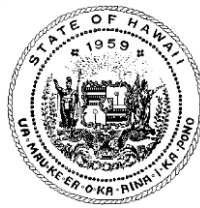


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 85
AND HOUSE RESOLUTION 47
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM.

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) **supports the overall intent of** House Concurrent Resolution (HCR) 85 and House Resolution (HR) 47 and offers additional clarifying suggestions.

Hawaii is in a distinct minority of jurisdictions wherein both the Jail and Prison systems fall under the single jurisdiction of the State. Overwhelmingly, across the country, jail systems fall under the jurisdiction of the individual counties. This minority arrangement, therefore, makes for the similarly minority circumstance of corrections overcrowding, being inclusive of both incarcerated jail detainees and incarcerated prison inmates. Any task force contemplated should, therefore, address and reevaluate the current jail detainee system, as well as, the prison inmate incarceration, rehabilitation, reentry, and recidivism system.

There are distinctly different strategies associated with the structure and restructuring of the jail detainee system as compared to the structure and restructuring of the prison incarceration, rehabilitation, reentry, and recidivism system. We therefore recommend, that at every juncture, this resolution specify the dual roles intended to be addressed by this task force.

Thank you for the opportunity to present this testimony.



The Judiciary, State of Hawai'i

Testimony to the House Committee on Public Safety

Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016 10:00 AM
State Capitol, Conference Room 309

by

Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Concurrent Resolution No. 85 and House Resolution No. 47, Requesting the Establishment of a Task Force to Study Effective Incarceration Policies to Improve Hawai'i's Correctional System.

Judiciary's Position:

The Judiciary supports the establishment of a task force to study effective incarceration policies to improve Hawaii's correctional system. House Concurrent Resolution No. 85 and House Resolution No. 47 recognize the advisability of a comprehensive study of effective incarceration policies, programs and best practices in an effort to address Hawaii's on-going challenges to its correctional system. With the planned relocation of the Oahu Community Correctional Center, there is an opportunity to develop solutions and improve our correctional system.

The governmental body with the greatest expertise relating to incarceration policies and correctional systems is the Department of Public Safety. As such, the Judiciary respectfully suggests that the Director of the Department of Public Safety be requested to serve as co-chair of the proposed task force with the Chief Justice of the Judiciary or their designees. Additionally, the Judiciary respectfully requests the administrator of the Adult Client Services Branch or his designee serve on this Task Force, as the incarcerated population includes many who are on probation.



House Concurrent Resolution No. 85 & House Resolution No. 47
Incarceration Policies Study Task Force
House Committee on Public Safety
Thursday, March 17, 2016, 10:00 AM
Page 2

As this study is likely to incur costs, the Judiciary respectfully requests funding to support expenses associated with this study in an amount to be determined by the Legislature.

Thank you for the opportunity to testify on these measures.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MICHAEL A. TOWN
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FITUINA F. TUA
MEMBERS

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 85
AND HOUSE RESOLUTION 47
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM

By
Bert Y. Matsuoka, Chairman
Hawaii Paroling Authority

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Hawaii Paroling Authority (HPA) **strongly supports** HCR 85/HR 47 requesting the establishment of a task force to study effective incarceration policies to improve Hawaii's correctional system. The task force may be able to obtain information from other jurisdictions within and outside of the United States regarding various successful and effective incarceration policies and practices that could be used to improve Hawaii's correctional system.

Thank you for the opportunity to provide testimony on HCR 85/HR 47.



HCR85/HR47
REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM.
House Committee on Public Safety

March 17, 2016

10:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) Administration will recommend to the Board of Trustees a position of **SUPPORT** for HCR85/HR47. This resolution would establish a task force to study effective incarceration policies and make recommendations that may ultimately reduce the growing social and economic burdens of our criminal justice system.

