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No. _

TESTIMONY ON SENATE BILL 539, SD1 (HSCR 1132)
RELATING TO CORRECTIONS

By

Clayton A. Frank, Director
Department of Public Safety

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

Wednesday, April 1, 2009; 11:00AM
State Capitol, Conference Room 308

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

The Department of Public Safety (PSD) **opposes** Senate Bill 539, SD1 (HSCR 1132), which seeks to rename the Intake Service Centers Division to the Reentry Intake Service Division within the Department. Although, not mentioned in the Committee Report, PSD testified in opposition of this measure before the House Committee on Public Safety on March 19, 2009.

Earlier this legislative session, PSD provided both the House Committee on Public Safety and the Senate Committee on Public Safety and Military Affairs with two in-depth briefings regarding our efforts to comply with the provisions of Act 8, HSL 2007 (most of which are not funded), and on our comprehensive offender re-entry system plan. In addition to those efforts, the PSD is also currently developing and will implement internal "directed" reorganizations of several sections and branches within the Department.

Our current internal reorganization efforts are specifically designed to ensure that the entire Corrections Division operates more effectively and efficiently with current resources by streamlining several operations and consolidating some to be more cohesively sound. These changes will enable the Department to more effectively perform our core correctional management, offender management, classification, and re-entry functions.

In addition, the Department is currently considering the reorganization of the major branches within the Institutions Division into two separate and distinct areas of corrections (jails and prisons). At present both, jails and prisons, which consists of eight (8), separate in-state facilities and the Mainland and FDC Branch have one overall Corrections Manager VII, which is inefficient and extremely burdensome for a single person.

As written, this measure would rename the Institutions Service Centers Division to the Re-entry Intake Service Division, **add to the duties and responsibilities** of the Re-entry Intake Service Division, by requiring the Division to work closely and collaborate with the Hawaii Paroling Authority (HPA) and the Corrections Program Services Division. It also, seeks to change all references to the Corrections Program Services Division, other than reference to the Corrections Program Services Division in section 353c – (b) (5), Hawaii Revised Statutes, to the Intake Service Center Division.

Although this measure states, “**no additional funds will be provided**” to carry out the provisions contained in SB 539. SD1, the fact remains, **costs will be incurred, as this type of reorganization requires staff time, effort, dedicated resources, and in-depth consultations with both the HGEA and the UPW unions.** “Adding to duties and responsibilities” changes the conditions of work, which is considered a “Personnel Policy Change.” Under the provisions of Article 4 (Personnel Policy Changes) of the Bargaining Agreements for Unit 3 (White Collar Employees), Unit 13 (Professional and Scientific Employees), and Section 1.05 (Consult or Mutual Consent) for UPW members, PSD is required to consult with the affected employee’s respective Unions.

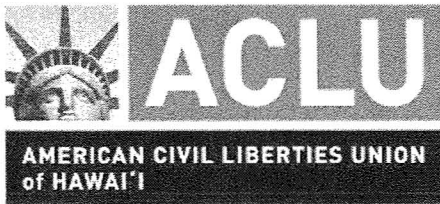
In addition, proposed organizational changes requires the approval of the Department of Human Resources Development (DHRD) and the Department of Budget and Finance, both of which complete extensive reviews and analysis of any proposed organizational change(s).

It should be noted that the Intake Service Centers Division already coordinates and collaborates with other Divisions, Branches, and Sections within the Department of Public Safety, its attached agencies such as the HPA and the Crime Victim Compensation Commission (CVCC), and any community-based organization in the fulfillment of its mission. There is no need to codify in statute what already voluntarily takes place and has for decades.

If it is the intent of this legislature to have an entity within the Department of Public Safety to be known for its re-entry functions, **it would be more appropriate to allow the PSD the opportunity to address this matter in our ongoing internal directed reorganization of several elements of the Corrections Division.** It may also be more appropriate for the Department to address specific concerns of the legislature in a Senate and/or House Concurrent Resolution report to be provided at least twenty days prior to the next legislative session.

