



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, March 28, 2017 1:20 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

By

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Bill No. and Title: Senate Concurrent Resolution No. 126, Criminal Pretrial Practices; Task Force.

Purpose: Senate Concurrent Resolution No. 126 requests that the Judiciary convene a task force to examine and make recommendations regarding criminal pretrial practices and procedures to maximize public safety, maximize court appearances, and maximize pretrial release of the accused and presumed innocent.

Judiciary’s Position:

The Judiciary supports Senate Concurrent Resolution No. 126.

Particularly in recent years, a growing number of states and localities have reconsidered criminal pretrial release practices and have undergone reforms to increase—indeed, maximize—public safety, court appearances, and pretrial release.

Key stakeholder groups have been supportive of such reforms. Such key groups across the country include state and federal prosecutors, state and federal public defenders, pretrial services agencies, the United States Department of Justice, the Bureau of Justice Assistance, and the American Bar Association. Many of these contend that pretrial custody often makes the public less safe in the long run, and that pretrial custody is far more financially costly than



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evidence-based appropriate pretrial supervision in the community. Accordingly, state and local officials in all three branches in many parts of the country have pursued reforms to prudently shift practices and procedures in ways that maximize three key components of a criminal pretrial justice system: public safety, court appearances, and release where appropriate.

Moreover, in September 2016, the Hawai'i State Judiciary, along with the Hawai'i State Bar Association's Judicial Administration Committee (JAC), held a bench-bar criminal law forum. The forum covered various aspects of pretrial practices for a majority of the day. The Judiciary and JAC secured key speakers from the Arizona Administrative Office of the Courts (Arizona has implemented criminal pretrial reforms) and the National Institute of Corrections. In addition, local involvement included more than two dozen judges and court administrators, prominent criminal defense attorneys, public defenders, prosecutors from all four counties, and representatives of the Honolulu Police Department, the Department of Public Safety's Intake Service Center, and the United States Pretrial Services Office of the District of Hawai'i. Following the forum, the JAC issued a criminal law forum report recounting the discussions and recommending that a criminal pretrial task force be established. This report will be published in full in the Hawai'i Bar Journal in the coming months.

For these reasons, the Judiciary supports SCR No. 126.

Thank you for the opportunity to testify on this measure.