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GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY

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No. _____

TESTIMONY ON SENATE BILL 1148, SD2, HD1
RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM

By

Clayton A. Frank, Director
Department of Public Safety

House Committee on Legislative Management
Representative James Kunane Tokioka, Chair
Representative Blake K. Oshiro, Vice Chair

Wednesday, March 25, 2009; 2:00PM
State Capitol, Conference Room 423

Representative Tokioka, Representative Oshiro, and members of the Committee:

The Department of Public Safety (PSD) requests the following amendments to Senate Bill 1148, SD2, HD1. PSD cannot support this measure without these amendments.

The Department respectfully requests the following amendments be made to SB 1148:

1. Section 1(Section 4c) (Page 7, Line 9 thru Line 11) – Currently reads “By December 31, 2010, the maximum number of Hawaii inmates who are housed in out-of-state prisons shall not exceed two thousand.” **Requested amendments:** Delete the entire last sentence that begins on line 9 and ends on line 11. At present, the Department’s contract allows at least 2,100 inmates to be housed in the three facilities currently used (Saguaro, Red Rock, and Otter Creek). Any limit placed on the number of Hawaii inmates housed in out-of-state prisons is ill advised.

Given the state's current economic outlook and the potential for an increase in property crimes, theft cases, motor vehicles break ins, motor vehicle thefts, and unfortunately domestic violence cases, limiting the number of inmates housed in out-of-state prisons would place an even greater burden on our in-state correctional facilities. The Department is already experiencing an increase in the number of pre-trial detainees across the State in our custody that either cannot raise the bail required to be released and/or have no place to go if they are released into the community.

At present there are over 19,000 offenders on probation statewide. On any given day, there are thousands of these probationers facing possible revocation and re-sentencing to jail and/or prison terms. If only 5% of the probation population were re-sentenced to jail and/or prison that would equate to an increase of at least 950 offenders being sent to our jails and prisons, which would overwhelm the correctional system.

In addition, there are over 1,900 convicted felons on parole statewide. On any given day, the Hawaii Paroling Authority (HPA) has an average of 180 to 220 outstanding active warrants to retake parolees that pose an undue risk to the public's safety. If executed, each warrant requires the arrest and at least temporary re-incarceration of the parolee pending the outcome of his/her parole violation hearing and/or adjustments to the terms and conditions of parole.

Restricting the number of inmates that can be housed in out-of-state prisons will lead to greater overcrowding and create inhumane living conditions in our in-state jails and prisons, which only invites intervention from the U.S. Department of Justice. Hawaii's in-state correctional facilities are already operating at or beyond their designed capacity. In an article reported in the Honolulu Advertiser on Tuesday, February 10, 2009, "A special panel of federal judges tentatively ruled on Monday, February 9, 2009, that California must release tens of thousands of prison inmates to relieve overcrowding." In part, the federal judges noted that no other solution would improve conditions. The mandatory release of offenders in California is without regard to completion of rehabilitative programs, the level of risk the offender may pose to

the community, including the victim(s) of their crimes, etc. It is important to remember that the PSD only takes those persons into custody that we are ordered to by the court and/or parole violators that pose an undue risk to public safety. If enacted, this measure could potentially force the State to ultimately release untreated, unhabilitated dangerous offenders into the very communities they victimized.

If it is the legislature's intent to reduce the number of person's housed in mainland correctional facilities and to simultaneously reduce the number inmates housed in our in-state correctional facilities, a more prudent course of action would be to first allow the Interagency Council on Intermediate Sanctions (ICIS) to provide the legislature with an in-depth briefing on it's efforts to reduce the adult recidivism rate across the entire criminal justice system before moving this ill advised measure forward. Attached, please find the December 2007 report on the efforts of the ICIS.

2. Section 2(a)(b)(c)&(d) (Page 16, Line 9 thru Page 17, Line 18) "Seeks to establish a reentry commission within the Department of Public Safety effective January 1, 2010, provides provisions for appointing commission members, most of which would likely have little to no experience working in corrections, provides for the frequency of commission meetings, and requires the reimbursement of expenses, including travel expenses, but does not provide any funding to carry out the provisions of this measure. **Requested amendments:** Delete Section 2 in its entirety beginning on page 16, line 9 thru page 17, line 18. This measure is unnecessary, appears to micro manage the Department, and is wasteful.

At present, the Department is currently developing a re-entry committee consisting of senior corrections, programs, and Hawaii Paroling Authority managers, line staff, and senior managers from both the Judiciary and the Federal Probation Office in Honolulu. It is also our intent to include community-based program managers that provide services to offenders on both probation and paroles, and those that provide services to offenders completing their sentence(s) incarcerated.

Senate Bill 1148, SD2, HD1
March 25, 2009
Page 4

Further, the duties and functions of the Department's proposed re-entry committee may be best served if overseen by the Corrections Population Management Commission (HRS §353F), which is already established and meets quarterly. Therefore, the PSD respectfully requests that this measure either be amended, or be held.

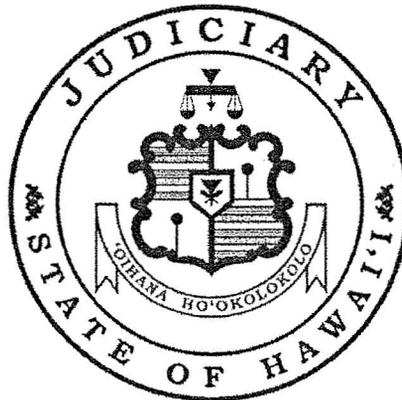
Thank you for the opportunity to provide testimony on this matter.

