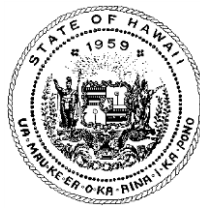




# SB2198

Measure Title:	RELATING TO PUBLIC SAFETY.
Report Title:	Reentry Pilot Project; Nonviolent, Low-risk Drug Offenders; Appropriation (\$)
Description:	Extends the reentry pilot project for nonviolent, low-risk drug offenders. Makes an appropriation. Repeals on June 30, 2018.
Companion:	
Package:	None
Current Referral:	PSM/JDL, WAM
Introducer(s):	ESPERO, BAKER, INOUE, NISHIHARA, SHIMABUKURO, Galuteria, Slom



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 SENATE BILL 2198  
RELATING TO PUBLIC SAFETY**

By  
Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Clarence Nishihara, Chair  
Senator Will Espero, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Gilbert S. C. Keith-Agaran, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair

February 10, 2016; 8:30 a.m.  
State Capitol, Conference Room 016

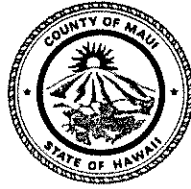
Chair Nishihara, Vice Chair Espero, Chair Keith-Agaran and Vice Chair Shimabukuro  
and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2198, which seeks to appropriate funds to PSD to continue the Reentry Pilot Project until June 30, 2018.

PSD would like to suggest one minor amendment - that "drug offenders" be replaced with "low risk offenders". In this way, drug offenders who are classified "low risk", as well as, those offenders who have been assessed as "low risk" for reincarceration will be included in the population to be served. In our experience there have been many cases in which offenders may not have been charged with a drug offense but are assessed at Intake to be in need of substance abuse treatment services. The present terminology of "drug offender" would mean that only those convicted of a drug related offense could be served by the program.

The additional funds will provide PSD the opportunity to work with those assessed as "low risk" who are close to transitioning and provide them with needed programming (e.g., Substance Abuse Aftercare Programming, Clean and Sober Housing, etc.), community monitoring, workforce development, community networking, and community housing, to prepare them to safely and appropriately return to the community.

Thank you for the opportunity to testify on this measure.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: PETER HANANO  
Deputy Prosecuting Attorney  
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 2198 - RELATING TO PUBLIC SAFETY

February 10, 2016

The Honorable Clarence K. Nishihara  
Chair  
The Honorable Will Espero  
Vice Chair  
and Members  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Gilbert S.C. Keith-Agaran  
Chair  
The Honorable Maile L. Shimabukuro  
Vice Chair  
and Members  
Senate Committee on Judiciary and Labor

Chairs Nishihara and Keith-Agaran, Vice Chairs Espero and Shimabukuro, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY OPPOSES** SB 2198 - Relating to Public Safety. SB 2198 seeks to extend the "reentry pilot project" for two additional years and appropriates funds for the project.

We oppose extending the reentry pilot project for another two years. While the bill purports to mention the "goals and benefits" of the project, there is no indication in the bill itself, as to whether or not the project has indeed been a success since its inception in 2014. Further, we feel that such a project is redundant, as there are existing programs that accomplish the same "goals and benefits" such as the Maui Drug Court Program.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, STRONGLY OPPOSES the passage of this bill.

Thank you very much for the opportunity to provide testimony on this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [blawaiianlvr@icloud.com](mailto:blawaiianlvr@icloud.com)  
**Subject:** Submitted testimony for SB2198 on Feb 10, 2016 08:30AM  
**Date:** Wednesday, February 03, 2016 9:13:48 PM

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**SB2198**

Submitted on: 2/3/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

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

Comments: We FULLY SUPPORT this bill. What would be even better, is if the taxpayer can see a positive return on their investment into this re-entry commission. So far, the re-entry had no useful information on how it has been able to make an impact on helping to reduce recidivism rates, or contributed in some meaningful way, shape or form to its stated purpose.

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HAWAII SUBSTANCE ABUSE COALITION

## **SB2198 PUBLIC SAFETY: Extends Re-entry Pilot Program for Low Risk Offenders**

COMMITTEE ON PUBLIC SAFETY: Senator Nishihara, Chair; Senator Espero, Vice Chair;

COMMITTEE ON JUDICIARY AND LABOR: Senator Keith-Agaran, Chair; Senator Shimabukuro, Vice Chair

- Wednesday, Feb. 10, 2016 at 8:30 a.m.
- Conference Room 016

## **HSAC Supports HB2198:**

*Good Morning Chair Nishihara; Vice Chair Espero; Chair Keith-Agaran, Vice Chair Shimabukuro And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of about thirty treatment and prevention agencies across the State.*

**Since the previous pilot was not yet implemented, hence not funded, in the designated time frame, the Hawaii Substance Abuse Coalition fully supports extending the funding for the previously legislated two-year pilot project to demonstrate the cost effectiveness of providing an alternative to incarceration by diverting nonviolent offenders with substance-abuse issues from incarceration into a coordinated system of community-based treatment programs, community organizations, and reentry support services.**

**Research has determined the most effective way** for offender reentry using structured treatment processes. Several states have demonstrated remarkable success.

