



LATE TESTIMONY

## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

## COMMITTEE ON HEALTH

Sen. Josh Green, Chair

Sen. Glenn Wakai, Vice Chair

Wednesday, February 11, 2015

1:45 p.m.

Room 414

### OPPOSITON TO SB 1190 – Construction of Correctional Treatment Facility

Substance abuse is a public health problem that is not corrected by the criminal justice system. Instead of imprisonment to deal with substance abuse, which is likely to make incarcerated individuals more criminal, community based rehabilitation programs,<sup>1</sup> restorative justice,<sup>2</sup> and public health approaches<sup>3</sup> should be used.

Instead of building new prisons, the legislature should invest in education<sup>4</sup> and stop imprisoning people for drug related crimes. The department of public safety should be increasing community correctional opportunities to allow many of our currently imprisoned 6000 people to be released and begin to build productive lives. We should be ashamed of imprisoning this many people when we only have a population of only 1.3 million. If Hawai'i were a country we would be one of the world's top 30 incarcerators and especially disturbing is that we imprison a disproportionate share of Native Hawaiians (see footnote 4).

Portugal is a stunning success applying a public health approach instead of using the criminal justice system to deal substance abuse.<sup>5</sup> While we may not be able to decriminalize drugs like Portugal, we can decrease prison use, which increases criminality. The U.S. Department of Justice warns that prison does not deter crime: "Prisons actually may have the opposite effect."<sup>6</sup> Phil Zimbardo's acclaimed 1970s research shows how prisons increase violent and criminal behavior.<sup>7</sup> Prisons are "crime colleges."<sup>8</sup> It is exceedingly clear that imprisonment for substance abuse is a dismal failure.<sup>9</sup>

Thank you for your public service.

Lorenn Walker, JD, MPH, executive director, Hawai'i Friends of Restorative Justice (formerly Hawai'i Friends of Justice & Civic Education) a non-profit incorporated in 1980 to improve the justice system. Please call me at 808 218 3712 if you have any questions about our testimony.

<sup>1</sup> 2008, National Institute on Drug Abuse, *Relapse*, <http://www.drugabuse.gov/publications/addiction-science/relapse>

<sup>2</sup> 2001, Braithwaite, *Restorative Justice and a New Criminal Law of Substance Abuse*, *YOUTH & SOCIETY*, 33:2, 227-248, [http://www.corwin.com/upm-data/2997\\_12ys01.pdf#page=100](http://www.corwin.com/upm-data/2997_12ys01.pdf#page=100)

<sup>3</sup> 2010, Walker & Greening, *Huikahi Restorative Circles: A Public Health Approach for Reentry Planning*, *Federal Probation Journal*, [http://lorennwalker.com/articles/FederalProbation\\_%20June201\\_.pdf](http://lorennwalker.com/articles/FederalProbation_%20June201_.pdf)

<sup>4</sup> 2015, Walker & Merce, *Hawai'i needs fewer prisoners, not more prisons*, *Honolulu Star Advertiser*, <http://www.staradvertiser.com/s?action=login&f=y&id=287753451>

<sup>5</sup> 2013, Hollersen *'This is Working': Portugal 12 Years After Decriminalizing Drugs*, <http://www.spiegel.de/international/europe/evaluating-drug-decriminalization-in-portugal-12-years-later-a-891060.html>

<sup>6</sup> 2014, U.S. Dept of Justice, National Institute of Justice, *Five Things About Deterrence*, <https://ncjrs.gov/pdffiles1/nij/247350.pdf>

<sup>7</sup> 2004, American Psychological Association, *Demonstrating the Power of Social Situations via a Simulated Prison Experiment*, <http://www.apa.org/research/action/prison.aspx>

<sup>8</sup> 2011, Defina & Hannon, *Mass Incarceration: Long-Term Harm versus Short-Term Good*, *Villa Nova University*, [https://www.bostonfed.org/commdev/c&b/2011/summer/DeFina\\_Hannon\\_mass\\_imprisonment.pdf](https://www.bostonfed.org/commdev/c&b/2011/summer/DeFina_Hannon_mass_imprisonment.pdf)

<sup>9</sup> 2015, Hari, *Chasing the Scream: The First and Last Days of the War on Drugs*, New York: Bloomsbury.

LATE TESTIMONY

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2015 11:11 PM  
**To:** PSMTestimony  
**Cc:** lragan001@yahoo.com  
**Subject:** Submitted testimony for SB1190 on Feb 11, 2015 13:45PM  
**Attachments:** SB1190.docx

**SB1190**

Submitted on: 2/10/2015

Testimony for PSM/HTH on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L. Ragan	Individual	Support	No

Comments:

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LATE TESTIMONY

February 10, 2015

Aloha Chair Green, Chair Espero, and Committee Members,

I am testifying in favor of SB1190 which will allow the process of preparing preliminary design and requests for proposals for the design, construction, and operation of a correctional facility.

You must understand that there is a tremendous amount of recidivism for theft, burglary, and motor vehicle theft. These types of crimes are very personal to the victims, sometimes causing permanent fears. I know a victim whose home was burglarized. Even though no one was home, even though it's been over a year, my friend's child still has a fear of living in the same house and still struggles with tics the child never had before. This crime where "no one was hurt" continues to haunt her. This is no way for a child to live. This is no way for parents to have to live—to know their child was fine and now struggles.

People that commit these crimes don't care about how hard people work here in our state for what they have. They have no self-control because they have given in to addictions. They need help. Putting them in prison to get treatment is not heartless—it is actually the compassionate thing to do. Letting them use our judicial system as a revolving door and "not having to deal with them" is actually the heartless thing to do.

SB1190 will begin the process to help our communities be safe and help those that refuse to help themselves.

*Please pass SB1190.*

Mahalo,

Leslie Ragan



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 11, 2015 10:00 AM  
**To:** PSMTestimony  
**Cc:** malnoaton@aol.com  
**Subject:** Submitted testimony for SB1190 on Feb 11, 2015 13:45PM

**SB1190**

Submitted on: 2/11/2015

Testimony for PSM/HTH on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Malia Peters	Individual	Support	No

Comments: I support efforts to have a correctional treatment facility in our State. This is long overdue and we have been battling a severe drug addiction issue for decades, which has led to increased criminal behavior to support and feed their addictions. Jail or prison has simply been a Band-Aid. Crimes are committed and justice should be served, however, ensuring this population receives the treatment they need while also serving time, is critical to the recidivism rates. Many people who fall into addiction have underlying problems that has directed their paths to this behavior. Receiving treatment, that may include other types of support (e.g. counseling, peer groups, educational/vocational training, and work release opportunities), will greatly increase their chance of successful lives and becoming productive members of society. Their success is our success as a community. Their lives turned around will ensure they are better co-workers, brothers/sister, sons/daughters, and more importantly parents to their children...therefore reducing the rate of incarceration in families, which is proven to be a cycle. I strongly support the exploration of a correctional treatment facility. Thank you for your consideration. With aloha, Malia Peters

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