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SENATE COMMITTEE ON WAYS & MEANS

TESTIMONY REGARDING SB 2546 SD 1 RELATING TO A OFFENDER REENTRY

TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)

DATE: FEBRUARY 22, 2008

TIME: 11:00AM

ROOM: 211

This bill proposes, among other things, a requirement that the Department of Taxation "develop and propose tax incentives for employers who hire individuals who were formerly incarcerated." Specifically, this legislation amends Act 8, First Special Session Laws of Hawaii 2007, to shift the policy burden of tax incentives from the Department of Public Safety to the Department of Taxation.

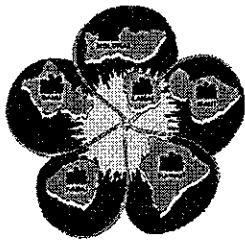
The Department of Taxation opposes the subsection of the bill requiring the Department to develop and propose legislation.

I. HOUSE COMMITTEE ON FINANCE LAST SESSION CONCURRED DOTAX IS NOT THE POLICY BODY.

As found by the House Committee on Finance last session in its consideration of Act 8:

"Your Committee also notes the concerns that DOTAX may not be qualified to establish policy regarding granting incentives to employers who hire formerly incarcerated persons, and that the task should be left to the proper department in consultation with DOTAX." HSCR 1133.

These changes were incorporated into the final version of Act 8. The Department now reiterates that it is not in the position to form policy for the formerly incarcerated. When timely called upon, the Department can assist in a technical capacity.



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COMMITTEE ON WAYS AND MEANS

Sen. Rosalyn Baker, Chair
Sen. Shan Tsutsui, Vice Chair
Friday, February 22, 2008
11:00 AM in Room 211



**BEST Reintegration Program
Being Empowered
and Safe Together**



Re: SB 2546 – Relating to Offender Reentry

Aloha Chair Baker, Vice Chair Tsutsui and Members of the Committee:

My name is Ken E.K. Hunt and I am the Program Director of Maui Economic Opportunity's Being Empowered and Safe Together (BEST) Reintegration Program. Over the past five years, BEST has demonstrated that providing comprehensive training and support services to individuals during their incarceration and upon their release into the community is critical to successful reentry.

We thank the State Legislature for initiating policies to create a Comprehensive Offender Reentry System in Hawai'i. We believe that the mandatory directives of Act 8 will promote a paradigm shift of punishment to rehabilitation and accountability within the Department of Public Safety, and ultimately provide individuals with the training and support to change their lives. In turn, this will reduce recidivism rates and build a safer community.

Background Information about BEST

Since it began in January 2003, BEST has provided comprehensive transitional support services to 130 clients¹ in case management, employment training and assistance, housing assistance, cognitive skills restructuring and cultural renewal training, work clothes, transportation, family reunification, and mentoring services.² BEST also contracts with community agencies to provide substance abuse and mental health treatment, GED preparation and other services that help to reduce barriers to successful reentry. Other ways we have been able to help assist BEST clients is by helping them to resolve outstanding traffic matters, obtaining valid drivers' licenses, counseling, and taking responsibility for their child support payments.

We are committed to working with other sister non-profit agencies in Maui County, to address issues of incarceration. We have held highly successful community forums where community

¹ Under the terms of the SVORI grant, BEST provides comprehensive transitional support services to individuals that meet the following eligibility criteria: 1) Individual is between the ages of 18-35 years old; 2) Individual has been convicted of a Class A or B felony offense; and 3) Individual has been sentenced to a minimum term of one year of incarceration.

² In addition to serving clients under the SVORI grant, BEST has helped a larger number of prisoners who are ineligible for program participation under the SVORI criteria. In 2007, we served 100 culture clients and over 130 pre-trial females under the Promoting Reentry Opportunities Through Effective Community Transition ("PROTECT") grant funded by the Hawai'i Community Foundation.

members can voice their opinions about the impact of incarceration on families, on community, and on the human service system. We work closely with Parole Officers, Probation Staff, Maui Intake Services, the Maui Drug Court, and especially the warden and staff at the Maui Community Correctional Center. Without this kind of cooperation and combined support, we would not be able to accomplish all that we do with the limited resources that we have. MEO-BEST staff is dedicated to "Helping People. Changing Lives" of our participants.