REPORT TO THE TWENTY-FOURTH LEGISLATURE

ON

ACT 169, Section 7
SESSION LAWS OF HAWAI'I 2007

A Report on the Interagency Council
on Intermediate Sanctions (ICIS)



Submitted by:

Office of the Administrative Director of the Courts
The Judiciary, State of Hawai'i

Assisted by the
Crime Prevention and Justice Assistance Division
Department of the Attorney General, State of Hawai'i

December 2007

Interagency Council on Intermediate Sanctions

I. Introduction

Act 169, Session Laws of Hawai'i, 2007, also known as the Judiciary Appropriations Act of 2007, provided \$199,883 for Fiscal Year 2007-2008 and \$246,912 for Fiscal Year 2008-2009 to be used for the Interagency Council on Intermediate Sanctions (ICIS) and requires the following:

- 1) A detailed breakdown of expenditures;
- 2) A detailed breakdown of treatment services provided;
- 3) Costs incurred and treatment outcomes;
- 4) Results of the evaluation performed; and,
- 5) An analysis of the effectiveness of the project.

The monies appropriated by the Legislature were for dedicated staff positions to carry out the work of the ICIS. The Legislature permanently funded the ICIS coordinator who provides the overall system coordination of all member agencies involved in the ICIS endeavor and develops implementation of system enhancements. The other temporary positions funded by the Legislature were as follows: Social Worker IV for the Intake/Pre-sentence Investigation Unit that handles all new offenders and administers an actuarial risk/needs instrument, two Social Worker III positions for the Administrative Risk Management Section (ARMS) in the Supervision Branch, and one Social Service Assistant to do DNA collection and other activities in ARMS. These positions were needed as evidenced by a workload study conducted by William Woodward Associates, dated December 2006. The publication entitled, "Workload of Hawaii's Probation and Parole Officers," indicated that the number of probation and parole officers must be increased significantly to continue and enhance the implementation of evidence based practices. One of the major recommendations was for an increase in 44 full time probation positions over the next five years so that evidence based practices can be implemented effectively.

The other monies allocated by the Legislature for the Adult Client Services Branch are for equipment and rental space for the new positions.

II. Background Information

In the fall of 2000, Chief Justice Ronald T.Y. Moon convened a Judiciary Steering Committee on Intermediate Sanctions to address substance abuse, mental illness and other social problems related to the cycle of crime through the use of effective intermediate sanctions. Following a May 2001 symposium on intermediate sanctions, the committee determined that the following long-term initiatives were important elements to enhancing Hawaii's intermediate sanctions: 1) invite key criminal justice and community stakeholders to participate in an Interagency Council to create a collaborative vision for the future use of intermediate sanctions; 2) support efforts to develop sound, uniform, empirically-based assessment techniques that will allow a more accurate assessment of offenders' risks and needs; 3) inventory existing services and resources that in combination with court supervision would provide a wider range of intermediate sanctions options; and 4) develop a complete statistical profile of the offender population currently moving through the courts along with a clearer picture of the risks they represent and the needs that could be met through effective intermediate sanctions.

In January 2002, ICIS was formed by Chief Justice Ronald Moon in a cooperative agreement with

the Judiciary, Department of Public Safety, Department of Health, and the Attorney General's Office. Other partners in the council include the Office of the Public Defender, Department of the Prosecuting Attorney, the Honolulu Police Department, Hawai'i Paroling Authority, and the Department of Human Services. The Council is composed of a Working Group and a Policy Group. The Policy Group is chaired by Judge Steven Alm from the Judiciary and Clayton Frank, the Director of the Department of Public Safety. The vision of ICIS is the reduction of recidivism among its adult offenders and the prevention of future victimization of its citizens through a more effective criminal justice system. The mission of the council is to reduce offender recidivism by 30% through the use and application of effective evidence based correctional assessments and treatment approaches. Recidivism is defined as a new arrest, or probation, parole or pretrial revocation within three years of onset of community supervision.

A strategic plan was formulated by ICIS to implement the systemic application of empirically based tools to assist in the management of offenders and to establish a continuum of effective services to meet their needs. It required a philosophical shift in the system and in decision-making so that offenders receive "one voice, one message" throughout the system. The strategic plan is based on the progress implementation of the Eight Principles of Risk Reduction which are as follows: 1) Assess Actuarial Risk/Needs; 2) Enhance Intrinsic Motivation; 3) Target Interventions; 4) Skill Train with Directed Practice; 5) Increase Positive/ Reinforcement; 6) Engage On-going Support in Communities; 7) Measure Relevant Practices; and 8) Provide Measurement Feedback.

The Council has successfully implemented common risk assessment tools for all offenders (LSI-R Proxy, Level of Service Inventory - Revised, the Adult Substance User Survey (ASUS) and Static 99), trained correctional staff in tools to motivate offenders to change their behavior, created a research capability for the Council, and collaborated with treatment vendors to improve their services. Estimated incarceration cost avoidance with a 30 % reduction in recidivism by implementing ICIS's plan is over \$3 million dollars according to a report prepared by Janet Davidson, a Senior Research Analyst with the Department of the Attorney General in March 2003.

