

SB 540

LINDA LINGLE
GOVERNOR



MAR - 2 2009

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No. _

COMMENTS ON SENATE BILL 540 SD1
RELATING TO PUBLIC SAFETY

By
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Ways and Means
Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair

Tuesday, March 3, 2009; 9:30AM
State Capitol, Conference Room 211

Senator Mercado Kim, Senator Tsutsui, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes Senate Bill 540 SD1, which seeks to require the Department to develop and implement a community substance abuse treatment program with a community-based transition phase of the program where the offender completes at least six (6) months of the program while in the community.

This measure risks public safety, and cannot be accomplished without additional funds and the additional of full-time staff to both provide security and administer the program.

This bill is based on the program initiated in the Federal Bureau of Prisons (BOP). PSD understands the intent of the measure, but clearly the BOP and PSD are very different from an organizational basis. Many inmates within the BOP are transferred to halfway houses for up to the last six months of their sentences. The BOP contracts with an extensive network of halfway houses around the country, which is why this program was structured to finish with community treatment in a halfway house. PSD on the other

hand, uses the furlough program to achieve the same practical result as the halfway houses in the BOP. However, with no structured setting, the community based program would be much more difficult to achieve, and would require more staff, contractors, and facilities for this measure to be successful. Currently, there are not nearly enough community based programs operating in Hawaii to initiate this program. Thus, not only would PSD require more funds to establish the program and pay the contractors, but the Department would also have to seek out new contractors that may or may not be available in Hawaii. This is evident by the fact that the BOP only contracts with one halfway house in the entire state, even though they would prefer to have more contractors available.

Further, section 1 of this measure is mistaken. In that, the PSD provides various levels of substance abuse treatment at all of our correctional facilities statewide and at the Saguaro (male) and Otter Creek (female) facilities. Section 1 also wrongly assumes that Module 19 of the Oahu Community Correctional Center (OCCC) can be used for the pilot program described in SB 540. At present, Module 19 houses approximately 72 inmates that are members of various facility work lines, including, but not limited to the kitchen, maintenance, and grounds. Given PSD's current crowded conditions, we do not have the capacity to relocate the 72 inmates currently housed in Module 19 to other areas within the OCCC, nor do we have the staff to take over the duties and functions performed by these 72 inmates if we were to disperse them to other correctional facilities statewide.

As written, the goals of this measure cannot be accomplished without substantial additional resources and displacement of 72 inmates who currently work on various critically important facility operational work lines. In these very difficult fiscal times, when funds are scarce and PSD lacks the facility space to relocate inmates to accommodate the provisions of this measure, it would not be prudent to pursue enactment at this time. Therefore, the Department respectfully requests that his measure be held.

Finally, thank you for the opportunity to provide comments on this matter.