Decades of following a traditional criminal justice approach have now led to the highest prison population in Hawai'i's history. The number of people incarcerated in Hawai'i increased by more than 900 percent between 1977 and 2008,¹ and by 1,400 percent between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40 percent of our prison population today.² The rapid growth of our incarcerated population, much higher than the national rate, strongly counsels the reexamination of our criminal justice approach, including our policies with respect to criminal liability, prisoner rehabilitation, and reintegration. In addition, the overrepresentation of Native Hawaiians in the criminal justice system indicates the existence of larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.³

The Native Hawaiian Justice Task Force brought to light the systemic issues that have contributed to the disproportionate impact of the current criminal justice system on the Native Hawaiian community and recommended the exploration of new and

¹ OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians represent only 24% of the general public in Hawai'i. *Id.* at 36.

³ OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

progressive criminal justice approaches.⁴ It is our hope that this dedicated study by our State's preeminent experts on criminal justice will effectuate some of the recommendations made by the NHJTF and lead to a much-needed and long-awaited strategy to reduce the State's incarcerated population, reduce corrections costs, and proactively invest in public safety and recidivism reduction initiatives.

In light of the above, OHA urges the Committee to **PASS** HCR85/HR47. Mahalo nui loa for the opportunity to testify on this important measure.

⁴ The Office of Hawaiian Affairs, *Native Hawaiian Justice Task Force Report* (2012), http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

Charlotte A. Carter-Yamauchi
Acting Director

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Testimony

HCR85

REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Public Safety

Thursday, March 17, 2016, 10:00 a.m.
Conference Room 309

Chair Takayama and Members of the Committee:

Good morning Chair Takayama and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.C.R. No. 85, Requesting the Establishment of a Task Force to Study Effective Incarceration Policies to Improve Hawaii's Correctional System.

The purpose of this measure, among other things, is to request that the Chief Justice establish a task force to study effective incarceration policies in Hawaii and other jurisdictions and to suggest improvements for Hawaii's correctional system, including recommendations for designs of future correctional facilities. The measure also requests that the task force submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2018. In addition, the measure requests that the Legislative Reference Bureau assist the task force in the preparation of its report; provided that the task force delivers to the Legislative Reference Bureau all information and materials deemed necessary by the Legislative Reference Bureau for the preparation of the report no later than forty days prior to the convening of the Regular Session of 2018. The measure also requests that the Bureau provide the task force with any other administrative assistance it may require.

While the Legislative Reference Bureau takes no position on the measure, we submit the following comments for your consideration.

As a general matter, we note that the Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the

Legislature. Thus, if the Legislature feels that this is an appropriate use of the Bureau's resources, then the Bureau would provide report writing and drafting services; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting other studies, writing or finalizing other reports, and drafting legislation, for legislators, other state agencies, task forces, committees, or working groups, that may be requested or required under other legislative measures.

That said, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau.

The measure requests that the Bureau take on the responsibility of providing administrative support to the task force if requested. The Bureau lacks the resources to provide any administrative support to individual Legislators, working groups, or outside task forces of this nature. Moreover, the Bureau does not possess the facilities to accommodate meetings of a task force, nor do we possess any priority for requesting use of any of the conference rooms throughout the Capitol.

With regard to the timeframe in which the task force is requested to submit information to the Bureau in order for the Bureau to draft a report (i.e., twenty days prior to the date of the report's submission to the Legislature), we note that, if the Bureau is only being asked to finalize a draft report, then the twenty-day timeframe will probably be sufficient. However, if the Bureau is being asked to actually write the report from scratch, then the twenty-day timeframe is far too short to accomplish this task. Our experience has shown that, inevitably, such entities are not timely in their submission of material to the Bureau. Furthermore, in addition to providing for adequate time to write the report, a reasonable timeframe must also allow time for the Bureau to verify that all submitted information has been gleaned from credible sources and for the review and approval of drafts of the report not only by Bureau staff, but by the task force as well.

Accordingly, if the Committee decides to recommend the adoption of this measure and to keep the Bureau involved, we respectfully request that the measure be amended to limit the Bureau's involvement to assisting the task force with the finalizing of any draft report of the task force submitted to the Bureau and the drafting of any proposed legislation in relation thereto.

Thank you again for your consideration.