Continuum of Care is Critical to Successful Reentry

Typically, BEST clients are enrolled into our program six months to one year prior to release into the community. However, in handful of cases, we have worked with individuals for more than a year prior to release, as well as individuals referred to us after they were released. Based on our observations, clients are more successful in their transition from prison into the community the earlier we begin to work with them. Indeed, research on best practices dictates that reentry planning should begin on the day an individual enters prison or reports to community supervision following a jail sentence. Accordingly, we believe that community based reentry programs will be more effective the earlier they begin to work with an individual prior to release. This is particularly true for individuals that have served lengthy sentences and time in Mainland prisons. The goal is to work with each individual, build healthy sources of support with family, friends and sponsors and utilize resources within the community.

Reentry Services Are a Wise Investment

Currently, the State of Hawaii's spends approximately \$37,000 per inmate annually to house and provide minimal programs. The cost of incarceration does not end with the initial amount spent for incarceration. The costs increase when one considers that 51-80 per cent of those being released return to incarceration after committing another crime or violating the terms of probation or parole.

In contrast, BEST spends a range of \$7,000-9,000 per client on an annual basis. As part of the just completed SVORI grant, a third-party evaluation of the BEST Program was conducted by Dr. Marilyn Brown, University of Hawai'i-Hilo. After collecting and analyzing data on participants for two years, preliminary results show that only nine of the sixty-one (61) BEST clients in the community have returned to custody. This amounts to a recidivism rate of 15%. According to PSD, these preliminary results indicate a significant reduction in recidivism rates when compared to released inmates with similar profiles. Her report *The BEST Program: A Report on Program Implementation and Preliminary Outcomes, Executive Summary, Marilyn Brown, Ph.D., August 30, 2006* is available for those wanting to know more. An update to this report shall be available within the next 30 days.

By providing comprehensive transitional support services to inmates who are being released from prison, the State will ultimately save hundreds of thousands of dollars that would otherwise be used to re-house persons convicted of repeat criminal offenses. More important, men and women who receive comprehensive support services will be better prepared to reunify with their families and become law abiding, contributing members of our community.

In short, an investment in a comprehensive reentry system is an investment in public safety. Mahalo for this opportunity to testify on SB 2546 SD1.

Sincerely,

Ken E.K. Hunt, Director
Maui Economic Opportunity, Inc. BEST Program



the Drug Policy Forum

o f h a w a i ' i

February 22, 2008

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To: Senator Rosalyn Baker, Chair
Senator Shan Tsutsui, Vice Chair
And Members of the Committee on Ways and Means

From: Jeanne Y. Ohta
Executive Director

Re: SB 2546 SD1 Relating to Offender Reentry
Hearing: February 22, 2008, 11:00 a.m., Room 211

Position: Support

The Drug Policy Forum of Hawaii supports this measure which establishes a mandatory comprehensive reentry system.

The Justice Policy Institute recently released a briefing paper, "Substance Abuse Treatment and Public Safety." It found that community-based treatment programs help reduce incarceration rates, help reduce incarceration costs, and improve public safety by reducing crime; and these programs help offenders successfully transition from the criminal justice system back into the community.

Similarly, we believe that reentry programs are essential to reduce recidivism and that these programs must be implemented effectively.

Thank you for your past support for reentry programs. We hope you will continue to improve the programs, provide funding for them, and provide the mechanisms for them to work efficiently.

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COMMITTEE ON WAYS AND MEANS

Sen. Rosalyn Baker, Chair

Sen. Shan Tsutsui, Vice Chair

Friday, February 22, 2008

11:00 AM

Room 211

SUPPORT - SB 2546 SD1 - CLARIFYING THE REENTRY LAW

Aloha Chair Baker, Vice Chair Tsutsui and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai'i for a decade. I respectfully offer our testimony being always being mindful that Hawai'i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

SB 2546 makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program (Community Safety Act of 2007). Makes establishing the program mandatory.

Community Alliance on Prisons supports this measure, which emphasizes that Act 8 of 2007 is NOT directive, it is mandatory. Although the language was clear to us, apparently the administration didn't understand that that Act 8 is a law, not a suggestion.

We support developing a comprehensive reentry system because the physical and mental state in which an individual exits incarceration is vital to public safety. We are glad that the legislature has acknowledged that the department of public safety must be the lead agency in the rehabilitation and reentry of individuals exiting incarceration.

Community Alliance on Prisons would also like to note that none of the funding for the Community Safety Act of 2007 has been released at this writing.

