

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Rep. Cindy Evans, Chair
Rep. Sharon E. Har, Vice Chair
Tuesday, February 7, 2008
Room 309 at 8:45 am

SUPPORT: HB 2146 RELATING TO THE PUBLIC SAFETY
Establish Performance Indicators to Ensure Compliance with the Community Safety Act

Aloha Chair Evans, Vice Chair Har and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in strong support of HB 2146. My experiences as a former Public Defender and Civil Rights Enforcement Attorney, and current staff member of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and improving how individuals are prepared in prison for successful transition into the community.

The Sentencing Project, a national non-profit organization engaged in research and advocacy on criminal justice policy issues, recently issued a report *The State of Sentencing 2007: Developments in Policy and Practice*. The Report highlights state legislative efforts to “address prison overcrowding, reform parole and probation supervision, expand drug sentencing diversion and establish reentry assistance” and most effectively allocate resources to maximum public safety. Significantly, the Sentencing Project noted that Hawaii enacted key criminal justice policy reforms in 2007 with the enactment of the Community Safety Act.

In order to promote accountability, HB 2146 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

See Washington State Department of Corrections at <http://www.doc.wa.gov/>

As the title of recent article in *The Honolulu Advertiser* aptly described, there is “Room for Improvement” within our corrections system, as well as our sentencing structure that has contributed to the explosion in incarceration rates.

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.

In summary, the proposed legislation would help to ensure that the Department of Public Safety is accountable to the people of Hawai`i for delivering results that improves public safety by reducing crimes.

Mahalo for this opportunity to submit testimony in strong support of HB 2146.

Sincerely,

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February 7, 2008

To: Representative Cindy Evans, Chair
Representative Sharon Har, Vice Chair
And Members of the Committee on Public Safety and Military Affairs

From: Jeanne Y. Ohta
Executive Director

Re: HB2146 Relating to Public Safety
Hearing: Thursday, February 7, 2008, 8:45 a.m., Room 309

Position: Support

The Drug Policy Forum of Hawaii supports this measure. Performance indicators will provide a basis to evaluate the progress of the Department of Public Safety in preparing individuals to reenter the community. It is also important to know whether the department is in compliance with the Community Safety Act of 2007.

As stated in the bill, the annual report of the department does not provide information on program outcomes. Performance indicators will assist in evaluating the efficacy of programs and will also assist in keeping the relevant agencies accountable for their performance.

We urge the committee to pass out this measure.

LINDA LINGLE
GOVERNOR



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TESTIMONY ON HOUSE BILL 2146
RELATING TO PUBLIC SAFETY

by
Clayton A Frank, Director
Department of Public Safety

House Committee on Public Safety & Military Affairs
Representative Cindy Evans, Chair

Thursday, February 07, 2008; 8:45 a.m.
State Capitol, Conference Room 309

Representative Evans and Members of the Committee:

The Department of Public Safety (PSD) does not support House Bill 2146. The bill requires PSD to submit monthly comprehensive reports related to Act 8, First Special Session Laws of Hawaii 2007, also known as the Community Safety Act of 2007.

Currently, Act 8 and Act 213 of SLH 2007 already requires the Department submit several reports to the Legislature in 2008 and 2009 relating to the performance indicators of some PSD programs. These reports include performance indicators on inmate transition and reentry into the community; the inmate apprenticeship program; inmate transitional work furlough and substance abuse treatment services; and the inmate job development program. The reporting requirements of ACT 8 are in addition to the various reports the Department already provides to the legislature.

Moreover, in order to ensure that information in the reports are complete, accurate, and provided on a timely basis, the Department requires time to

establish definitions and measures; develop and test data collection and reporting procedures; and train staff on proper procedures.

In addition, the requirement for providing comprehensive reports each month will create a substantial increase in the workload, which cannot be absorbed by the current staff. The current staff's ever increasing workload is already burdensome and is compounded by the fact that the Department must prioritize the use of available resources. From staff, to database capacity, to computers, PSD must first and foremost use these resources to ensure the safety of the public and fulfill responsibilities to inmates in its care. Further, it should also be noted that any marked changes in performance indicators are gradual, and do not take place on a monthly basis, but rather over a more extended period of time. As a result, this monthly comprehensive reporting requirement will only unnecessarily increase workload.

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

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COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon Har, Vice Chair

Thursday, February 7, 2008

8:45 AM

Room 309

STRONG SUPPORT - HB 2146 – PERFORMANCE INDICATORS

Aloha Chair Espero, Vice Chair Nishihara and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai`i for a decade. I respectfully offer our testimony being mindful that Hawai`i has more than 6,000 people behind bars and more than 2,000 who are serving their sentences abroad, thousands of miles away from their homes and their loved ones.

HB 2146 requires the department of public safety to establish performance indicators to ensure that the department is in compliance with the Community Safety Act of 2007. Requires monthly reports to the legislature, using key performance indicators, such as inmate drug test failure rates, educational goals achieved, reentry plans, post-incarceration employment, victim restitution paid, and recidivism rates.

Community Alliance on Prisons is in strong support of this legislation. Although reporting appears onerous at first – this is actually a good way for the department of public safety to keep track of what is going on. It will clearly show how we're doing, what's working, and what's not working. Do we need to focus more of our resources in one specific area? What area would benefit the most people in the long run? Good management has a system of checks and balances and that is what we believe is the intent of this bill. Every plan needs to be adjusted along the way – this legislation acknowledges that and establishes a system of indicators to keep things moving in the right direction.

Performance indicators are used by businesses mindful of their bottom line. These performance indicators will assist the department in achieving the desired policy outcome as stated in Act 8, i.e. the rehabilitation and successful reentry to the community of formerly incarcerated people.

When you, the Legislature, see the numbers and the outcomes resulting from the policies you have enacted, you will have a better idea of where to target our resources most effectively. An open and transparent system benefits everyone.

We therefore urge you to pass HB 2146. Mahalo for this opportunity to testify,

Andy Botts
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February 7, 2008

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon E. Har, vice chair

Thursday February 7, 2008

8:45 am

Room 309

SUPPORT – HB 2146

Relating to Public Safety

My name is Andy Botts, author of *Nightmare In Bangkok*. My story reveals an unusual insight into the cycle of crime, drug addiction, and the justice system in Hawaii. This bill could be the key to creating innovative programs, while holding the Department of Public Safety accountable for the rehabilitation programs that they implement, or lack of.

The average criminal today is a drug addicted offender, primarily ICE. Although they have to be held accountable for their actions, to punish them without treatment doesn't prevent them from returning to that vicious cycle. We have a very serious situation with drug addicts, as there is no cure for drug addictions. Drug addicts are stuck in a cycle of delusion. Similar to temporary insanity, there is simply no logic to their actions. There are solutions, but no cures. Sobriety is similar to a child learning to walk – they'll fall, but we have to encourage them to get up and try again. On the road to recovery, the average addict relapses three times. Three lapses are three strikes for many addicts, which is why we have such a high recidivism rate in America today. All habits are programs stored in the memory bank like computer chips. All it takes is a taste, and the habit is recalled. It's similar to a cigarette smoker who quits smoking for ten years. All it takes is one cigarette, and they're re-hooked.

I strongly support this bill, as it's a step in the direction of reversing the cycle of drug addiction, recidivism, prison overcrowding, and homelessness. The latter being the result of sending a drug addicted offender back into the community without any type of support.