Brie Williams, MD, MS
Associate Professor of Medicine
UCSF Division of Geriatrics, Department of Medicine

3333 California Street – Box 1265, Suite 380
San Francisco, CA 94143-1265
TEL: (415) 514-0720
E-mail: brie.williams@ucsf.edu

March 14, 2016

Dear Members of the House Committee on Public Safety,

I am writing to lend my strongest possible support to House Concurrent Resolution No. 85, "Requesting the establishment of a task force to study effective incarceration policies to improve Hawaii's correctional system."

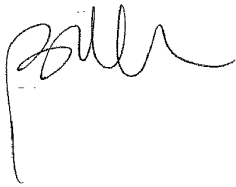
I am an Associate Professor of Medicine at UC San Francisco where I conduct research to improve correctional healthcare and help policy and law makers translate research into policy to achieve better health outcomes and lower costs in correctional systems. As examples of my work, in 2014, I served on the Institute of Medicine's Workshop on Incarceration and Health and, following the 2011 publication of my review of U.S. compassionate release policy in the *Annals of Internal Medicine*, I now work with jurisdictions to help revise compassionate release policies. I recently provided testimony on compassionate release policy reform to the U.S. Sentencing Commission. Currently, I am the Founding Director of the UC Criminal Justice & Health Consortium, an interdisciplinary community of over 100 researchers from across the University of California system working to advance evidence-based policy reform at the intersection of criminal justice and health.

I am also a Founding Director of the U.S.-European Criminal Justice Innovation Program, a program that supports policy makers, government officials and criminal justice leaders to create transformative change in their home criminal justice systems through exposure to alternative criminal justice models in Europe. Through this program, I visited Hawaii in 2015 and met with officials from the Department of Public Safety, the Hawaii Paroling Authority, the medical school, and the judiciary. I subsequently accompanied several officials from the State of Hawaii to Norway to tour prisons there and hear from thought-leaders in criminal justice reform from Norway, Sweden, Ireland, and the UK.

I am deeply impressed by Hawaii's dedication to seeking ways to improve their criminal justice and correctional systems to the betterment of both public safety and prisoner outcomes. As an independent academic with extensive experience translating research into policy change in the areas of criminal justice and corrections, I believe that the creation of the proposed task force (per the resolution) would be a critical first step to identifying and implementing methods and strategies to improve Hawaii's criminal justice system by reducing recidivism, saving money, and making communities safer.

I thank you for your consideration of this important resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brie Williams', with a stylized, flowing script.

Brie Williams, MD, MS
Associate Professor of Medicine
Division of Geriatrics - University of California, San Francisco

Medical Director, SFVAMC Geriatrics Clinic

Email: brie.williams@ucsf.edu



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March 15, 2016

House Committee on Public Safety
Room 309
Chairperson Gregg Takayama
Vice Chair Kyle T. Yamashita

WRITTEN TESTIMONY ONLY

Dear Chair Takayama and Committee Members:

I write in strong support of House Concurrent Resolution (HCR) No. 85, requesting the establishment of a Task Force to study effective incarceration policies to improve Hawaii's Correction System.

As the former Administrative Director of the Courts, Family Court Judge and Chair of the Native Hawaiian Justice Task Force, I fully appreciate how incarceration policies can serve to hinder or enhance Hawaii's correctional system. The timing of this request is particularly appropriate considering the planned relocation of the Oahu Community Correctional Center. I believe the findings of the Task Force could have a significant and positive impact on the future of corrections in Hawaii.

Again, HCR No. 85 has my unequivocal support.

Thank you for your consideration.

Michael Broderick

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 2:55 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HCR85 on Mar 17, 2016 10:00AM

HCR85

Submitted on: 3/14/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this concurrent resolution, as it helps all parties concerned to work together in providing solutions to the problem of over crowding.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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House Committee on Public Safety

**Testimony on
House Resolution 85**

**Requesting the Establishment of a Task Force to Study Effective
Incarceration Policies to Improve Hawaii's Correctional System**

**March 17, 2016
10:00 a.m.
Room 309**

Thank you Representative Takeyama and Representative Yamashita for convening this extremely important hearing.

My name is Meda Chesney-Lind. I am currently a Professor of Women's Studies at the University of Hawaii at Manoa. I am also a past Vice-President of the American Society of Criminology. Today, however, I am speaking as an individual.