A study in Hawai'i identified new **procedures that would improve** systems and indicated over a **hundred million dollars could be saved** as well as significant improvements in outcomes.

**This pilot would test what could work** and how much could be saved in Hawai'i.

PSD would select **non-violent, low-risk offenders** for early parole.

The choice is do we have **early release with treatment** or later release with no treatment.

**Treatment would organize a partnership network** of vocational rehabilitation, housing, domestic violence, medical, psychiatric, and self-support groups including churches.

The purpose of SB2198 is to break the cycle of recidivism by providing community-based treatment coupled with wrap around services that meets the holistic needs of the offender.

By coordinating criminal justice supervision with the gamut of substance use disorder treatment, mental health services, vocational rehabilitation, physical medical treatment, family reunification, faith-based services, case management support, parenting skills, domestic violence or anger management, and culture oriented programs, this pilot will demonstrate that using modern science integrated with community support groups to provide community-based services in a more effective way to reduce recidivism, reduce Hawai'i's prison population as well as reduce the cost of incarceration.

- Coordinate the behavioral health treatment plan with correctional supervision.
- Develop a continuity of care that is a balance of rewards and sanctions to encourage pro-social behaviors and treatment participation.
- Integrate co-occurring treatment for drug abuse and mental health problems.

- Add medication management to include strategies to prevent and treat serious, chronic medical conditions, especially HIV/AIDS, hepatitis B and C and tuberculosis.

**Outcomes will be improved by cross-agency coordination and collaboration among treatment providers, criminal justice professionals, various other social service agencies and community groups including faith-based and culturally oriented groups.**

Offenders need support when they are released from a highly controlled prison environment returning to an unstructured, limited support community environment.

**Through a partner network, treatment providers and supervision can help non-violent, drug abusing offenders to effectively integrate back into their communities in a way that is healing and productive to themselves, their family and their community.**

- Offenders generally have family difficulties, limited social skills, mental health disorders, educational and employment problems, infectious diseases, and other medical issues.
- Offenders need help with challenges and stressors such as re-uniting with family members, obtaining housing, and complying with supervision requirements.
- To avoid relapse, offenders must be guided to avoid or cope with triggers for strong cravings such as a loss of support from family, or encountering past acquaintances who are still involved in drug or criminal activity or engaging in old activities that were once associated with drug activity.

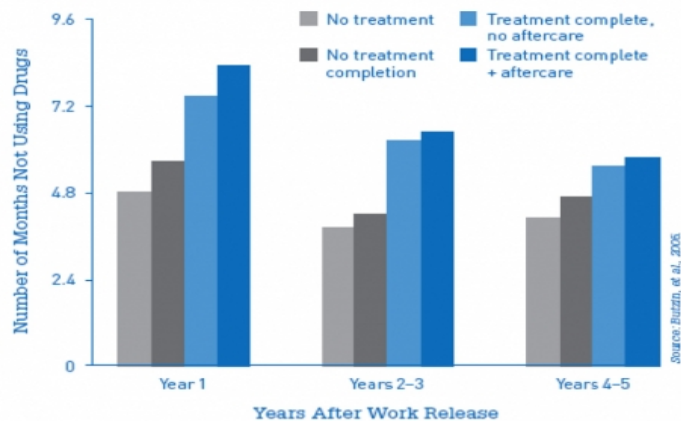
A coordinated approach of key resources is the best way to intervene to any threats to successful recovery as well as provide the skills to avoid or cope with situations that could lead to relapse.

**Recovery from drug addiction requires effective treatment, followed by management of the problem over time.**

The best treatment is to match evidenced-based interventions to individual needs at each stage of recovery development.

- Cognitive-behavioral therapy with positive and negative reinforcements to effect behavior change and motivational enhancements can improve recovery success.
- Case management and referrals to other medical, psychological, and social services are crucial components for offender treatment.
- Connections to faith-based organizations, culturally oriented groups, and other positive and supportive social groups are important as well.

Research demonstrates that providing treatment to offenders during time of their release from prison decreases future drug use and criminal behavior while improving social functioning.



NIDA's Principles of Drug Abuse Treatment for Criminal Justice Populations

Blending the functions of criminal justice supervision with drug abuse treatment and support groups optimally serves both public health and public safety concerns.

