



*The Judiciary, State of Hawaii*

**Senate Committee on Public Safety, Intergovernmental and Military Affairs**

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

and

**Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S.C. Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Wednesday, February 10, 2016, 8:30 a.m

State Capitol, Conference Room 016

by

Sidney Nakamoto

Probation Administrator, First Circuit

---

**Bill No. and Title:** Senate Bill No. 2147, Relating to Incarceration Alternatives.

**Purpose:** Establishes an alternative incarceration pilot program with mandatory electronic monitoring under the department of public safety for parolees and the judiciary for probationers. Establishes criteria for eligibility, conditions, and retake.

**Judiciary's Position:**

The Judiciary takes no position on Senate Bill 2147, but respectfully offers the following comments regarding possible costs to the Judiciary to implement this bill. The bill establishes an alternative incarceration pilot program, which will use electronic monitoring for select persons to be released into the community in lieu of incarceration.

A probationer may be eligible to participate in the pilot program if the probationer meets the required criteria. Electronic monitoring traditionally has been used as an added layer of supervision for "higher risk" individuals such as sex offenders. It complements other supervision strategies and is part of a continuum to ensure public safety. This bill seeks to place individuals who may not be necessarily high risk (i.e., current non-violent offense, no history of



Senate Bill No. 2147, Relating to Incarceration Alternatives  
Senate Committees on Public Safety, Intergovernmental and Military Affairs and  
Judiciary and Labor  
February 10, 2016  
Page 2

violent offenses, has a place to reside, is currently working or in school or is seeking employment/education) on electronic monitoring which is contradictory to what Evidence Based Practices suggests, namely focusing resources on the high risk populations.

Senate Bill No. 2147 seeks to divert convicted individuals from serving jail time by placing them on electronic monitoring. Though cost saving may be experienced by the Department of Public Safety, the Judiciary would incur additional expenses in the form of: 1) additional probation staff required to implement the project, 2) additional resources needed to secure electronic monitoring equipment, 3) overtime costs may occur as a result of the need to respond to violations, and 4) costs for damaged/lost equipment. No appropriation amount is designated to deal with the additional duties/responsibilities that would be placed on probation to implement such a program.

In addition to the costs that the Judiciary would encounter, defendants would likely incur a cost for being placed on Electronic Monitoring. Given the many financial obligations that defendants face upon conviction, this additional cost may create significant hardships. Those who may not be able to afford this requirement may become non-compliant and returned to court which will increase the workload of the courts and may ultimately face further terms of probation and possible incarceration.

The bill does not address efforts to remove a defendant from electronic monitoring after a substantial period of compliance. As a result, on-going costs and expenses will occur throughout the term of probation which may be as long as five (5) years.

In testimony prepared for SB344 last year, costs were estimated at \$100,000 per year to service forty-five (45) probationers using the existing Judiciary contracted electronic monitoring vendor. In using the Hawaii inmate census numbers that were provided it would cost, at a minimum, approximately \$1.2 million to accommodate the inmates that may be eligible.

Thank you for the opportunity to testify on Senate Bill No. 2147.