



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Public Safety
Committee on Labor and Public Employment

Testimony by
Hawaii Government Employees Association
March 19, 2009

S.B. 213, S.D. 1 – RELATING TO PUBLIC SAFETY

The Hawaii Government Employees Association supports S.B. 213, S.D. 1, which would require the Department of Public Safety to establish performance indicators and make monthly reports to the Legislature based upon these indicators. Requiring such performance indicators will help to ensure that the department is accountable for the funding it receives and that inmates are successfully reintegrated into the community.

Nationally, spending on corrections now exceeds \$50 billion a year and accounts for 1 out of every 15 discretionary dollars spent by state governments. In 2007, it was the fastest growing component of state budgets. Spending on criminal corrections outpaces budget growth in education, transportation and public assistance based upon data from states and the federal government. Only Medicaid spending grew faster than state corrections spending, which increased four times over the past two decades.

With so many states, including Hawaii, facing significant budget shortfalls, redirecting resources to programs that reduce long-term correction costs is a viable means of generating savings. The key driver of criminal justice costs is the high rate of incarceration.

A recently released report by the Pew Center on the States found that Hawaii is one of 20 states with the largest correctional populations per 1,000 people. There are a number of ways to reduce corrections spending such as monitoring convicts in community programs, such as probation and parole. A survey of 34 states found that states spend an average of \$29,000 a year on prisoners, compared with \$1,250 on probationers and \$2,750 on parolees. This study and survey found that despite more spending on prisons, recidivism rates remained largely unchanged.

States must recognize the need to focus more attention and resources on managing offenders in the community. The difference in cost between institutional and community

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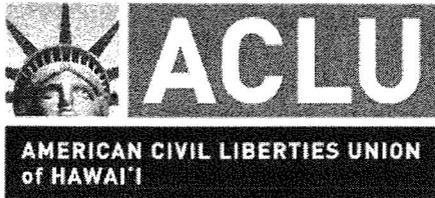
corrections is great. The average daily cost of supervising someone in the community was \$3.42 in fiscal 2008, compared to the cost of \$78.95 to incarcerate an inmate.

Thank you for the opportunity to testify in support of S.B. 213, S.D. 1

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nora A. Nomura', with a long horizontal flourish extending to the right.

Nora A. Nomura
Deputy Executive Director



Via E-mail: PBSTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Committee on Labor and Public Employment
Hearing Date/Time: Thursday, March 19, 2009, 10:00 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of SB 213, SD1, Relating to Public Safety

Dear Chair Hanohano and Members of the Committee on Public Safety and Chair Rhoads and the Committee on Labor and Public Employment:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of SB 213, SD1, which seeks to require the Department of Public Safety to establish performance indicators and requires monthly reports to the Legislature using key performance indicators. Requiring performance indicators will help to ensure that the Department of Public Safety is held accountable for implementing and managing the reentry programs, and will ultimately ensure that Hawaii’s inmates are successfully reintegrated into the community.

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,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 19, 2009

10:00 AM

Room 309

SB 213 SD1 - PSD Performance Indicators

STRONG SUPPORT

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino 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 the 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 213 SD1 requires the Department of Public Safety to establish performance indicators, requires reports using key performance indicators to be provided to the legislature three times each year.

Community Alliance on Prisons is in strong support of this measure. We find it distressing, and somewhat telling, that the Hawai'i Department of Public Safety is so vehemently opposed to accountability and transparency.

Establishing performance measures is a growing trend in Corrections. There is lots of literature for Corrections Administrators to review and adapt to their own jurisdictions. Performance measures are part of good government, they are good business. Using performance indicators, the Department of Public Safety can clearly illustrate to you, our Policymakers, what is working, what isn't, and what requires a course correction.

It is dismaying that PSD is so opposed to professionalizing their department. The Association of State Correctional Administrators, the Corrections Program Office of the Office of Justice Programs, the Bureau of Justice Statistics, and the National Institute of Justice, who collaborated on a joint project in August 1998 called 'State and Federal Corrections Information Systems - An Inventory of Data Elements and an Assessment of Reporting Capabilities' said: *The Association of State Correctional Administrators is engaged in a long-term effort to improve the quality, scope, and comparability of corrections data. One of its objectives is to develop a set of performance indicators that can be used to describe, measure, and compare management outcomes among departments of corrections.*

The following information entitled **Develop performance measures that matter** can be accessed at: <http://www.pewcenteronthestates.org/uploadedFiles/GPP.PSPPFinal.pdf>

More innovative states have begun to use outcome measures that judge the effect of policies on inmates in order to inform funding decisions.

Other states – including Washington, Nebraska, Ohio, Alaska, Wyoming and Iowa – are producing their own corrections-specific measurement systems. One of the most sophisticated is Oregon Accountability Model, a system currently being developed by Oregon. The strategic plan has a multi-step process for evaluating and improving every aspect of the department through performance measures, including some mandated by the legislature and others developed by the department. The department's measures are among the most sophisticated of any state at tracking the factors that are most likely to lead an offender to recidivate.