**Public safety is preserved through careful initial screening and continued monitoring of offenders as they live in the community.**

- Progress is varied so flexible strategies are needed using frequent comprehensive assessments to determine the nature and extent of an individual's drug problems, and establish whether problems exist in other areas that may affect recovery.
- Personality disorders and other mental health problems are prevalent in offender populations; therefore, comprehensive assessments should include ongoing mental health evaluations with treatment planning for these problems.
- Strategies need to be responsive to issues of motivation, problem solving, and skill-building for resisting drug use and criminal behavior.
- Provide lessons that supplant drug use and criminal activities with constructive activities and help the offender understand their behavior consequences.
- Develop of healthy interpersonal relationships to improve interactions with family, peers, and others in the community.
- Recognize that offender's needs change during re-entry especially housing; child care; medical, psychiatric, and the need for social support services; as well as vocational and employment assistance.

**Treatment is needed to provide the skills necessary to avoid or cope with situations that could lead to relapse. Research also reveals that with effective drug abuse treatment, individuals can overcome persistent drug effects and lead healthy, productive lives.**

We appreciate the opportunity to provide testimony and are available for questions.



# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

## COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Maile Shimabukuro, Vice Chair

Wednesday, February 10, 2016

8:30 a.m.

Room 016

## **SUPPORT for SB 2198 - EXTENDING REENTRY PILOT PROGRAM**

Aloha Chairs Nishihara and Keith-Agaran and Members of the Committees!

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.

SB 2198 extends the reentry pilot project for nonviolent, low-risk drug offenders, makes an appropriation, and repeals on June 30, 2018.

Community Alliance on Prisons supports a robust reentry system that works to help imprisoned people smoothly transition to and reintegrate back to their communities. We remember when HB 2363 (that became Act 149 -2014) was passed and \$250,000 was appropriated to the department of public safety; therefore, we suggest that along with the report to be filed with the 2017 legislature, the Legislature request an accounting of how the funds are spent in this effort. We humbly ask this because \$1 million was set

aside for community-based programs in 2012 as part of Justice Reinvestment and to date there has not been one extra treatment slot created in the community.

The purpose of HB 2363 is: *"...to plan and implement a two-year pilot project to demonstrate the cost-effectiveness of providing a coordinated system of reentry treatment and support services to help nonviolent, low-risk drug offenders transition from jail or prison back into the community."*

We note that in the 2015 report to the Legislature on this pilot, the department wrote, *"PSD is unable to provide findings and recommendations as the appropriated funds have not been released by the Department of Budget and Finance."*

The Department's 2016 report to the Legislature said, *"Since the last report to the Legislature, PSD has established the Reentry office within the Corrections division..."*

We are happy to see that the Reentry office has been established and we hope that it is open and inclusive of community ideas. For reentry to work, it cannot be discussed only behind the closed doors of state departments. For reentry to work, the department needs to be invited into communities to discuss realistically what is happening, what the data show, and how welcoming people who have made mistakes can benefit everyone.

Frank discussions, not dog and pony shows, real discussion that are open to all, are the best way to ease the transition from institutional to community life.

Mahalo for this opportunity to testify.

To Whom it may concern:

I am a social work student who is doing my practicum site at an outpatient counseling center. We facilitate Outpatient classes for men and women coming out of the prison system. We provide drug counseling services as well as classes three days a week. Offering a coordinated system of re-entry and treatment for non violent offenders is crucial to their re-entry back into society. Our agency uses evidence based practices that have been effective in helping those from prison with their addiction issues.

I offer my testimony in support of this bill. More funding such as this is much needed with the populations we serve.

Mahalo,

Liz Brown, Student

Myron B. Thompson School of Social Work

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**Date:** Sunday, February 07, 2016 8:31:57 PM

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**SB2198**

Submitted on: 2/7/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments: Hope to see the implementation take effect before it expires.

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**Date:** Monday, February 08, 2016 4:36:14 PM

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**SB2198**

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

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

Comments:

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**SB2198**

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kalawai'a Goo	Individual	Support	No

Comments:

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**Subject:** \*Submitted testimony for SB2198 on Feb 10, 2016 08:30AM\*  
**Date:** Tuesday, February 09, 2016 2:27:30 PM

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**SB2198**

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

**Comments:**

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**Cc:** [tabraham08@gmail.com](mailto:tabraham08@gmail.com)  
**Subject:** \*Submitted testimony for SB2198 on Feb 10, 2016 08:30AM\*  
**Date:** Tuesday, February 09, 2016 3:59:36 PM

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**SB2198**

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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**To:** [PSMTestimony](#)  
**Subject:** Support passing SB2198, SB2954, SB2956, SB2632  
**Date:** Tuesday, February 09, 2016 11:02:35 AM

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Would you be willing to consider passing and supporting better regulations for for firearms in hawaii? It'll benefit the safety of the people with it's passage. Thanks for your consideration aloha.