Further, in these extremely challenging fiscal times, we all have a shared responsibility to ensure that our taxpayer dollars are used for those items and services that are the most critical to the people of Hawaii. Given that this measure is clearly not one of critical importance when weighed against the difficult financial challenges the state is experiencing and coupled with the fact that the Department already has in place a comprehensive offender re-entry system plan, **this measure is unnecessary and we respectfully request it be held.**

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



Committee: Committee on Finance
Hearing Date/Time: Wednesday, April 1, 2009, 11:00 a.m.
Place: Room 308
Re: Testimony of the ACLU of Hawaii in Support of SB 539, SD1, Relating to Corrections

Dear Chair Oshiro and Members of the Committee on Finance:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of SB 539, SD1, which reorganizes and renames the corrections program services division of the Department of Public Safety to the reentry services division.

The ACLU of Hawaii supports every effort to develop a comprehensive reentry system. In general, reentry programs are far more cost-effective – and far more effective at reducing recidivism – than incarceration. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members. Reorganizing the Department of Public Safety to ensure a clear focus on reentry and reintegration is a tangible step towards that goal.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

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the
**Drug Policy
Forum**
of hawai'i

April 1, 2009

To: Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
And Members of the Committee on Finance

From: Jeanne Ohta, Executive Director

RE: SB 539 SD1 RELATING TO CORRECTIONS
Hearing: April 1, 2009, 11:00 a.m., Room 308

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in support of SB 539 SD1 which reorganizes and renames the corrections program services division of DPS to the reentry services division, whereby the reentry intake services division will work closely and collaborate with the furlough programs in each county to ensure that the reentry needs of inmates are being met.

The proposal focuses efforts of the department, the programs, and all facilities on the concept of working toward the reentry from the time of intake. More than 95% of incarcerated individuals will reenter the community. This focus on reentry will help reduce parole violations, enable successful reintegration back into the community and thus also improve public safety. Focusing efforts to reduce recidivism will also save money and reduce prisons costs.

Preparation for leaving prison by providing programming and job training can go a long way to improve their chances of becoming a productive member of the community.

Please pass SB 539 SD1 so that we may refocus our efforts on reducing recidivism and successful reintegration, which will then reduce future rates of incarceration.

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COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Wednesday, April 1, 2009

11:00 AM

Room 308

SB 539 SD1 - RENAMING PSD'S INTAKE SERVICE CENTER DIVISION

STRONG SUPPORT

FINTestimony@capitol.hawaii.gov

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 to improve conditions of confinement for our incarcerated individuals, enhance the quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 539 SD1 renames the intake services center division of PSD to the reentry intake services division that will work closely and collaborate with the furlough program in each county, the Hawai'i Paroling Authority, and the correction program services division to ensure that the reentry needs of inmates are being met.

Community Alliance on Prisons is in support of SB 539 SD1. This legislation has no fiscal impact, yet would further promote the Legislature's policies enacted in Act 8 of 2007 - Hawai'i's Reentry Law, which the Department of Public Safety is responsible to implement.

Act 8 mandated a change in the Department of Public Safety's mission to focus on rehabilitation and reentry. This bill codifies that the Department will focus on reentry from day one of an individual's incarceration, as clearly stated in Act 8.

We ask the Committee to pass SB 539 SD1.

Mahalo for this opportunity to testify.

COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Wednesday, April 1, 2009

11:00 AM

Room 308

STRONG SUPPORT

SB 539 SD1 – Reorganizes and renames the corrections program services division of DPS to the reentry services division and coordinates reentry programs with institutions division to ensure that inmate reentry needs are being met

FINTestimony@capitol.hawaii.gov

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

I am writing in strong support of SB 539 SD1, which would reorganize, rename, and refocus corrections program services on reentry programs and ensure that inmate reentry needs are being met. I believe that this would bring about a greatly needed philosophical reorientation of our corrections policy and practice.

The primary objective of incarceration should be to prepare inmates for reentry into society by giving them opportunities to gain marketable job skills and learn positive decision-making skills.

Given that 95% of all inmates will be returned to society eventually, the responsibility of the correctional system should center on ensuring that these inmates will become tomorrow's good neighbors. This may seem like an overwhelming task in many cases, but if we abdicate this responsibility, we condemn inmates to lives of desperation and misery and diminish public safety and the quality of life for everyone living in Hawaii.

It's time for a change to a more cost-effective strategy and a fundamental shift toward a more humane, practical, and efficacious approach to corrections programs.

Mahalo for this opportunity to express my views on this issue. Please support SB 539 SD1.

Sincerely,

Diana Bethel

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