As you know, Hawaii's correctional system is at a crossroads. Our "get tough on crime" policies of the 1980s and 1990s filled our prisons to overflowing and forced us to send almost one-third of our inmates to private prisons on the mainland where they are isolated from their families, land and culture. The state also put off repairing its correctional facilities for decades, with the result that many of them are now falling apart, including the largest facility, the Oahu Community Correctional Center (OCCC). The cost of our correctional system has risen steadily to over \$230 million in 2013¹, yet our correctional outcomes are consistently poor as evidenced by the fact that over half of our parolees reoffend within three years, with the average time to recidivism just 15 months.² And if all that was not enough, in August of 2014 the Council of State Government Justice Center gave policy makers more bad news, including:

¹ Hawaii Department of Public Safety, 2013 Annual Report, p. 85.

² David T. Johnson, Janet T. Davidson, Paul Perrone, *Hawaii's Imprisonment Policy and the Performance of Parolees Who Were Incarcerated In-State and On The Mainland*. University of Hawaii Department of Sociology and Hawaii Department of The Attorney General, January 2011 p. 2.

- Hawaii's combined prison and jail population increased by 18% between 2000 and 2011. During roughly the same time period (2003-2012) Hawaii's crime rate decreased by 39.0%. Violent crime decreased by 10.3% and property crime decreased by 40.5%³.

- Between 2006 and 2011 the average length of probation increased 25 percent, stretching the supervisory capabilities of the Judiciary's probation division almost to the breaking point;

- The parole approval rate declined from 40% in 2006 to 34% in 2010 because prisoners are unable to get the programming they need;

- The number of prisoners who chose to serve their maximum sentences rather than being paroled, and who must, therefore be released from without supervision of any kind, more than doubled, from 121 in FY2006 to 247 in FY2011.⁴

All of this points to the conclusion that our sentencing and correctional policies are not working. They are not producing acceptable, cost-effective and sustainable outcomes for the people of Hawaii.

Regarding facilities, the state has plans to tear down the 950-bed OCCC and replace it with a new and larger facility that would house pretrial detainees, sentenced misdemeanants and reentry programs for sentenced felons. There is a high likelihood that these plans will be implemented because the 16-acre OCCC site in urban Honolulu has become extremely valuable due to its proximity to a planned station on the new Honolulu Rail Transit Line. There is also a great deal of discussion about building a new correctional facility on the island of Maui to replace the aging Maui Community Correctional Center which sits on 7 acres of valuable land in Wailuku. The Maui facility houses pretrial detainees, and provides reintegration programs for sentenced felons and parole violators who will be released to Maui.

If Hawaii builds one or more new, traditional, correctional facilities and follows the same criminal justice and corrections models as we have in the past, we will continue to have poor outcomes and ever-rising costs.

As a criminologist, I believe Hawaii needs to think "beyond bricks and mortar". We need to develop a community "road map" to guide our criminal justice and correctional system into the future, starting with the new facility that will replace OCCC. The new model must address ways to reduce our prison population through new and better sentencing policies and greater use of community based alternatives to incarceration. The new model must also focus on developing successful, evidenced-based restorative and rehabilitative strategies for those who do go to prison.

³ Crime in Hawaii, 2012, p. iii.

⁴ Justice Reinvestment in Hawaii, Justice Center of the Council of State Governments. August 2014 pp. 2- (missing page range)

Fortunately, the proposed Task Force gives us many of the tools to explore innovative approaches to the challenges Hawaii's criminal justice system faces. Specifically, it brings together all of the key stakeholders to review effective incarceration policies in place in other jurisdictions, and it does so at a very important moment in Hawaii's correctional history. Let's build on the strong work that the Hawaii Legislature initiated to significantly overhaul the juvenile justice system a few years ago with Act 210, and bring the same fresh approaches to the adult system.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 4:40 PM
To: pbstestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HCR85 on Mar 17, 2016 10:00AM*

HCR85

Submitted on: 3/14/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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Robert K. Merce
2567 Aha Aina Place
Honolulu, Hawaii 96821
808-732-7430

March 16, 2016

Rep. Gregg Takayama, Chair
Rep. Kyle T. Yamashita, Vice Chair
House Committee on Public Safety
State Capitol, Rm. 324
Honolulu, HI 96813

Hearing: HCR 85
House Committee on Public Safety
March 17, 10:00 a.m. Room 309
Strong Support

Dear Chair Takayama, Vice Chair Yamashita, and members of the committee:

My name is Bob Merce. I am a retired attorney and have been working on prison reform as an individual and with several community organizations for the past five years. I am writing in strong support of HCR 85.