Intermediate sanctions being utilized by ICIS include the Drug Court Program and Hawaii's Opportunity Probation with Enforcement (HOPE) project.

III. Expenditures

The Legislature appropriated monies for dedicated staff positions as follows:

Social Worker VI (Permanent Position) - (\$46,800/year)
Social Worker IV (Temporary Position) - (\$31,608/year)
Social Worker III (Temporary Position) - (\$29,214/year)
Social Worker III (Temporary Position) - (\$29,214/year)
Social Service Assistant IV (Temporary Position) - (\$19,998/year)
Rental of Office Space - \$3,150/month
Equipment - \$5,249

- 1) ICIS Coordinator (Social Worker VI) – The First Circuit began providing the leadership in coordinating the implementation of the ICIS system change through funding by a JAG/Byrne Federal grant which ran its course on September 30, 2007. The creation of this permanent program specialist position beginning October 1, 2007, allows the Council to continue recidivism

reduction activities. The ICIS coordinator provides the overall system coordination of all member agencies involved in the criminal justice system and develops implementation of system enhancements. This insures that offenders are properly assessed, treatment programs are operating effectively with evidence-based practices and that offenders are properly matched with programs. Probation officers, pre-trial, prison, parole and treatment staff are trained in the same assessment tools, communication skills and cognitive behavioral techniques. Using these skills in working with offenders adds efficient use of resources and consistent application of effort. Also, the coordinator has been the key to linking and obtaining resources and to the statewide implementation improvements. In addition to coordinating activities (training, research, policies, working group and policy meetings) for all agencies, she has managed grants and recently supervised the temporary Cognitive Behavioral Therapy trainers.

- 2) Pre-sentence Investigation Officer (Social Worker IV) - With the addition of an Actuarial Risk and Needs Instrument, probation officers are spending more time interviewing clients to capture the information needed for the LSI-R and ASUS. This additional Senior Probation Officer position will assist with the additional workload for the intake staff responsible to do screening and assessments on all new pre-sentence referrals.
- 3) Two Supervision Officers (Social Worker III) – These officers will be assigned to ARMS to deal with low risk offenders. ARMS handles the large number of low risk offenders so that staff can deal more effectively with the offenders who are classified to be higher risk.
- 4) A Social Services Assistant IV to collect the DNA samples from felony offenders as mandated by the Legislature and to assist with other functions in ARMS.

The Pre-sentence Investigation Officer, two Supervision officers, and Social Services Assistant positions are currently in the process of being advertised by the Judiciary Human Resources office.

The monies allocated by the Legislature also include equipment for the positions as well as rental space. The Judiciary will be ordering the equipment and is looking for additional rental space.

IV. Treatment Services Provided, Costs Incurred and Treatment Outcomes

The monies received from the Legislature for ICIS did not include additional treatment monies; however, the Judiciary is allocated monies for substance abuse treatment. The Judiciary has contracted for adult substance abuse treatment services which include substance abuse assessments, assessments for first-time drug offenders, substance abuse education, pre-treatment/motivational enhancement services, outpatient treatment, intensive outpatient treatment, day treatment, residential treatment, continuing care, and therapeutic living. Consumers of these services are clients under the supervision of the drug court programs and the Adult Client Services Branch. Providers of these services in the First Circuit include Queen's Day Treatment Services, Waianae Coast Comprehensive Health Center/Malama Recovery Services, Ku Aloha Ola Mau (formerly Drug Addiction Services of Hawai'i), Kline-Welsh Behavioral Health Foundation (Sand Island Treatment Services), Care Hawai'i, The Alcoholic Rehabilitation Services of Hawai'i (Hina Mauka), Salvation Army-Addiction Treatment Services, Ho'omau Ke Ola, and Salvation Army Family Treatment Services. Most programs offer group counseling, individual counseling sessions, and family sessions. The Judiciary's contractors have been asked to begin to incorporate evidence based treatment services for offenders into their programming for Judiciary clientele.

The amount allocated for substance abuse assessment and treatment for FY2008 is \$2,096,601. As of October 2007, Adult Client Services Branch has spent approximately \$447,657 of the appropriated monies. It is anticipated that all of the appropriation will be used by the end of the fiscal year because of increased drug testing for our HOPE project. Service providers and clients are also asked to utilize managed care and the Alcohol and Drug Abuse Division funds to supplement services provided to offenders.

The Judiciary has contracts for sex offender assessment and treatment services and has been allocated \$291,557 for the FY2008. The sex offender treatment providers include the following: Catholic Charities of the Diocese of Honolulu and Joseph Giovannoni, Inc. The billings received as of October 2007 are in the amount of \$36,277.80.

The Judiciary has also contracted for domestic violence intervention services from Child and Family Services (Developing Options to Violence Program), and Parents and Children Together (Family Peace Program). The Purchase of Service funds allotted for the Domestic Violence programs is \$1,270,750. The amount expended to date is \$682,000.

Adult Client Services Branch has not conducted official program evaluations measuring program effectiveness; however, the Judiciary is a member agency of the Interagency Substance Abuse Treatment Monitoring Program established under Part III (Sections 23-28) of Act 40, SLH 2004. Program participants under the coordinating efforts of the Department of Health Alcohol and Drug Abuse Division have looked at an electronic management information system. In addition, all Judiciary providers have been approached to insure their participation in submitting data to Adult Drug Abuse Division.

