



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 2546, SD2, HD1  
RELATING TO OFFENDER REENTRY**

by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Finance  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Monday, March 31, 2008, 2:00 p.m.  
State Capitol, Room 308

Representative Oshiro, Representative Lee, and Members of the Committee:

The Department of Public Safety (Department) supports the intent of Senate Bill 2546, SD2, HD1 that amends several key sections of Act 8, First Special Session Laws of Hawaii 2007, also known as the Community Safety Act of 2007, and addresses many of the concerns we have expressed to the Legislature. We want to thank the Legislature for their interest in this critically important matter.

The Department would like to request an amendment on the \$1,820,000 appropriated to the Department for a day reporting center to be reappropriated to the development and implementation of an enhanced offender monitoring and supervision system and to provide possible rental assistance to released offenders. We envision the enhanced offender monitoring system to be multi-faceted and multi-layered. We also anticipate that some released offenders will be in dire need of rental assistance for at least 90 days. This will allow for the release of additional inmates, who have been classified as minimum and community custody on extended furlough and possibly parole without jeopardizing the public's safety while simultaneously providing them with vital assistance needed in the first 90 days of their return to the community.

Further, our Department respects the work of the Committee on Public Safety and sees no need for an additional legislative oversight committee to accomplish the tasks of analyzing and evaluating the Department's performance. At present, there exists the House Committee on Public Safety and Military Affairs as well as the Senate Committee on Public Safety, which together can perform the role of the oversight committee formed by Act 8. It should also be noted that the Corrections Population Management Commission (CPMC) was established in 1993 under the provisions of Chapter 353F, Hawaii Revised Statutes, and is responsible for 1) establishing maximum inmate population limits for each correctional facility and 2) formulating policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

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

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee Vice Chair

Monday, March 31, 2008

2:00 PM

Room 308

### **SUPPORT with Amendment - SB 2546 SD2, HD1 - CLARIFYING THE REENTRY LAW**

Aloha Chair Oshiro, Vice Chair Lee 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 always being mindful that Hawai`i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

SB 2546 SD2,HD1 makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program (Community Safety Act of 2007). Makes establishing the program mandatory.

**Community Alliance on Prisons supports this measure and asks that you change the effective date to 'upon approval'.** This measure emphasizes that Act 8 of 2007 is NOT directive, it is mandatory. Although the language was clear to us, apparently the administration didn't understand that that Act 8 is a law, not a suggestion.

We support developing a comprehensive reentry system because the physical and mental state in which an individual exits incarceration is vital to public safety. We are glad that the legislature has acknowledged that the department of public safety must be the lead agency in the rehabilitation and reentry of individuals exiting incarceration.

Community Alliance on Prisons would also like to note that none of the funding for the Community Safety Act of 2007 has been released at this writing.

This denial of funding (\$1,435,000) for three excellent programs in this law, Act 8

- will not expand or continue the nationally and internationally recognized Restorative Circles project that is currently at Waiawa Correctional Facility and Women's Community Correctional Center - \$202,000 appropriation,
- will force MEO's BEST (Being Empowered and Safe Together) Reintegration Program to cut back the excellent services they provide to individuals reentering the Maui community - \$1,200,000 appropriation, and
- will not provide evidence-based cognitive restructuring to help Hawai`i Island people reentering their communities - \$33,000 appropriation.

A recent informational briefing presented by the department of public safety and their consultants, Camille Camp and Patricia Hardyman, hired to retool our classification system revealed that from a healthy sample of 2400 files from our 6,010 incarcerated population in jail and prison in Hawai'i and in prisons on the U.S. continent, Hawai'i has been over-classifying inmates.

Community Alliance on Prisons has been doing research in this area for several years and we have found much research to support that over-classification of incarcerated individuals actually increases criminality. In other words, it is counter-productive.

The consultants agreed that moving people through the system to lower classifications, where appropriate, was considered best practices in corrections. They confirmed that reentry starts on day one.

Community Alliance on Prisons has been hearing about empty beds at many of our facilities. To date we have been told that there are

28 empty beds at the Women's Community Correctional Center

60 empty beds at Waiawa Correctional Facility

70 empty beds at Maui Correctional Center in Dorms 6 and 7

**158 empty beds** that we have been told about

We pay Corrections Corporation of America approximately \$55 per day. If we multiply that \$55 per day by the 158 people we could bring home, that would be \$8,690 a day/\$260,700 a month/**\$3,128,400 a year** that we could invest in true public safety - assisting those individuals transitioning to the community with the tools and assistance they need in order to successfully come home.

In fact, we could fund these three programs for two years and still have more than \$28 million left!

Another fact revealed by the classification study de-bunked the myth that every incarcerated person is dangerous. Their report showed that the majority of Hawai'i's incarcerated population, and whose files they reviewed, are non-violent. Below are the numbers from their sample.