For the past 40 years Hawaii has pursued incarceration policies similar to those in other states. In response to the high crime rates of the 1970s and 1980s we locked up more people for longer periods of time by increasing the severity of sentences and adopting mandatory minimum sentences that took discretion out of the hands of judges no matter what the circumstances of the offense. We locked up drug users for decades without providing them with effective treatment. We focused almost entirely on punishment rather than rehabilitation, we largely ignored mental health issues and the need for effective re-entry programs, and we let our jails and prisons deteriorate into harsh and often brutal places that we hoped would deter inmates from returning.

But these policies haven't worked. They have not caused a reduction in crime, they have not made our neighborhoods safer, and they have not deterred criminals from reoffending as evidenced by the fact that in Hawai'i more than half of former inmates recidivate within two years. The policies have, however, caused the cost of incarceration to skyrocket to unsustainable levels.

Throughout the country there is recognition that the "get tough on crime" policies of the 1970s and 1980s have not worked, and literally hundreds of communities are searching for new, better, smarter, and more sustainable ways to deal with crime and punishment.¹ Experts and lay

¹ When the MacArthur Foundation launched a 5-year \$75 million initiative to reduce incarceration by changing the way America thinks about jails, it received nearly 200 applications from 45 states and territories.

people are collaborating to re-think criminal justice and correctional policies and they are increasingly looking to other states and countries for ideas that have been proven to work.

Hawaii is at a crossroads. It is planning to spend hundreds of millions for a new jail on Oahu and a new prison on Maui, and it is struggling with overcrowded jails and prisons on the Big Island and Kauai. We, as a state, have to decide whether to blindly follow the failed policies of the past or develop smart, new policies to guide our correctional system into the future. The task force is an excellent vehicle for examining the critical issues that will affect Hawaii's criminal justice and correctional outcomes for the next 50 to 75 years. We need to get it right, and the task force, in my view, could go a long way toward achieving that objective.

Thank you for the opportunity to testify on this important matter and I hope you will pass HRC 85.

Aloha,

Robert K. Merce

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 6:28 AM
To: pbstestimony
Cc: fhyun01@gmail.com
Subject: Submitted testimony for HCR85 on Mar 17, 2016 10:00AM

HCR85

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund "Fred" Hyun	Individual	Support	No

Comments: I support the intent and purpose of HCR 85.

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To: pbstestimony
Cc: bhistoday@gmail.com
Subject: Submitted testimony for HCR85 on Mar 17, 2016 10:00AM

HCR85

Submitted on: 3/15/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Ramos	Individual	Support	No

Comments: To the honorable members of the 28th Legislature, 2016 in the State of Hawaii, I humbly ask that you support in full this resolution that will create a timely and necessary task force to open the discussion toward policy regarding the high cost of incarcerating Hawaii's citizens. For eight months from May 2015 to February of this year, I served as a citizen volunteer to staff in the Residency Services in the O'ahu Community Correctional Center. My assignment was to develop a jail transition education program to align with a jail transition case management system. The outcome of my time spent inside OCCC, particularly in Annex 1 with the Sentence Felon and Sentenced Felon Probation populations was in effect the In Custody Offender Reentry Education Program (ICORE). In short, ICORE is a very complex and comprehensive prescriptive education system incorporating several cognitive based theories in education that addressed prosocial, psychosocial and change management development in the incarcerated 120 days out to release. It is an intense delivery system combining the use of strategies such as motivational interviewing, motivational enhancement, learning style inventories, etc. It takes into consideration the environment of delivery, jail intelligence, and shifts of internal locus of control. While this type of program development is not impossible, it is, in my humble estimation, an implausible solution to the high costs of rehabilitating inmates. Furthermore, I humbly support this resolution because at the same time, I also had a most gracious opportunity to be a member of the Pu'uhoanua Ohana under the direction and facilitation of Uncle Joe Tassil. From August until now, the Pu'uhoanua Ohana has met and worked diligently to provide not an alternative, but rather a resurgence of a rehabilitative and restorative justice system that once kept the Native Hawaiian community aligned and synchronized. It is my hope that this task force, before it looks to "other states and countries" for costs and methods, that it would first consider a solution that is not only appropriate, but right for the disproportionate number of Native Hawaiians that continue to represent the high cost of incarceration in our presently disfunctioning correctional system. Thank you for your kind consideration of my comments and experience. I support this resolution in full. Respectfully submitted, Anna Mayes AKA, Anna Ramos