Adult Client Services Branch is also a member agency of the ICIS and has been active in the move toward the adoption of the Correctional Program Checklist (CPC) which evaluates programs with regard to evidence based treatment elements which support offender treatment. The Judiciary also conducts intermittent program audits conducted by the Judiciary's Office of Internal Audit. Programs are also required by contract to submit monthly progress reports on clients served and to submit quarterly reports noting provider service levels, achievements. At this time however, data is not being collected on a consistent basis to measure program effectiveness. ICIS, however, has discussed the necessity to look at a system of collecting such data and hopes to continue to collaborate with the Alcohol and Drug Abuse Division in this regard.

V. Overall Plan and Effectiveness of Project

Based on research which identified what works, what does not work, and what is promising in recidivism reduction, ICIS adopted the National Institute of Corrections Evidence Based Principles that had demonstrated reduced recidivism outcomes. The ICIS strategic plan is based on the implementation of the eight principles of risk reduction. The principles, in sequential order, start with using an actuarial risk assessment of an offender and is built upon intrinsically motivating the offender toward positive behavior changes in a supportive community milieu. The offender risk factors that collectively influence the offender's probability for recidivism constituted the prioritized targets of treatment and correctional intervention by correctional and treatment staff. National and local research consistently showed six major risk factors to be criminogenic (i.e., leading to or causing crime and probation/parole failure): dysfunctional family relations; anti-social peers; alcohol and other drug problems; low self-control skills; anti-social

attitudes/values; and callous personality features. These criminogenic risk factors constitute dynamic attributes of offenders that, when weakened, reduced the probability of recidivism.

In order to assess actuarial risk/needs, the LSI-R was selected. In addition, as 80% of offenders have a substance use issue, ASUS was also selected as an accompanying instrument to the LSI-R. Due to the increase in workload to implement these instruments, the LSI-R Proxy was developed as a screening tool that uses three highly predictive variables (age at first arrest, current age, and criminal history). The Proxy is used to screen cases out for higher level assessments. Training for the LSI-R/ASUS and Proxy first began in 2002 along with Motivational Interviewing. Motivational interviewing is a directive client centered counseling style for helping clients explore and resolve ambivalence about behavior change and uses techniques to get an offender to move along a change continuum. Since 2002, the Council has invested over one million dollars in federal grants to train pre-trial, probation, prison and parole staff in a standard risk assessment, motivational interviewing, and cognitive behavior therapy to assist organizations achieve better staff acceptance of skills. Three hundred workers in the Judiciary and Department of Public Safety have been trained in the application and use of the LSI-R and ASUS and Motivational Interviewing. The Council is committed to use the risk assessment instrument throughout the correctional system for all offender risk assessment and case planning.

The Council's use of evidence based principles promotes treatment services that are research based and responsive to the offenders' criminogenic risk factors and motivation for change. Under these principles, better programs match the treatment approach with the learning style and personality of the offender, match the characteristics of the offender with those of the treatment provider, and match the skills of the treatment provider with the type of program. The Council has invested in partnerships with treatment vendors to achieve cognitive-based programs that utilize competent, well-trained, and well-supervised staff that possess good communication skills. Using tools such as the Correctional Program Assessment Inventory, the Council has initiated a collaborative relationship with treatment vendors statewide to deliver effective, recidivism reduction treatment services.

Key Progress towards Achieving Goals and Objectives

The goal of this project is to intervene in offenders' lives in ways that will reduce recidivism and future victimization.

Objectives:

1. Maintain the system-wide LSI-R assessment protocol and quality assurance process for adult offenders.

Collectively, 94.47% of our criminal justice staff has been certified in the LSI-R assessment tool.

2. Improve methods to match offender to level of supervision and services.

A new proxy scale was introduced in July 2005 to prioritize services to higher risk offenders and has been utilized to date.

3. Develop the criteria for criminal justice contracted services.

To date, eighteen vendor site visit evaluations have been performed by the CPC teams. The CPC Advisory Committee, chaired by Julie Ebato of the Attorney General's office, continues to provide oversight to the teams administering the evaluations.

Dr. Edward Latessa, a professor and Head of the Division of Criminal Justice at the University of Cincinnati, continues to be utilized to provide the teams with the most current research regarding the evaluation process and makes recommendations for modifications to our procedures based on these findings.

4. Reduce service gaps on the continuum of services.

A new gap analysis is currently being conducted. The last gap analysis was performed in August of 2004 and indicated a 12% match.

5. Improve the method used to match offender risks and needs to services.

Criminal justice supervisors and mentors have been trained in the Cognitive Behavior Therapy (COG) curriculum that has a case-planning component introduced. On the case plan, the three highest scored domains on the LSI-R are targeted for intervention by matching with appropriate provider services. The decision to first train at the supervisory level was determined so that they could operate in a mentoring capacity to their staff. The intent is to introduce the training to all the staff eventually. Funding for this effort has been provided through a Department of Labor grant.

6. Compile and analyze the data collected to evaluate the effectiveness of criminal justice contracted services.

The gap analysis addresses appropriate match of service to the identified domain. Tracking of all

of the particular nuances of the match has not been fully developed to date, such as dosage/duration. It is the hope of the council to automate some of these features for tracking purposes.

