Present: June Lee attending for Senator Brian Kanno, Colin Fukunaga attending for Max Otani, Clyde Namuo, Sidney Nakamoto and Ronald Hajime

Absent: Representative Nestor Garcia and Lisa Dunn

Meeting called to order at 1:48 p.m. by Mr. Hajime.

1. Old Business

Ron Hajime asked for corrections to the minutes of December 14, 2000. Clyde Namuo commented that he would like to correct the minutes in that he did not the meeting, but had sent Karen Takahashi as his representative.

2. New Business

a. Ron Hajime’s confirmation as compact administrator has been passed by the Senate and will be sworn-in in July. Ron’s term will be until 2004.

b. The Probation and Parole Compact Administrators Association meeting is scheduled for August 2001. The Judiciary has supported the attendance of Sidney Nakamoto to represent Hawaii. Conference will be in St. Paul, Minnesota.

c. Status on Implementation of National Interstate Commission

By the legislation introduced in the states, the commission will not be implemented until 35 states have been granted enactment of the law. As of yesterday, 21 states have passed legislation to have the National Commission, 2 are awaiting governor’s approval, 9 still pending in legislative session, 7 states ended session, 3 states have decided to hold their legislative pending an interim study, 8 other states have not initiated any legislation to join the commission.

Clyde asked that until the 35 states are enacted, would there be a national commission? Ron commented there is no national commission that will be convened. The National Commission will require the states to attend the commission’s meeting to begin to establish policies and procedures. The dues
will be used to pay for the commission. There is no authority currently that exist until the 35 states enact legislation. We have appointed officials among the interstate administrators serving as authority at the present time under PPCAA.

d. Interstate Movement of Offenders

Ron gave a brief description of the movement of offenders between Hawaii and other states. California, Nevada, Washington, Texas and Florida were the states that we experienced the most transfers.

Clyde asked when defendants transfer to our state do they pay a fee? Sidney commented that our probation fees are assessed. There is no cost involved to transfer an offender to another state. Some states charge an administrative cost for processing the paperwork.

e. Return of Violators to Hawaii

Ron commented that he needs guidance from this council on the matter of extradition. The counties in our state have their own prosecuting attorney, who issues a bench warrants for the return of our offenders from other states. When we send offenders to another state, there is a requirement by the interstate agreement we would extradite that person to Hawaii if that person violates his/her probation/parole. There is no gray area about this. Once a state accepts a client there is a responsibility to ensure that violations will be acted upon. Maui County, for example, has decided they would not support that position and that they would have discretion over which cases they would bring back. Clyde asked if the attorney general could not act on this. Ron commented if the county prosecutor does not elect to issue the bench warrant then Ron has to petition the governor to ask for a governor’s warrant. Sid commented that each county leaves it up to its prosecutor to decide on whom to extradite. For the First Circuit, we are notified by the receiving state that they have a client they would like extradited. We don’t have the authority, so we need to work with the prosecutor. Ron would like guidance on how to address inconsistency among all the individual counties. Peter Carlisle has not indicated to Ron that he will take a different stance, and feels we should cooperate.

Clyde asked what is the impact to the prosecutor if the person is brought back? Why would the prosecutor object to bringing the person back? Ron commented that when the offender is brought back, the violation might not be of such magnitude that the court resentence the person to prison. Sidney commented that after being extradited, an offender, if resentenced to probation could pay back the extradition cost. At times, after the person is resentenced to probation instead of prison, the offender wants to go to back to state from where he was extradited.

Ron requested that the members of the full council consider this policy matter. It was agreed to defer this matter until we have the full council. This matter will be placed on the next agenda. Clyde asked how often does this occur? Colin commented this occurs more often now than in the past, about once a month.

National Institute of Corrections (NIC) has asked for input on what we believe needs to be done to get the national commission up and running. Clyde
commented that they should seek how to streamline extradition and have states follow consistent standards. NIC would also like to see how the State Councils are working, i.e., advisory, policy making. How will the individual members of the State Council see this Council moving into this area? Clyde commented that the Council is for policy making and setting guidelines. Ron added that an original intent was to bring awareness within each state on the interstate issues that exist with the state and also at the national level. The Council would serve as the interface between how they can best serve at a national level and be effective on the local level.

Clyde asked if the philosophy is that when the probationer/parolee returns back to their state where they have a good support system, they are more likely to successfully complete their probation/parole. Ron responded that was the intent of the original compact. People that are released back into the community do better when they have a support system.

Colin asked if there are any policies regarding visitors such that if they need to report sex offenders. Ron felt that they should be on a travel permit. Sidney commented that if our offender leaves Hawaii, they need to get travel permission. If permission is granted, we provide a travel permit. Same rules should apply for the sending state of sex offenders where they should register with HPD.

Ron asked for suggestions for agenda items and preferences for date and time. Having none, Ron will continue to prepare the agenda accordingly and notify the members of the next date/time for the meeting.

Cynthia Shimabuku
Recorder

Meeting adjourned: 2:40 p.m.