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COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair

Representative Kyle T. Yamashita, Vice Chair

Thursday, March 17, 2016

10:00 a.m.

Room 309

LATE

SUPPORT INTENT of HCR 85 - EFFECTIVE INCARCERATION

Aloha Chair Takayama, Vice Chair Yamashita and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HCR 85 requests the establishment of a task force to study effective incarceration policies to improve Hawai'i's correctional system.

Community Alliance on Prisons supports the intent of this measure although there is a plethora of information on criminal justice reform available. Hawai'i has a golden opportunity to reform the criminal justice system with Justice Reinvestment and sentencing reform, among other things. The problem has been that the political will has not been there, despite reform efforts being led by many very conservative states and groups.

Right on Crime is one of those groups. Their website describes them as "The conservative approach to criminal justice". Below is a recent article¹ about how the Conservative Political Action Conference (CPAC) that took place in early March framed criminal justice reform:

Conservative criminal justice reform advocates are making the case that reducing the prison population, treating drug addiction, and giving a second chance to lawbreakers are policy prescriptions that mesh with conservative ideals.

While advocates cite [polls](#)² that show that most conservatives support ideas like providing alternatives to prison for low-level drug offenders, GOP leaders on the criminal justice reform cause know they have more work to do to overcome a tough-on-crime mentality that came to define the 1980s and '90s.

¹ **Conservatives Make Their Case for Criminal Justice Reform**, [Josh Siegel](#) / [@SiegelScribe](#) / March 07, 2016

² **The Public Safety Performance Project Of The Pew Charitable Trusts**. The Mellman Group & Public Opinion Strategies National Survey Key Findings – Federal Sentencing & Prisons, February 10, 2016

http://www.pewtrusts.org/~media/assets/2016/02/national_survey_key_findings_federal_sentencing_prisons.pdf

“No one is beyond redemption, and hope springs eternal,” said Ken Cuccinelli, the former Republican attorney general of Virginia who spends his time these days speaking out against the harsher sentences from the War on Drugs that helped lead to massive overcrowding in America’s prisons.

Cuccinelli used his appearance this past week at the Conservative Political Action Conference, or CPAC, outside Washington, D.C., as an opportunity to speak before thousands of conservative activists and leaders about why they should care about mass incarceration in America.

Some of the findings from the Pew poll were:

“A Strong Majority Believes Federal Prisons House Too Many Drug Offenders

Statistics show that nearly half the people in federal prison are there for drug crimes like dealing drugs on the street or illegally transporting drugs. Which comes closer to your point of view about these people?

61% A: That is too many drug criminals taking up too much space in our federal prison system. **More of that space should be used for people who have committed acts of violence or terrorism**

35% B: If that’s the number of people committing federal drug crimes, that’s the number we need to have in federal prisons

4% Not Sure

Few Want Low-Level Drug Offenders To Serve 10-Year Mandatory Minimum Sentences

% Believing Offender Should Get 10-Year Mandatory Minimum Sentence

68% A drug kingpin, that is, the top leader of an illegal drug organization

49% A distributor who supplies relatively large amounts of drugs to dealers who then sell in smaller quantities to individual users

47% A drug organization manager or supervisor who is not the top leader but someone in charge of managing illegal drug operations

37% A drug grower or producer

35% A drug dealer, someone who sells illegal drugs on the street

20% A drug courier or mule, who is paid to carry drugs from one location to another

Support For Earned Time Programs Remains High Regardless Of 15% Or 30%

Allow people in federal prison to earn up to an additional 15% off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training

86% Acceptable

13% Unacceptable

2% Unsure

Allow people in federal prison to earn up to an additional 30% off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training

85% Acceptable

13% Unacceptable

2% Unsure

Conclusion

Voters are ready and willing to reform the criminal justice system in ways that reduce the size and cost of the federal prison system, while improving outcomes. Even after being exposed to strong opposition messaging, six in ten support phasing out mandatory minimum sentences for a variety of offenses and allowing judges to determine sentences based on the facts of each case.

