Comments and Observations:

1. The method of selecting members of the Hawaii Paroling Authority as stated in SB 75 is generally felt to be extremely worthy as it permits the Governor to utilize the talents and expertise that the members of the nominating panel represent and have. It is believed, however to be somewhat restrictive in nature and limits our community's benefitting from realizing the full benefits of the many talents and disciplines represented on the panel. I will reflect this concern in the recommendations made.
2. Present workload precludes the present members of the Board of Paroles and Pardons from performing in the manner in which they themselves wish. Parole work, from a purely quantitative standpoint, has grown beyond the capabilities of five (5) persons volunteering their services on a part-time basis away from their jobs which provide for their personal and familial needs. The members of the Board have in fact voiced their frustrations in not being able,

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realistically, to provide this valuable community service in the manner in which they would wish to, time permitting. Specifically, during calendar year 1974, the Board met in regular session twenty-six eight-hour days just to consider cases. This is exclusive of preparation time. Total average time needed (as reflected by the Board members) was four to five working days per member, per month.

3. From a qualitative standpoint, and again we stress we are not being critical of the present members of the Board, there is a need, which our present structure does not permit, for parole to be more closely "linked" with other components of the criminal justice system. While it is true, the Division of Paroles as staff to the Board, does currently provide some of this service, there is no question that constant direct involvement by the decision-maker(s) in this area is a better alternative, and more desirable.
4. Our experience has shown that parole work does require persons of multi-disciplined backgrounds and knowledge. In this respect, we are of the opinion that salaries should be commensurate with the duties and responsibilities of the job rather than be directly related to any other specific discipline. We appreciate and admire the importance given to the positions as reflected by the proposed salaries. We recognize that monetary considerations must be realistic and also sufficient to attract desired persons.

Reflecting the beforementioned, the Department of Social Services and Housing recommends certain modifications be made to SB 75. We believe that should our recommendations be accepted, the intent of SB 75 will be met, protection of society on the one hand and rehabilitation of the offender on the other.

Recommendations:

1. The nominating panel be permitted and required to submit no less than 3 names to the Governor for each position to the Hawaii Paroling Authority.
2. The Hawaii Paroling Authority consist of one member, the chairman, who would serve on a full-time paid basis and two other members who would also be compensated but not on a full-time basis. Instead, the two other members would serve on an as-needed basis and be paid for each hour of needed service. In essence the Paroling Authority would consist of one full-time salaried chairman and two part-time, hourly paid members.
3. Annual salary for the Chairman be in the SR-31 range which as of July 1, 1975 is from \$19,752 (step B) to \$30,648 (step L-4). A more specific recommendation is that the annual salary for the Chairman be \$25,224 (Step G). Compensation for the other two members be 90% of the hourly wage paid the Chairman. Using

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this as a base, the hourly rate of the two other members would be \$10.92 per hour. As an added note based on current experience and projected workload for fiscal year 1975-1976, salary expenses only would be \$35,707.20 for the Paroling Authority. Projection was based on the two members devoting 40 hours per month (5) days towards parole work for twelve months, ($\$10.92 \times 40 \text{ hours} \times 12 \text{ months} = \$5,241.60$ annually. For 2 members - \$10,483.00); Chairman's salary of \$25,224.00.

In conclusion, we again endorse the overall concept and intent of SB 75. The Department of Social Services and Housing, does, however, recommend that the before-mentioned modifications and recommendations be accepted. Should this Committee wish, we would be happy to provide you with any further detailed data such as cost projections, workload experiences, etc., that we have, could obtain, or compute.

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Senate Judiciary Committee
Hawaii Council of the National Council on Crime and Delinquency

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The Hawaii Council on Crime and Delinquency supports the intent of this bill.

Requirements of the new Hawaii penal code, combined with developing case law on due process in paroling activities, indicate that part-time boards will be hard pressed to meet the demands being placed upon them. Full-time attention to parole is probably necessary, if for no other reason, simply to ensure the fundamental fairness of the operation.

We must caution you, however, against placing too much hope on the benefits of such parole reform. NCCD has for several years, under a substantial LEAA grant, been receiving data from all state boards of parole, the boards of territories and the U.S. board of parole.

Data gathered from these studies do not indicate that those inmates paroled by full-time, professional boards do any better on parole than those released by lay boards. Considering the variety of largely unmeasured forces impacting parolees, this is not surprising. Real success at lowering overall recidivism rates will probably require changes in many parts of the system.

Parole is one such area, and the caution flag we have just raised should not be interpreted as disparagement. Without a full-time parole board of some sort, we believe that it will be increasingly difficult for the state to remain within constitutional guidelines where parole is concerned. Failure to reform, in this case, may result in state time and money being wasted in needless litigation over decisions made.

We would prefer a full-time, fully constituted board of three persons. If, however, money is a critical problem, I would suggest that a compromise may be in order. A bill that provides for a full-time chairman with others paid on an hourly basis as needed could suffice until caseloads absolutely require full-time from all members. Such an arrangement makes the board self-adjusting as an interim measure.

In addition, we have one technical suggestion. At the top of page four, lines one and two of paragraph two states that the authority may "consider for parole all prisoners in state correctional institutions...."

Act 179 of 1973 gave the director of the Department of Social Services and Housing authority to place persons in other than what may be usually defined as correctional institutions. The same act also changed the usual terminology from "prisoners" to "committed persons."

For the sake of clarity, we suggest that paragraph be changed to read that the authority may consider for parole "all committed persons...."

In conclusion, we feel there is a need for parole decision-making to be carried out on a full-time basis. It is not a panacea, but it should help. We urge your favorable consideration of this bill.



H.S. Persons, Chairman, Hawaii Council
National Council on Crime and Delinquency

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