

SB 546

Measure Title:

RELATING TO CORRECTIONS

Report Title:

Corrections; Electronic Monitoring; Pilot Program

Description:

Requires the department of public safety to establish a pilot program on Oahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration. Appropriates funds.

LINDA LINGLE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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TESTIMONY ON SENATE BILL 546
RELATING TO CORRECTIONS

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Thursday, February 5, 2009; 1:15PM
State Capitol, Conference Room 229

Senator Espero, Senator Bunda, and Members of the Committee:

The Department of Public Safety (PSD) wishes to thank the legislature for their interest in having PSD establish and administer a pilot electronic monitoring program on the Island of Oahu for non-violent offenders.

The Department appreciates the intent of this measure; however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time.

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

SB546 RELATING TO CORRECTIONS

Requires the department of public safety to establish a pilot program on Oahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration. Appropriates funds.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

DATE: Thursday, February 5, 2009
TIME: 1:15 p.m. – 2:45 p.m.
PLACE: Conference Room 229

Hawaii Substance Abuse Coalition (HSAC)

Aloha, Chair Espero, Vice Chair Bunda and distinguished members. My name is Alan Johnson, Chairperson of the Hawaii Substance Abuse Coalition, which is a hui of 22 treatment agencies throughout the state.

HSAC supports SB546 with Recommendations

Electronic Monitoring combined with proper assessments and PSD/community partnerships can reduce costs and improve outcomes. HSAC recommends that such plans include systems integration at all levels of planning and implementation. Cooperative networks can reduce costs and improve outcomes.

Electronic monitoring helps ease jail overcrowding, saves money, and protects the public.

As our economy continues to decline and crime is on the rise, many states are examining ways to address the seemingly mutually exclusive goals of better protecting the public – while having to manage more offenders with less money.

The expense of housing record numbers of people is crippling state budgets and costing taxpayers millions of dollars. Between 1987 and 2007, the national prison population nearly tripled. Today, 1 in every 100 adults in the U.S. is incarcerated in a jail or prison. The sheer volume of their prison populations has forced states to shift budget priorities, and many are now spending more on incarceration than on education.

One point to consider is that there is a significant link between alcohol, substance abuse and crime. Despite the passage of laws incorporating significant jail and prison terms, Americans continue to use illegal drugs and alcohol at an alarming rate because the underlying cause of the problem – addiction – is not being adequately addressed.

Electronic monitoring in partnership with treatment, reentry programs, vocational rehabilitation and other community based programs can work together to reduce the

prison population, protect the public from crime, and lead to productive, tax paying citizens.

Advantages:

- Effectively and remotely monitor those offenders who are not a threat to the community when clean and sober, and can be released under electronic supervision
- Provide a bridge to help offenders safely re-enter the community
- Ensure rehabilitation when coupled with appropriate treatment
- Allow the offenders to maintain family obligations, hold jobs, and contribute positively to the community while being monitored
- Save a significant amount of money, as it is much cheaper than jail or prison

Recommendations:

Create a Task Force to Develop Partnerships for Systems Integration

A coordinating task force comprising of all stakeholders at the local level can be a key element in systems integration. This coordinating task force will work with staff providing re-entry planning to identify and remove barriers to successful re-entry.

Tilling the Soil for Re-entry: System Integration

Re-entry or transition planning can only work if justice, substance abuse systems, and community have a capacity and a commitment to work together.

Good re-entry planning for inmates requires a division of responsibility among prison, substance abuse providers and community providers that starts with proper screening and assessments of appropriate offenders including identifying potential intervention points and stabilization issues in the transition planning.

The results will only be as good as the correctional-behavioral health partnership in the community.

In general, integration of criminal justice, mental health and substance abuse systems can reduce duplication of services and administrative functions, freeing up scarce resources that can be used to provide transition planning and assist inmates in their re-entry to community. Mechanisms for creating this interconnected network will include the following:

- new relationships among service organizations to coordinate the provision of services,
- the accurate recording of service provision,
- management information systems (with information sharing as permitted confidentiality requirements), and
- staff training.

Working partnerships among probation, neighborhood businesses, and service providers can also develop opportunities for the ex-inmates to participate in restorative and therapeutic activities and community service projects.

The APIC Model, as defined by SAMHSA, is a model that could provide infrastructure for reentry programming.

The APIC Model	
Assess	<i>Assess the inmate’s clinical and social needs, and public safety risks</i>
Plan	P lan for the treatment and services required to address the inmate’s needs
Identify	I dentify required community and correctional programs responsible for post-release services
Coordinate	C oordinate the transition plan to ensure implementation and avoid gaps in care with community-based services.

System integration is not an event, a document, or position. It is an ongoing process of communicating, goal setting, assigning accountability, evaluating and reforming. Most important is collaboration among providers and understanding that some ex-inmates will return to custody, and thus re-entry can be seen as part of a cycle of care.

Fred Osher, M.D., Henry J. Steadman, Ph.D., Heather Barr, J.D., M.A (2002).; "A Best Practice Approach to Community Re-entry" Funded by Substance Abuse Mental Health Services Administration, SAMHSA's Center for Substance Abuse Treatment, CSAT, and Center for Mental Health Services, CMHS. The APIC Model: Delmar, NY, The National GAINS Center.