Even larger numbers support other reforms like ending mandatory minimum sentences for lower-level federal drug offenders, allowing courts to review the cases of elderly and terminally ill offenders, and allowing offenders to earn 15%-30% off their prison term by participating in treatment and job training programs.”

The way to “effective incarceration” is to reserve imprisonment for those whose violent behavior is a threat to harm the community. Sadly, Hawai‘i has used imprisonment for those with whom we are mad. This has led us into the morass of mass incarceration and a large criminal underclass. Our policies have created more problems than we have solved.

In conclusion, this measure talks about “effective incarceration” while all across the nation, the conversation is about de-carceration. This is disturbing to Community Alliance on Prisons as we have been researching and recommending alternatives to incarceration and smarter sentencing policies for years. All the study groups in the world can come up with great recommendations, however, if the political will is not there, nothing will change.

Please help your colleagues see that what we are doing is unsustainable. We cannot build our way out of our social problems, we must address them head-on!

Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 5:10 PM
To: pbstestimony
Cc: lady.flach@gmail.com
Subject: Submitted testimony for HCR85 on Mar 17, 2016 10:00AM

LATE

HCR85

Submitted on: 3/16/2016

Testimony for PBS on Mar 17, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: The task force should include OHA since Kanaka Maoli are over represented The task force should also include one formerly incarcerated female since women's incarceration issues and needs are very different from those of men

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RE: HCR 85/HR 47
3/17/16
10:00 A.M.

HOLOMUA PUUHONUA COMMITTEE

Aloha, Chair Takayama, Chair Rhoades, Vice Chair Yamashita, Vice Chair San Buenaventura, and members of the committees:

My name is Renwick (Uncle Joe) Tassill and for the past 11 months, have been facilitating an unofficial committee, acknowledged by Governor Ige to the governor's Chief of Staff, Mr. Mike McCartney, to address Act 117, legislation passed during the 2012 legislative session. During the past 11 months, we have been meeting twice a month to discuss the problems we are faced with and that problem is that the process is geared to address the program. After much discussion we agree that the process should be directed toward meeting the needs of the individual. It is all related to, HOW DO! WHAT DO! & WHEN DO!
During the last 2&1/2 months we have met every week to discuss this very topic. We are aware of the compounding factors related to addressing the many issues and levels related to the task before us.

First of all, we understand by all ways and means we need to work together and as much as we have tried to, for now we must work in concert, separately, together. Here is a very important HOW DO, yes how do we work in concert, separately together, by preparing the individual for release from the inside and almost simultaneously preparing the same individual for re-entry to the outside. Now to address WHAT DO, example, give the individual the tools to prepare himself/herself for release and again re-entry, WHEN DO could start at or even before sentencing, during incarceration, before or after release and then on going or when needed.

We have started with the will to address the task set before us with just that, The Will To Do Something. We know funding is necessary. We have invested time trying to fulfill that need as well. We have submitted a request to the legislature with GIA. We will need your help to get some funding. We are requesting funding from other agencies as well. We will need all the help we can get to making this becoming a reality.

Lastly, we support HCR 85 with developing a task force to address this enormous, costly problem that plagues our State, our People, taxpayer, and our Families, especially the children in f incarcerated parents. Along with this we need to stop the generational problem of three and in some cases four generations of incarcerated family members. We hope that this task force in a fare and satisfying way are fruitful. We the members of our committee lend all the support to help the task force move forward and if any one of us would have the honor to be chosen as a member of the task force, I am sure he or she will serve with honor and dignity.

Mahalo Nui Loa
Uncle Joe

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