7. Perform a workload analysis beginning with probation and parole officers.

A workload analysis was performed to analyze current daily workloads and case management and compared that to workloads and cases focused on managing offenders using evidence based practices, especially the management of offenders risk and criminogenic needs.

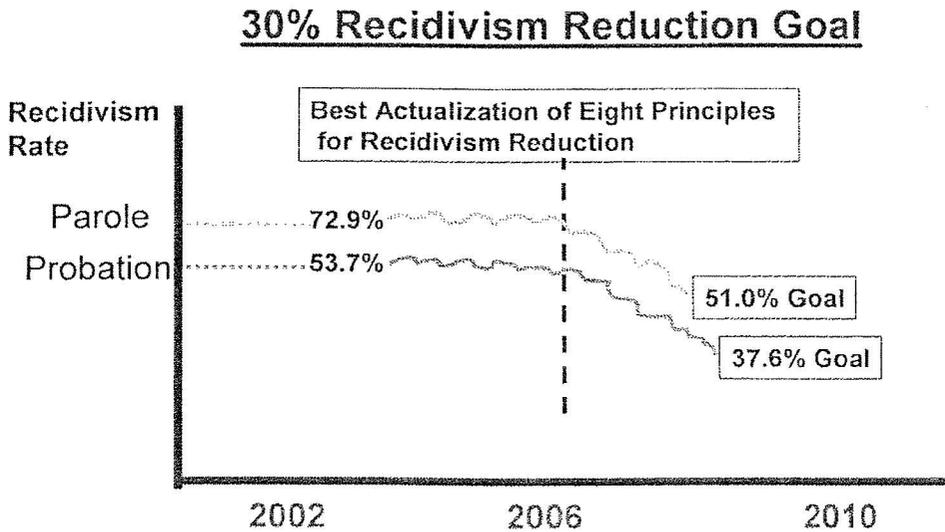
8. Improve sharing of offender information between criminal justice agencies and service providers.

Cyzap, Inc. continues to be engaged as a third party vendor to provide internet access to store the LSI-R and ASUS data for all participating agencies.

An interagency report that reflects the collective download from all participating criminal justice agencies are provided on an aggregate level on a quarterly basis to the ICIS working group by the ICIS researcher.

The provider network is currently not integrated in this automated system. Sharing of information with providers is by written consent and the content shared is dictated by statute.

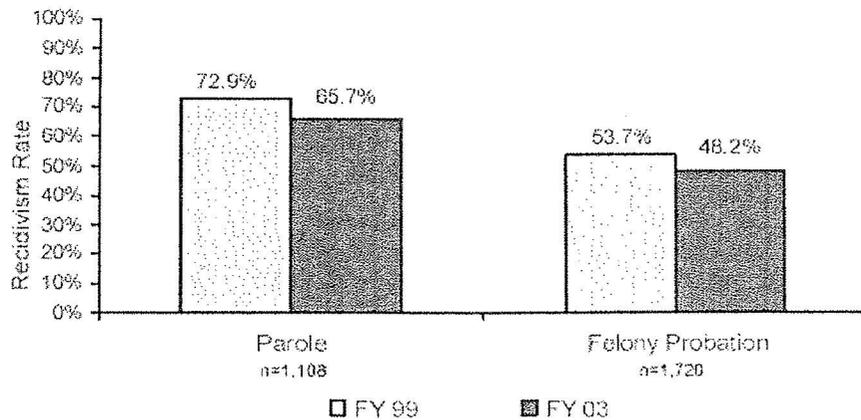
The goal of ICIS is to reduce offender recidivism by 30% through the use and application of effective evidence based correctional assessments and treatment approaches by the year 2010 (see chart below).



The Baseline Recidivism update that was completed by the ICIS Research team in early 2007 is shown below. There appears to have been a reduction in recidivism since the project first started in 2002 and hopefully, this is related to the activities implemented by the Council. Many of the staff only recently received the full complement of training and they will have an opportunity to use their new skills in working with our offenders to effectuate change.

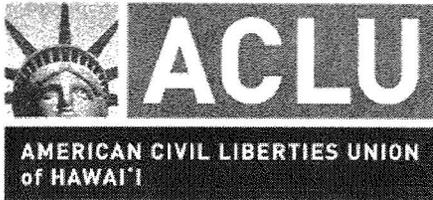
Baseline Recidivism Update

3 Year Follow-Up – Any Arrest (Including Revocation)



CJIS 4.2007

In summary, the Legislature's allocation of a permanent position for the ICIS coordinator as well as four temporary line staff positions will assist with the Council's efforts to reduce recidivism in Hawai'i. It is hoped that ICIS will be able to achieve its goal of a 30% reduction in recidivism in the State of Hawai'i; however, in order to do this, ICIS will continue to need resources from the Legislature for more permanent staff positions (including positions for trainers) as well enhancements to its data collection system which is being used by a number of criminal justice agencies.



Via E-mail: LMGTestimony@Capitol.hawaii.gov
Committee: Committee on Legislative Management
Hearing Date/Time: Wednesday, March 25, 2009, 2:00 p.m.
Place: Room 423
Re: Testimony of the ACLU of Hawaii in Support of S.B. 1148, S.D.2, H.D.1
Relating to the Comprehensive Offender Reentry System

Dear Chair Tokioka and Members of the Committee on Legislative Management:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 1148, S.D.2, H.D.1.

