

LINDA LINGLE  
GOVERNOR



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No. \_

TESTIMONY ON SENATE BILL 540, SD2  
RELATING TO PUBLIC SAFETY

By

Clayton A. Frank, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J. C. Aquino, Vice Chair

Thursday, March 19, 2009; 10:00AM  
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes SB 540, SD2, which seeks to require the Department to develop and implement a community substance abuse treatment program with a community-based transition phase of the program where the offender completes at least six (6) months of the program while in the community.

This measure is misleading, clearly inaccurate, risks public safety, and cannot be accomplished without additional substantial funding and additional full-time staff to both provide security and administer the program.

First, Section 1 (Page 1 – Line 10 thru Line 14) of SB 540, SD2 states, “one hundred and fifty inmates currently housed on the mainland at a medium security facility actually qualifies as low risk community custody inmates who are eligible to be placed in community programs in Hawaii.” In reality, while their classification level may be minimum, most of them have extended minimum sentences and have not yet completed all the programs identified that will assist them with successful reintegration to be placed

in a community setting. It is important to make a clear distinction between the identified program needs of offenders, length of their minimum sentence(s), and their custody and classification levels. An offender can have a security classification of community custody, but may not be able to move on to a community custody level facility because they either have long minimum sentence(s) or they still have not completed all required programs, which may not be provided at a community custody level facility. To prematurely move and/or override an offender's custody level may place the staff, other inmates, and the public at risk.

Secondly, Section 1 (Page 1 – Line 15 thru Page 2 – Line 2) of this measure is also misleading with respect to the statement “Short-term incarceration may be advantageous for nonviolent offenders with drug-related convictions, but long-term incarceration should be reserved for violent criminals.” Unfortunately, the fact of the matter is, non-violent criminals are the most prolific of the offenders and usually have been provided multiple opportunities to remain free in the community on probation. At times, these non-violent, and supposedly low risk offenders continue to victimize the community. As a result when finally held accountable for their actions, they have usually managed to commit additional felony offenses, which warrant court imposed mandatory minimum sentences as repeat offenders.

Third, Section 1 (Page 2 – Line 3 thru Line 8) of this measure states “A 2006 poll by Zogby International for the National Council on Crime and Delinquency found that seventy percent of the individuals polled favored services both during incarceration and after release from prison.” While this may be true on a national scale, there is no poll information from the hundreds of thousands of victims of crime in the State of Hawaii, nor has any forums been held specifically for victims to come forward to provide their input and describe their experiences, sense of loss, utter frustration with the criminal justice system, and how they feel about a measure such as this and others that do not hold offenders accountable for their actions, but rather excuse their unacceptable behavior by rewarding them with early release to the very communities they so willingly victimized.

No information regarding the recidivism rate of those that participated in the federal program that this measure seeks to model is provided. It is also noted that this measure seeks to grant up to one (1) year reduction off an offender's sentence for completion of the program, yet the prosecutor's office, the victim(s), the Hawaii Paroling Authority, and the PSD is excluded from having any input into the reduction of the offender's sentence(s).

Further, Section 1 (Page 3 – Line 7 thru Line 12) of this measure is mistaken. The PSD actually provides various levels of substance abuse treatment at all of our facilities statewide and at the Saguaro (male), and Otter Creek (female) facilities.

As written, the goals of this measure cannot be accomplished without substantial additional resources to include, certified substance abuse counselors, correctional staff, and administrative and clerical support personnel. This would be in addition to the additional funding required to develop and operate a new community-based substance abuse treatment phase.

The Department acknowledges that this measure may have some merit; however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time. Therefore, the Department respectfully requests that his measure be held.

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



TO: HOUSE COMMITTEE ON PUBLIC SAFETY  
FROM: PAMELA LICHTY, MPH, PRESIDENT  
DATE: MARCH 19, 2009; 10 A.M., ROOM 309  
RE: SB 540, SD2, RELATING TO PUBLIC SAFETY - **STRONG SUPPORT W/  
AMENDMENTS**

The Drug Policy Action Group supports this bill which mirrors the Federal RDAP Reintegration Program whose graduates have a far lower recidivism rate than the norm in Hawai'i. We would, however, like to see the OCCC component restored since so many of the inmates there are non-violent and more than 30% are in community custody. This should help to reduce recidivism.

Reentry is the wave of the future around the world as it is a highly cost-effective approach which enhances public safety by addressing both the underlying problems and the ongoing issues that non-violent offenders present with.

In short, strong re-entry programs help individuals to rebuild their lives, restore their families and revitalize our communities. Due to the present economic downturn, however, it may also make sense to postpone the effective date to 2012 in hopes that the economy will have improved by then.

Mahalo 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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Committee on Public Safety  
Chair, Faye Hanohano  
Vice Chair, Henry Aquino

**STRONG SUPPORT**

SB540 SD2 Residential Drug Abuse Program Reentry  
Description: Establishes a state residential drug abuse program with an in-community component to help inmate's reentry into the community upon their release from prison. Expands Number of transition beds in module nineteen at the Oahu Community Correctional Center. Effective 7/1/2050.

Thursday March 19, 2009  
10:00 a.m.  
House Conference Room # 309

Aloha Chair Hanohano, and members of the Public Safety Committee. My name is Debra Counadis and I am a Masters level Student at the University Of Hawaii Myron B. Thompson School Of Social Work. I am here today to **strongly support SB 540 SD2.**

According to the National Institute on Drug Abuse (NIDA) Principles of Drug Abuse Treatment for Criminal Justice Populations study, treatment for addictions must last long enough to establish stable behavioral changes. NIDA documents that "one of the most reliable findings in treatment research is that lasting reductions in criminal activity and drug abuse are related to length of treatment (NIDA)." An individual's pattern of criminal thinking has to be addressed and changed since this type of thinking contributes not only to criminal behavior but also drug abuse.

I am currently working in a substance abuse treatment program in the state of Hawaii. Recently this program was opened to people in the criminal justice system. I have been working with many people who are in a furlough program, recently paroled, or released from prison. Most have completed some type of substance treatment program while incarcerated. But when they are released they have a difficult time going back into their homes and social groups. Many times they are returning to the same situations that were present before incarceration and treatment.

I have been told repeatedly that what these individuals need most is continued access to treatment for their addiction and resources to help them integrate back into the community to prevent relapse. The reentry into the community is very stressful. They have to find affordable housing, in an area that is free of drugs. Which means they need employment which is difficult to find, especially now with the economic status of the state. Last month there were 1000 people layed off in Hawaii. When you are a person who has a criminal record and substance abuse history, it is almost impossible to find employment. It would be very easy for them to resort to old habits to obtain money.

According to a study completed by the US Department of Health and Human Services it finds that 'The effects of in-prison treatment might not be maintained without continuity of care after release' (Field, G., 1998).

The SB540 SD2, Residential Drug Abuse Program Reentry will offer individuals the opportunity to firmly establish their sobriety within the community. Living a clean drug free life is very different when you are in the community than it is when you are incarcerated and substances are not as easily obtained. This bill will help provide continuity of treatment for their addiction. This will prevent relapse which will give them the chance to find employment, educate themselves, obtain housing, and become strong members of the community.

Thank you for the opportunity to present my testimony today.

Debra Counadis

Field, G. (1998). *Continuity of offender treatment for substance use disorders from institution to community*. Treatment improvement protocol (TI) Series 30. Rockville, MD: Center for Substance Abuse Treatment, U>S> Department of Health and Human Services.