	<b>Males</b> <b><u>Non-Violent vs. Violent</u></b>	<b>Females</b> <b><u>Non-Violent vs. Violent</u></b>
<b>Jail Sentenced Inmates</b>	64% vs. 36%	85% vs. 15%
<b>Prison Inmates*</b>	62% vs. 38%	83% vs. 17%

\* includes Hawai'i, Contract, and Interstate Compact Prisons

This is all the more reason we should be investing in social capital and helping people who have lost their way, find their place in society. It benefits everyone to reduce our prison population. Helping people rebuild their lives, restore their families, and successfully reenter their communities will only strengthen Hawai'i. The majority of individuals are receptive to

help. Let's help them become part of society - after all, they will be coming home. Let's look for the best in people and assist them in reaching their full potential.

The more than \$50 million a year we export from our economy each year to fatten Corrections Corporation of America's coffers would be the equivalent of \$150 million a year in Hawai'i's economy if one considers the multiplier effect of dollars spent locally, which DBEDT calculates as 3:1.

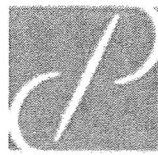
Just think of what having \$50 million more in our economy would mean to us. Especially this year. Could we buy books for students, so they wouldn't have to fight over the limited supply? Could we fund model reintegration programs on three more islands? Could we repair and maintain state facilities? Imagine.

Community Alliance on Prisons urges the legislature to continue pushing for a more effective comprehensive rehabilitation and reentry system. Unemployment is rising and we have a ready and willing workforce to fill the needs of our community.

Kudos to the Legislature for passing the Community Safety Act of 2007/ Act 8 - Hawai'i was recognized in the 2007 State by State report by The Sentencing Project for passing innovative legislation.

We thank you for your leadership and are pleased to let you know that the reauthorization of the Second Chance Act, upon which our law is based, has passed Congress and is awaiting the President's signature.

Mahalo for this opportunity to testify.



the  
**Drug Policy  
Action Group**

A sister organization of the Drug Policy Forum of Hawai'i

**TO:** HOUSE COMMITTEE ON FINANCE

**FROM:** PAMELA LICHTY, PRESIDENT

**RE:** SB 2546, SD 2, HD 1 RELATING TO OFFENDER REENTRY – **IN STRONG SUPPORT**

**DATE:** MARCH 31, 2008

The Drug Policy Action Group is in strong support of this bill which would clarify that the Community Safety Act of 2007 must be made mandatory. ACT 8 is now the law and must be implemented.

We urge the Committee on Finance to pass out this measure. We appreciate the Committee hearing this bill today and we thank you for the opportunity to testify.

*The Drug Policy Action Group is a sister organization to the Drug Policy Forum of Hawai'i. Since 1993 DPFH has been Hawaii's leading organization dedicated to promoting responsible, effective, and research-based drug policies.*

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CARRIE ANN SHIROTA, ESQ.  
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**COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice Chair  
Monday, March 31, 2008  
2:00 PM – AGENDA #2  
Room 308

SUPPORT: SB 2546 SD 2, HD 1 Relating to Offender Reentry

Aloha Chair Oshiro, Vice Chair Lee and Members of the Finance Committee:

My name is Carrie Ann Shirota, and I am writing in support of SB 2342 SD2. My experience as a former Civil Rights Enforcement Attorney and Public Defender, and current staff of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and better prepare incarcerated persons for their return home as law-abiding, contributing members of their `ohana and our community.

This bill makes clarifying amendments to chapter 353H, Hawaii Revised Statutes, relating to the offender reentry program, and specifies that the programming is mandatory.

*While I support the clarifying language, the failure to enact this proposed bill does not dilute the mandate of Act 8, the Community Safety Act of 2007.* The Department of Public Safety is mandated by statute to implement comprehensive reentry services that are supported by many evidence based studies, including one of the most comprehensive reports released to date by the Reentry Policy Council. See [www.reentrypolicy.org](http://www.reentrypolicy.org).

Mahalo for this opportunity to submit testimony in support of SB 2546 SD2, HD1.

Andy Botts  
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March 31, 2008

COMMITTEE ON FINANCE  
Rep. Marcus Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Monday March 31 2008  
2:00 p.m.  
Conference Room 308  
Hawaii State Capitol  
SUPPORT - SB 2546, SD2, HD1  
RELATING TO OFFENDER RE-ENTRY

My name is Andy Botts, author of Nightmare In Bangkok. My story gives an unusual insight into the cycle of crime, drug addiction, and the criminal justice system. I strongly support holding all government agencies accountable, and this bill ensures that the re-entry bill, which is similar to the OCCC Master Plan developed in 1972, is implemented. The State of Hawaii invested millions of tax dollars on OCCC and the Master Plan, but that plan was never implemented, which is one of the main reasons why our Prison system is out of control today. Re-entry is an important tool to reduce recidivism and homelessness, which is a major problem locally and nationwide. It's time that we clamp down and tackle this problem, and passage of this bill will be an instrumental step in that direction, so I strongly support this bill.

Thanks for your time and opportunity to testify.  
Aloha, Andy Botts