The ACLU of Hawaii supports every effort to develop a comprehensive reentry system. In general, reentry programs are far more cost-effective – and far more effective at reducing recidivism – than incarceration. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 25, 2009

2:00 PM

Room 423

SUPPORT SB 1148 SD2 HD1 - Relating to Hawai`i's Comprehensive Reentry System

LMGTestimony@capitol.hawaii.gov

Aloha Chair Tokioka, Vice Chair Oshiro and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 1148 SD2, HD1 clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; limits the maximum number of Hawaii inmates housed in out-of-state prisons to 2,000 by 12/31/2010; establishes an eleven member reentry commission; sunsets the legislative oversight committee on July 1, 2009.

Community Alliance on Prisons supports this measure and respectfully asks the committee to pass it onto the Finance Committee with a strong recommendation for passage.

Mahalo for this opportunity to testify in support of SB 1148 SD2, HD1.



the
**Drug Policy
Forum**

March 25, 2009

To: Representative James Kunane Tokioka, Chair
Representative Blake Oshiro, Vice Chair
And Members of the Committee on Legislative Management

From: Jeanne Ohta, Executive Director

RE: SB 1148 SD2 HD1 Relating to Offender Reentry System
Hearing: March 25, 2009, 2:00 p.m., Conference Room 423

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in support of SB 1148 SD2 HD1 which clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; limits the maximum number of inmates sent to mainland prisons, and establishes a reentry commission.

This measure establishes limits on the number of Hawai'i inmates housed in out-of-state prisons. With this limit established, the Department of Public Safety would need to ensure that effective programs are implemented, that recidivism is reduced, that persons with community level status are placed in community-based programs, and that reentry programs are fully implemented. These alternatives save money.

DPFH supports the Reentry Commission within the Department of Public Safety (PSD) to monitor and review the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawai'i Paroling Authority's (HPA) oversight over parolees. The Reentry Commission may make recommendations to PSD, HPA, and the Legislature.

Difficult economic times behoove policymakers and state agencies to implement programs that are cost-effective and beneficial. Placing non-violent drug offenders into treatment programs costs less than medium-security incarceration and provide for better outcomes. We cannot continue to house drug offenders and not provide them with needed treatment.

In 2004, a report by the Department of Health to the Joint House-Senate Ice Taskforce reported that less than 7% of those under the jurisdiction of Hawai'i's criminal justice system received the drug treatment that they needed. Focus must be placed on the right programs so that incarcerated men and women can return successfully into society.

Strong reentry programs help individuals rebuild their lives, restore their families, and revitalize their communities. We urge passage of SB 1148 SD2 HD1.

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To: The Honorable James Tokioka, Chair
The Honorable Blake Oshiro, Vice Chair
House Committee on Legislative Management

From: Edwina Minglana-Kelly, Director of Employment Services
Goodwill Industries of Hawaii, Inc.

Date: March 25, 2009

Re: **Testimony in support of S.B. 1148 SD2 HD1 – Relating to the Comprehensive Offender Reentry System**

Goodwill Industries is among the largest human service non-profit organizations in Hawaii. Our mission is to help people find and succeed in employment. Last year, we placed 1,863 people find jobs in our community. Goodwill has fifty (50) years of experience assisting people who have barriers employment find jobs and gain self-sufficiency. Among the people we serve are people with a criminal history. This population experiences a great barrier to employment and requires extra assistance and support to successfully transition back into work and the community.

S.B. 1148 SD2 HD1 will require the Department of Public Safety to develop and implement a plan to improve community based programs to assist offenders in transitioning from prison back to the community. Testimonies from current service providers helping this targeted population can help streamline and strengthen criminal justice policies across the board and save taxpayers money, reduce recidivism, and increase public safety.

Last fiscal year, Goodwill provided job training and placement services to over 1,200 individuals with criminal history. Our Job Connections program on Oahu primarily assists women offenders referred by work furloughs such as Project Bridge and TJ Mahoney. Our program offers comprehensive employment services. Pre-employment work readiness services include outreach, intake, individual assessment, Individual Service Plan development and implementation, employment preparation and training, life and social skills training, job development, job carving and job placement. Post-employment work readiness services include assistance in transitioning to work, communication with employers, job retention workshops, and on and off-site job coaching and retention supports to assist participants in adjusting to the demands of the job. The program also follows up with each individual for one year after placement.

In the last program year, Job Connections serviced 91 clients, 86 (95%) were referred by the female work furloughs. Our experienced staff helped 84 of the 86 (98%) obtain and maintain employment and only 7 (8%) were discharged from our program due to re-incarceration.

Specialized services are needed to address the identified problem areas of the offenders as they transition back into the community. In our experience, the women come with a host of personal issues such as a history of sexual abuse. Many of the female offenders want to obtain employment, housing, and rid their substance abuse issues so they can re-unite with their children and families. 60 (70%) of the female inmates we served had children under 18 years of age waiting for them to come home.

We appreciate the opportunity to testify before the committee on this very important bill. S.B. 1148 SD2 HD1 addresses the current deficiencies in our re-entry initiatives and, if implemented properly can eliminate the need for new prisons while saving money without sacrificing public safety.