This denial of funding (\$1,435,000) for three excellent programs in this law, Act 8

- will not expand or continue the nationally and internationally recognized Restorative Circles project that is currently at Waiawa Correctional Facility and Women's Community Correctional Center - \$202,000 appropriation,
- will force MEO's BEST (Being Empowered and Safe Together) Reintegration Program to cut back the excellent services they provide to individuals reentering the Maui community - \$1,200,000 appropriation, and
- will not provide evidence-based cognitive restructuring to help Hawai'i Island people reentering their communities - \$33,000 appropriation.

A recent informational briefing presented by the department of public safety and their consultants, Camille Camp and Patricia Hardyman, hired to retool our classification system revealed that from a healthy sample of 2400 files from our 6,010 incarcerated population in jail and prison in Hawai'i and in prisons on the U.S. continent, Hawai'i has been over-classifying inmates.

Community Alliance on Prisons has been doing research in this area for several years and we have found much research to support that over-classification of incarcerated individuals actually increases criminality. In other words, it is counter-productive.

The consultants agreed that moving people through the system to lower classifications, where appropriate, was considered best practices in corrections. They confirmed that reentry starts on day one.

Community Alliance on Prisons has been hearing about empty beds at many of our facilities. To date we have been told that there are

- 28 empty beds at the Women's Community Correctional Center
- 60 empty beds at Waiawa Correctional Facility
- 70 empty beds at Maui Correctional Center in Dorms 6 and 7
- 158 empty beds that we have been told about

We pay Corrections Corporation of America approximately \$55 per day. If we multiply that \$55 per day by the 158 people we could bring home, that would be \$8,690 a day/\$260,700 a month/\$3,128,400 a year that we could invest in true public safety – assisting those individuals transitioning to the community with the tools and assistance they need in order to successfully come home.

In fact, we could fund these three programs for two years and still have more than \$28 million left!

Another fact revealed by the classification study de-bunked the myth that every incarcerated person is dangerous. Their report showed that the majority of Hawai'i's incarcerated population, and whose files they reviewed, are non-violent. Below are the numbers from their sample.

	Males <u>Non-Violent vs. Violent</u>	Females <u>Non-Violent vs. Violent</u>
Jail Sentenced Inmates	64% vs. 36%	85% vs. 15%
Prison Inmates*	62% vs. 38%	83% vs. 17%

* includes Hawai'i, Contract, and Interstate Compact Prisons

This is all the more reason we should be investing in social capital and helping people who have lost their way, find their place in society. It benefits everyone to reduce our prison population. Helping people rebuild their lives, restore their families, and successfully reenter their communities will only strengthen Hawai'i. The majority of individuals are receptive to help. Let's help them become part of society – after all, they will be coming home. Let's look for the best in people and assist them in reaching their full potential.

The more than \$50 million a year we export from our economy each year to fatten Corrections Corporation of America's coffers would be the equivalent of \$150 million a year in Hawai'i's economy if one considers the multiplier effect of dollars spent locally, which DBEDT calculates as 3:1.

The department of public safety's annual budget is currently under \$200 million a year. Just think of what having \$50 million more in our economy would mean to us. Could we buy books for students, so they wouldn't have to fight over the limited supply? Could we fund model reintegration programs on three more islands? Could we repair and maintain state facilities? Imagine.

Community Alliance on Prisons urges the legislature to continue pushing for a more effective comprehensive rehabilitation and reentry system. A safe and healthy community is in everyone's best interest and Community Alliance on Prisons is committed to making this happen. We thank you for your leadership.

Mahalo for this opportunity to testify.

Andy Botts
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February 22, 2008

COMMITTEE ON WAYS AND MEANS

Sen. Rosalyn baker, Chair

Sen. Shan Tsutsui, vice chair

Friday, February 22, 2008

11:00 AM

Room 211

SUPPORT – SB 2546 SD1

Relating to Offender Re-entry

My name is Andy Botts, author of Nightmare In Bangkok. I'm a third generation local resident, and have been a taxpayer to this state for all of my life.

I support the mandate that this Bill is a directive, not an option. Re-entry was the Legislative intent when it funded the construction of Oahu Community Correctional Center in 1971, yet the program was never implemented. Now we are back to point A again, over 30 years later, trying to implement the same program. Unless we make the re-entry phase of prisoners a mandate, we risk making the same mistake that we've made in the past - the program will never get implemented. As an investor in the state of Hawaii, I strongly support this bill.