- *For example, rather than just tracking the recidivism rate, the agency tracks the percentage of offenders employed 180 days after release.*
- *Rather than just tracking the percentage of inmates completing programs, it tracks the percentage who enter and complete the programs recommended for them in an intake assessment. While the agency is still establishing baselines for many of these measures, it hopes to reap future benefits in reducing recidivism. "We took a look at the body of research out there and are saying what are the major contributing factors to an offender's criminality and focusing all of our efforts on that," says Assistant Director of General Services John Koreski*

So committee members, the question is why is PSD so resistant to giving you the information you need as policymakers?

Community Alliance on Prisons urges passage of this measure to professionalize PSD and to make that agency accountable and transparent. They operate on public funds and the public has a right to know if our money is being spent wisely or if it is only further greasing the revolving door of our broken correctional system. Please support SB 213 SD1.

Mahalo for this opportunity to testify.



COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, March 19, 2009
10:00am
Room 309

**STRONG SUPPORT
SB 213 SD1 – RELATING TO PUBLIC SAFETY (Performance Indicators)**

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Carrie Ann Shirota, and I am writing in strong support of SB 213 SD1. 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.

In order to promote accountability and cost effective outcomes, SB 213 SD1 directs the Department of Public Safety to establish key performance indicators to be incorporated in reports that evaluate the outcomes of program components outlined under Act 8. Rather than reinventing the wheel, the Department of Public Safety should seek guidance from other correctional departments in establishing other performance indicators. For example, Washington's State Department of Corrections developed "The DOC Re-entry Initiative Smart on Crime" Plan in 2006 as a means to protect the public from crime. The WA DOC contributes to this effort in two ways: 1) provides a human way to sanction wrongdoers by confining them in safe and secure prisons, and by supervising them in the community; and 2) provides rehabilitative program that reduce the likelihood offenders will repeat their past mistakes. As part of its Strategic Plan, the Washington DOC will "develop and evaluate measures that focus on maximizing staff preparedness, improving offender readiness and increasing community capacity to support successful offender re-entry."

Borrowing principles from WA's DOC, performance measures will support Hawaii's reentry legislation under Act 8 in the following ways:

- Strengthen organizational communication
- Demonstrate a cultural change as staff will see how their work impacts the successful reentry of offenders and offenders will understand why treatment and programs are required
- Informed decision-making to target and reallocate resources to "what works" and to solve operational challenges
- Increase offender and Department of Public Safety accountability

Just as the Washington Department of Corrections recognizes, a successful re-entry focused correctional system requires partnership. The Department of Public Safety cannot, and should not do it alone. Each of us has kuleana to ensure that the Department of Public Safety and any entity that PSD contracts with to house prisoners operates safe and humane prisons, and provides rehabilitation opportunities proven effective in helping individuals acquire the training and support to become law-abiding, contributing members of their `ohana and our community.

Mahalo for this opportunity to submit testimony in support of SB 213 SD1.

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

LORENN WALKER, J.D., M.P.H.

COMMITTEES ON PUBLIC SAFETY & LABOR & PUBLIC EMPLOYMENT

Honorable, Rep. Faye P. Hanohano, Chair
Honorable, Rep. Henry J.C. Aquino, Vice Chair
Honorable, Rep. Karl Rhoads, Chair
Honorable, Rep. Kyle T. Yamashita, Vice Chair
Honorable Senator Robert Bunda, Vice Chair

Tuesday, March 19, 2009
10:00 AM
Room 309

STRONG SUPPORT

SB 213 SD1 – Performance Indicators for Act 8 – Hawai‘i’s Reentry Law
Sent to: PSMTestimony@capitol.hawaii.gov

I STRONGLY support SB 213 SD1, which would require the Department of Public Safety (PSD) to establish performance indicators and report three times a year to the legislature on its progress toward meeting those specified indicators.

In the 1500s French philosopher Michel de Montaigne said: “No wind favors him who has no destined port.” If our state prisons are going to succeed at preventing recidivism, they must have performance indicators, and they must measure how they are doing at meeting those outcomes.

For over 10 years, I, along with a team of others dedicated to improving Hawai‘i’s corrections and justice systems, have been working to design, implement and measure the success of programs aimed at reducing recidivism. Our results have been published in numerous articles and book sections, with more currently in press. We work hard to create “evidence-based practices,” which produce positive outcomes verified by research. If what we try doesn’t produce the outcomes we seek we try other methods. PSD needs to become similarly accustomed to working like this.

It should go without question that PSD collects information on performance indicators and work toward generating evidence-based practices that can reduce prisoner recidivism. The safety of our community depends on this to a very large extent.

Yes, PSD will have to put more effort into keeping track of how it is doing in meeting performance indicators to comply with this bill, but its administrative priorities can be shifted for that purpose. As time passes and it learns what works and what doesn’t work to influence recidivism, the savings in *not* incarcerating people, should easily pay for this.

Please pass this measure and do what PSD should already be doing on its own without legislative action.

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday March 19, 2009

Room 309

8:30 am – SB 213

Aloha Chair Hanohano, Vice Chair Aquino, 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 there is 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 featuring deadlines, cost-effective goals -- and measurements of success.

This bill is a no-brainer. Since first grade, we've been getting report cards. I get an "A" when I perform well enough to stay employed. You get one when you perform well enough to get reelected.

We need to give our Department of Public Safety and its practices a report card. We need to hold them accountable for what they are doing with the thousands of lives and millions of dollars entrusted to them. Equally importantly, we need to hold ourselves accountable for the same.

Please pass this bill.

Thank you very much.

aloha,

Peter Gellatly