Thank you for this opportunity to testify.

Hepatitis Support Network of Hawai'i
Prison Reintegration and Family Reunification Program

1286 Queen Emma Street

Honolulu, Hawaii 96813

www.idlinks.com

808-942-4276

March 25, 2009

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep James Kunane Tokioka, Chair

Rep. Blake K.Oshiro, Vice-chair

Wednesday, March 25, 2009

2:00 p.m.

Conference room 423

SB 1148, SD2, HD1

RELATING TO THE COMPREHENSIVE

REENTRY SYSTEM

SUPPORT

My name is Andy Botts, Director of the Hepatitis Support Network's Prisoner Reintegration Program. I strongly support this bill, and any other measures that alleviate the excessive burden of tax dollars being invested on Corrections. We are presently spending over \$250 million dollars a year on incarceration, yet we haven't seen a return on our investment, and the costs continue to spiral higher. In these tough fiscal times, the time is ripe to examine ways to reduce recidivism, and this bill aims to do just that.

Thank-you for your consideration of this important matter.

Andy Botts, Director
Prisoner reintegration program

boshiro2-Bryan

From: Daphne Barbee [daphnebarbee@clearwire.net]
Sent: Tuesday, March 24, 2009 5:12 PM
To: LMGtestimony
Subject: Support for SB1148 SD2
Attachments: Testimony SB 1148SD2 Cap and Reentry.wpd

TO: COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Wednesday, March 25, 2009
2:00 PM
Room 423, Hawaii State Capitol

RE: SB 1148 SD2 – Testimony in Support of Cap on Inmates Housed in Mainland and Creation of Reentry Commission

FROM: Atty Daphne Barbee-Wooten
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813, (808) 533-0275

Dear Chair Tokioka, Vice Chair Oshiro and Members of the Committee:

My name is attorney Daphne Barbee-Wooten and I practice law in the State of Hawaii. I testify in support of the reentry commission and a cap on the maximum number of inmates incarcerated abroad, and monitoring the offender reentry program. I request that at least one member of the commission represent the inmates or a person who has been through the reentry process and has been successful in reentering society. I request that the reentry commission include an attorney who represents inmates and has represented clients charged with crimes. This bill is a step in integrating inmates into society to ensure recidivism is kept at a low level.

Dated: Honolulu, Hawaii 3-24-09

Daphne Barbee-Wooten
Attorney at Law

boshiro2-Bryan

From: Mary Elizabeth [nugayou@yahoo.com]
Sent: Tuesday, March 24, 2009 11:53 AM
To: LMGtestimony
Subject: Testimony SB1148 SD2 HD1
Attachments: stat9719.jpg

COMMITTEE ON LEGISLATIVE MANAGMENT

Rep. James Kunane Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Wednesday, March 25, 2009
2:00 PM
Room 423
SUPPORT
SB 1148 SD2, HD1

Dear Chair, Vice Chair and Committee Members:

I am writing in support of SB 1148 SD2 HD1. For many years, I believe our mentality has been to throw all offenders into the "brig" and throw away the key. Well, the time has come that we no longer can continue to do that because of the cost of incarceration and the ever increasing rate of recidivism.

This bill is a breath of fresh air and recognizes the PEW reports findings that we must look at alternative means to help the inmates and our economic situation. There are no guarantee solutions but this bill will start the ball rolling in the right direction.

Therefore, I humbly ask for your serious consideration in passing bill SB1148 SD2, HD1.

Thank you for the opportunity to submit my testimony.

Aloha,

Elaine Funakoshi

boshiro2-Bryan

From: Peter Gellatly [pgellatly@mac.com]
Sent: Tuesday, March 24, 2009 4:56 PM
To: LMGtestimony
Subject: SB 1148 SD2, HD1 -- CLARIFYING ACT 8 and REENTRY COMMISSION -- STRONG SUPPORT

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Wednesday, March 25, 2009
2:00 PM
Room 423

re: SB 1148 SD2, HD1 -- STRONG SUPPORT

Aloha Chair Tokioka, Vice Chair Oshiro, and members of the committee,

My name is Peter Gellatly. I am the president of Better Media and represent the local community on the state's Corrections Population Management Commission. I also am honored to be working on public safety issues within the Interagency Council on Intermediate Sanctions.

My greatest value in this and any public safety discussion, if any, lies in my orientation as a results-driven businessman. There are differences, of course, between private and public sector concerns, but both require business plans with goals and deadlines -- and rigid accountability. In this context, SB 1148 SD2, HD1 is a superb bill

Without a cap on our offshore prison population, there is no incentive to cap the prison population at all ... no reason to look for other, more cost-effective solutions to our problems ... no need to pay attention to suffering Hawaii families. Out of sight is indeed out of mind, and out of heart as well. Is 2,000 the correct number? I do not know. Let's conduct independent research and make that determination, deciding first -- right now -- that where our ever-expanding shipment of Hawaii residents overseas is concerned, enough is enough.

The Reentry Commission is quite necessary. Act 8 is a comprehensive, thoughtful piece of legislation. It is especially apt in this time of crisis, when economic conditions are handicapping individuals exiting prison more than ever. The correct way to protect them -- and our community -- is by following the common-sense, results-oriented path laid out in Act 8. Evidently we need someone or many someone's to make sure that happens. I only ask that the legislature make a firm commitment to following the commission's recommendations, making sure that the Department of Public Safety does as well.