COMMITTEE ON WAYS AND MEANS

Sen. Rosalyn Baker, Chair

Sen. Shan Tsutsui, Vice Chair

Friday, February 22, 2008

11:00 AM

Room 211

SUPPORT - SB 2546 SD1 - CLARIFYING THE REENTRY LAW

Aloha Chair Baker, Vice Chair Tsutsui and Members of the Committee,

My name is Karin Hokoana and I am a prisoner's advocate as well as a fourth generation Hawaii State resident, born when Hawaii was but a mere territory of the United States.

This bill seems like such a waste of time for anyone to even consider not passing!

By **LAW**, this is a mandatory process for all soon to be released inmates. We hold each inmate accountable for the LAW that they have broken, yet we have difficulty upholding the LAW ourselves. Seems sort of a no brainer, doesn't it? Yet, apparently, those tasked to do what the law mandates, seem unqualified to do the job. More often than not, they are unprepared due to lack of education, or maybe they are in their positions due to "the club" system. Contrary to popular belief, Hawaii still practices frequent cronyism.

By now, we all assume that we know what does and doesn't work. Yet, the powers that be are forever trying to reinvent the wheel. Evidently, more comprehensive explanation is needed in order to move forward.

Please clarify this law, so that no more excuses can be made. Then help release the funding needed to support the PROVEN programs already in place, that can make this law shine. Spend a little more and visit other proven programs throughout the nation.

Ever wonder why other states have better stats than Hawaii? Maybe because they've evolved to the current century? Maybe because people cared? Our community counts on you to care.

Mahalo.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 22, 2008

MEMORANDUM

TO: Honorable Rosalyn Baker, Chair
Senate Committee on Ways and Means

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2546, S.D. 1 - RELATING TO OFFENDER REENTRY

Hearing: Friday, February 22, 2008, 11:00 A.M.
Conference Room 211, State Capitol

PURPOSE: The purpose of S.B. 2546, S.D.1, is to make clarifying amendments to chapter 353H, Hawaii Revised Statutes (HRS), relating to the offender reentry program.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill but we are concerned that passage of this bill may adversely impact or replace the priorities of the Executive Supplemental Budget and require the provision of additional funding and added infrastructure, including staffing and increased services, to meet the increased requirements of this bill.

Nationally it is estimated that less than 3% of incarcerated parents' children are reported to be living in foster custody or in institutions. That would mean that in Hawaii, out of approximately 6,665 children of incarcerated parents, an

AN EQUAL OPPORTUNITY AGENCY

estimated 94 are children of incarcerated parents in foster custody of the DHS and under the jurisdiction of the Family Court pursuant to chapter 587, HRS, who are provided with services and on-going visitation by DHS in collaboration with the Department of Public Safety (PSD) and other agencies.

We are concerned that this bill will require DHS to provide services to all children of incarcerated parents, and all parents who are incarcerated, approximately 9,700 individuals, regardless of whether or not they are under the jurisdiction of DHS and the Family Court pursuant to chapter 587, HRS.

We must be clear that parental incarceration alone does not constitute child abuse or neglect. We agree that children of incarcerated parents and their families need support and services to preserve the family unit during a parent's incarceration and upon their reentry into the community. But we cannot assume that simply because a parent is incarcerated, a child requires the intervention of Child Welfare Services. For the vast majority of children whose parents are incarcerated, existing family and support systems can, and do, provide safe and appropriate homes during the absence of a parent.

DHS provides many direct services and partners with others to provide additional services to eligible children and families which would include the children of incarcerated parents. In addition to formal and informal community resources that are available, the DHS also provides family strengthening and family support services as well as financial, medical and other supportive services on behalf of eligible children and their

caretakers through our financial assistance and Medicaid programs.

Due to the relatively small percentage of children of incarcerated parents who are under the jurisdiction of DHS compared to the much larger number of children who are not known to DHS, we are not the appropriate agency to take the lead for coordination or promotion of research that focuses on incarcerated parents. This research would more appropriately be coordinated by another agency in collaboration with PSD that is prepared to conduct research that could include the entire population of children of incarcerated parents.

The DHS is willing to work collaboratively with the PSD toward the provision of appropriate services and assistance to incarcerated parents and their families and the appropriate agency to conduct the research proposed in this bill, but we believe PSD must retain the leadership role and responsibility for this effort.

Thank you for the opportunity to testify.