We appreciate the opportunity to provide information and are available for questions, if needed.



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

February 5, 2009

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
And Members of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

RE: SB 546 RELATING TO CORRECTIONS
Hearing: February 5, 2009, 1:15 p.m., Room 229

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 546 which establishes a pilot program on Oahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration.

This proposal is an alternative to our expensive and failed policy of incarceration. Since a majority of the prison population is non-violent and classified as minimum or community custody, this is a way to place sanctions, restrict movement, but allow participation in the community and the workplace.

As our state faces difficult financial times, it is an opportunity for us to examine and implement programs other than medium and maximum security prisons. Incarceration is extremely expensive, costs are growing, and the rates of incarceration are also growing. Since a large part of those costs are for prison security, methods such as electronic monitoring would place restrictions non-violent offenders, while not increasing the threat to public safety.

Please pass SB 546. This pilot program deserves the chance to be implemented.

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Thursday, February 5, 2009
1:15 PM in Room 229

**SUPPORT SB 546 - RELATING TO PUBLIC SAFETY
(O`ahu Pilot Program Electronic Monitoring)**

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

My name is Carrie Ann Shirota and I offer my strong support for SB 546. As a former deputy public defender and staff member of a re-entry program in Hawai'i, I have had direct contact working with and assisting individuals and their families affected by the criminal justice system and incarceration.

SB 546 requires the Department of Public Safety to establish a pilot program on O`ahu that electronically monitors committed persons who are permitted to live and work in the community in lieu of continued incarceration. The bill also appropriates funds.

It is refreshing to see the introduction of criminal justice bills that focus on diversion rather than prison expansion. This bill rests on the premise that prison expansion is not prison reform. Reducing the number of people locked up is the key to reform. See *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.

According to PSD's Classification Report relating to the new Classification System, females are projected to comprise 44% of the community custody designation, and males are projected to comprise 30.1% community custody. The proposed bill would allow individuals that pose little risk to reside in the community while under legal supervision and electronic monitoring. This would also allow individuals to work in the community and care for their families, and reduce the astronomical costs associated with warehousing men and women in prison (approximately \$40,000 per person annually).

The Legislature should also consider expanding this bill to mandate the Department of Public Safety and Hawaii Paroling Authority to grant early discharge to those individuals that pose little risk and have demonstrated a commitment to living in the community as law-abiding members while under parole supervision. This approach would be one component of a comprehensive plan to reduce prison overcrowding and return individuals home to Hawai'i.

Mahalo for the opportunity to submit testimony in support of SB 546.

Sincerely,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i
(808) 269-3858

**Hepatitis Prevention, Education, Treatment & Support Network of
Hawai'i**

Prisoner Reintegration and Family Reunification Program

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February 5, 2009

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair

Senator Robert Bunda, Vice-chair

Thursday, February 5, 2009

1:15 p.m.

Conference room 229

SB 546

Relating to Corrections

SUPPORT

My name is Andy Botts, Director of The Hepatitis Network's Prisoner Reintegration Program, and author of Nightmare In Bangkok. I strongly support this long overdue alternative to incarceration. The Federal government and many states in America have used electric monitoring successfully for many years. It's a cost effective approach to incarceration, and is an instrumental source of monitoring. Considering the fact that most offenders have a history of drug and/or alcohol dependence, which there is no permanent cure, our best approach to prevent relapse and reduce recidivism is to use different approaches.

Andy Botts, Director

Prisoner reintegration program

Author, Nightmare In Bangkok

From: Mary Elizabeth [mailto:nugayou@yahoo.com]
Sent: Wednesday, February 04, 2009 7:59 AM
To: PSM Testimony
Subject: Testimoney SB546

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday, February 5, 2009
1:15 PM
Room 229
Bill # SB 546, Relating to Corrections
STRONG SUPPORT

Thank you for the opportunity to submit my testimony on SB546.

As a constituent and tax payer of the State of Hawaii, I would appreciate your consideration of passing this bill to work towards primarily cutting down the cost of housing the prisoners. The other advantages will be to help them become contributors to the community; monitor their behavior before being released; and possibly developing some kind of skill to equip them.

Due to the financial difficulties the state is facing, you may consider this a low priority, but if some funds could be allocated to start towards this goal, it would be very encouraging to us taxpayers.

Thank you for your consideration.

Elaine Funakoshi

Franklyn Jackson
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February 5, 2009

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair
Senator Robert Bunda, Vice-chair
Thursday, February 5, 2009
1:15 p.m.
Conference room 229
SB 546
Relating to Corrections
SUPPORT

My name is Frankly Jackson, and I strongly support any and all alternatives to incarceration. Electric monitoring is a cost effective approach to incarceration, and is an instrumental source of monitoring. Most offenders have a history of drug and/or alcohol dependence. They aren't true criminals in regards to crime being their livelihood, it was their means to get drugs to satisfy the crave. The best approach to prevent relapse and reduce recidivism is to use different approaches, and electric monitoring has proven to be an effective approach in federal and state prisons throughout the country.

Mahalo for the opportunity to testify in this matter.

Frankly Jackson