Please pass this bill.

Thank you very much.

aloha,

Peter Gellatly



COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 25, 2009

2:00 PM

Room 423

LMGTestimony@capitol.hawaii.gov

SUPPORT WITH AMENDMENTS:

SB 1148 SD2, HD1 Relating to the Comprehensive Offender Reentry System

Aloha Chair Tokioka, Vice Chair Oshiroo, and Members of the Committee!

My name is Carrie Ann Shirota, and I am writing to share comments on SB 1148 SD2 SD1 Relating to the Comprehensive Offender Reentry System. My experiences as a former Public Defender and staff member of a reentry program on Maui, and member of Community Alliance on Prisons have shaped my advocacy efforts to promote accountability and transparency within our correctional system. Each of us has a stake in providing rehabilitation opportunities to help individuals better prepare for their release from prison as law-abiding, contributing members of their 'ohana and community.

Facility Space. The bill clarifies that there must be facility space before bringing individuals back home. My concern is that the Department of Public Safety will rely upon this provision to justify their failure to return our people home in a timely manner under Act 8, unless more prisons are built at home. We know from experience that building more prisons is NOT the solution. Yet, PSD has continued to advocate for new prisons in the form of "tents" rather than diverting those funds for alternatives to prison and treatment, and early release for low risk individuals – solutions that have proven to work by independent research.

Reentry Commission. As drafted, the bill provides the Governor the ability to appoint the majority of members of the Reentry Commission. My concern is that the Reentry Commission will just add another layer of bureaucracy, particularly since the members are not required to have any special expertise or knowledge of reentry. Rather than creating a Reentry Commission, I believe it would be more cost effective to establish an **INDEPENDENT OVERSIGHT COMMISSION**.

Significantly, a growing number of United States jurisdictions have established independent Oversight Committees to ensure public and private facilities which confine individuals for alleged or adjudicated crimes meet their legal obligation to ensure constitutional conditions of confinement. See "Opening Up a Closed World: What Constitutes Effective Prison Oversight" Conference sponsored by the Lyndon B. Johnson School of Public Policy at the University of Texas-Austin, <http://www.utexas.edu/lbj/prisonconference/index.php>. Additionally, the Report of the Commission on Safety and Abuse in America's Prisons (June 2006) included a call for oversight and accountability through external oversight. See http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf.

Similarly, in August 2008, the American Bar Association approved a policy recommendation requesting federal and state governments to establish public entities independent of any correctional agency to regularly monitor and report publicly on the conditions in all correctional facilities.

An Independent Oversight Committee will help to achieve transparency of public and private institutions and accountability for the operation of safe and humane jails and prisons for both incarcerated persons and staff. In addition, the Committee would help to ensure that public officials meet their legal obligations to provide conditions of confinement that comply with state and federal laws.

Capping the Number of Out of State Transfers. The proposed bill limits the maximum number of Hawaii prisoners housed in out of state prisons to 2,000 by 2010. That number is too high! We should aim to reduce the number of transfers, rather than giving PSD permission to increase the number of transfers. A number of States have reduced out of state prisoner populations by taking a multi-faceted approach – diverting individuals to substance abuse programs, early release, and building more prisons (which I oppose). PSD should consult with other states, such as Wisconsin and Washington, that have comprehensive plans to return their prisoners home. If we have the will, we will find a way to do what is right – and that is providing reentry services and programs at home, where individuals will be closer to their families and sources of support.

In summary, I support this bill with the following amendments:

- 1) Reduce the cap out of state prisoner transfers to 1500 by 2010 and**
- 2) Create an Independent Prison Oversight Committee**

Thank you for the opportunity to submit comments on SB 1148 SD 2 HD1.

Respectfully submitted,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i 96793
(808) 269-3858

boshiro2-Bryan

From: Lela M. Hubbard [lmhubbard@hawaiiantel.net]
Sent: Tuesday, March 24, 2009 7:12 PM
To: LMGtestimony
Cc: Kat Brady; Clyde Namuo; Mary Dias
Subject: Testimony in Support of SB1148, SD2, 1

Aloha, Chair Kunane and Vice Chair Oshiro.

We of Na Koa Ikaika, an ohana organization that upholds human and Hawaiian rights, believe that incarceration should prepare individuals to be productive, responsible, contributing citizens and not a dead end or a college for advanced criminality; therefore monitoring of reentry programs and education is crucial.

Having worked in the prison system here, I believe there is a need for a permanent Reentry Commission or the bureaucracy will put something nice on paper that does not really exist.

The prisons on the continent are supposed to provide programs. Does Otter Creek? I heard they did not from an individual in residence there.

The Kulani woodworking shop which gave the men a skill was eliminated because it competed with private business; don't we operate a capitalistic system with free enterprise? Pay the employees more than slave wages and give them a trade or education so they can succeed on the outside.

We need to keep our troubled souls here. 2000 is an arbitrary figure without a completed classification report available for public perusal. At \$40,000 per year per person, that is \$80 million leaving our state coffers; that sum should circulate here.

Mahalo for this opportunity to share my mana'o,

Lela M. Hubbard
Na Koa Ikaika
99-407 Aiea Hgts. Drive
Aiea, HI 96701-3516