

HB 413, HD1

Measure Title:

RELATING TO PUBLIC SAFETY

Report Title:

Public Safety; Prisons; Residential Drug Abuse Program Reentry

Description:

Establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. Expands number of transition beds in module nineteen at the Oahu community correctional center.

Effective 07/01/2020. (HB413 HD1)

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _

TESTIMONY ON HOUSE BILL 413, HD1
RELATING TO PUBLIC SAFETY

By

Clayton A. Frank, Director
Department of Public Safety

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

Thursday, March 19, 2009; 1:30PM
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) strongly opposes HB 413, HD1, 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 HB 413, HD1 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 the 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 non-violent 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 are 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 both, 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.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, March 19, 2009

1:30 PM

Room 229

STRONG SUPPORT

HB 413 HD1 - RDAP Reintegration Program at OCCC

PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda 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 our 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.

HB 413 HD1 establishes the second, follow-up phase to the RDAP treatment program offered at Hawai'i and CCA prisons.

Community Alliance on Prisons respectfully asks the committee to consider the following small kine amendments to the bill in "Part . RESIDENTIAL DRUG ABUSE PROGRAM"

- Amend "Part . RESIDENTIAL DRUG ABUSE PROGRAM"; §353H-B Program requirements by deleting the reference to Module 19 at OCCC in section (1) - This can happen anywhere at OCCC (or in the community, but we are aware of the dire economic situation so we believe that there are men already in OCCC who went through the RDAP treatment program and could be eligible for this RDAP Reentry phase)
- Change effective date to July 1, 2012. This will give the department time to lay the foundation for this program and the new administration will have been in place for 18 months by this date.

Here are the highlights of this program and why Hawai'i desperately needs this Phase 2 to reduce recidivism.

- This program mirrors the successful Federal RDAP Reintegration Program that is a 6-month follow up to the RDAP treatment program.
- The recidivism rate for graduates of the RDAP program is 37-40%; Hawai'i's recidivism hovers between 50% and 80%
- RDAP is proven to reduce the likelihood of recidivism and drug abuse relapse, as well as reduce prison costs, both by shortening sentences and reducing recidivism

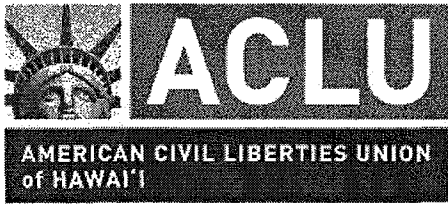
- Congress authorized, in 1995, a sentence reduction of up to one year for prisoners convicted of a non-violent offense who completed both the RDAP treatment program and the RDAP Reintegration Program
- This program would help turn OCCC into what it was intended to be – a transition center to help folks get back on track
- This program can be anywhere at OCCC or other facility where there is access to transportation so participants can get to and from work
- Reentry is the buzzword around the world, as corrections budgets soar, families are hurting, and jurisdictions are looking at alternatives to incarceration for the rising number of individuals incarcerated for drugs or nonviolent drug-relating lawbreaking
- These hard economic times demand that we find more cost-effective ways to deal with non-violent lawbreakers
- Strong reentry programs, addressing an array of needs, starting in facility and continuing throughout the community will enhance public safety
- Strong reentry programs help individuals rebuild their lives, restore their families, and revitalize our community (The MEO BEST Reintegration Program is a good example of this)
- In these austere economic times, it is important to do what is effective and abandon costly and ineffective practices
- Saving millions of dollars a year would help Hawai'i's ailing economy

“The key is for policymakers to base their decisions on a clear understanding of the costs and benefits of incarceration – and of data-driven, evidence-based alternatives that can preserve public safety while saving much needed tax dollars.”
Public Safety Performance Project, 2007

Let's help rebuild lives, restore families and revitalize communities.

Please support HB 413 SD1 with the suggested amendments.

Mahalo for this opportunity to testify.



Via Email: PSMTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Thursday, March 19, 2009, 1:30 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of HB 413, HD1, Relating to Public Safety

Dear Chair Espero and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of HB 413, HD1, which establishes a state residential drug abuse program to help inmates’ reentry into the community.

The ACLU of Hawaii supports every effort to develop diversion programs and health-based solutions to individuals with drug addictions. In general, these types of programs are far more cost-effective – and far more effective at reducing recidivism – than incarceration, and they deserve the Legislature’s full support. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members.

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,

Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
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www.acluhawaii.org



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

March 19, 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: HB 413 HD1 Relating to Public Safety
Hearing: March 19, 2009, 1:30 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 HB 413 HD1 which establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison.

DPFH supports amendments to this measure suggested by the Community Alliance on Prison.

Since 1993 the Drug Policy Forum has been dedicated to safe, responsible, humane, and effective drug policies. Establishing effective drug treatment programs are more effective and less costly than incarceration; reduces recidivism and enhances public safety.

This proposed reentry program would be based on the Federal Residential Drug Abuse or Alcohol Reintegration Program that is a six-month follow up to their treatment program; which assists participants in making a successful transition from prison back into the community.

The National Institute on Drug Abuse in its guide "Principles of Drug Abuse Treatment for Criminal Justice Populations" says that "drug abuse treatment is cost effective in reducing drug use and bringing about associated healthcare, crime, and incarceration cost savings. Positive economic benefits are consistently found for drug abuse treatment across various setting and populations."

I urge the committee to pass HB 413 HD1 which would save the state money and would help stop the revolving doors of our prison system.

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TO: SENATE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
FROM: PAMELA LICHTY, MPH, PRESIDENT
DATE: MARCH 19, 2009; 1:30 P.M., ROOM 229
RE: HB 413, HD1, RELATING TO PUBLIC SAFETY - **STRONG SUPPORT**

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.

Reentry is the wave of the future in correctional systems 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 make sense to postpone the effective date to 2012 in hopes that the economy will have improved by then.

We thank the committee for hearing this important bill. 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 Hawai'i's leading organization dedicated to promoting responsible, effective, and research-based drug policies.

Drug Policy Action Group · P.O. Box 61233 · Honolulu, HI 96839
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Hepatitis Support Network of Hawai'i
Prison Reintegration and Family Reunification Program

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www.idlinks.com

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March 19, 2009

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

My name is Andy Botts, Director of The Hepatitis Network's Prisoner Reintegration Program, and author of Nightmare In Bangkok. I strongly support implementation of the reintegration phase of RDAP within Hawaii's correctional system. As an RDAP participant and graduate, I know from experience that it is an exceptional program which boasts a success rate of over 60%. That rate may be even greater for Hawaii's inmates considering the cultural differences that we have from the mainland US. The Federal Bureau of Prisons adapted RDAP from the early 1990's, and continues to expand due to its phenomenal success. Additionally, RDAP's time-off incentive is strategic as well as rewarding due to the fact that it isn't vested until a participant successfully completes the program. This serves as a tool to prevent former addicts from relapse for at least 6 months, which statistics show is when they are most vulnerable. Furthermore, community based prison programs are a cost-effective alternative to incarceration, and a common sense approach to reduce recidivism.

Thank you for the opportunity to testify in this matter, it is of great importance to consider.

Andy Botts, Director

Prisoner reintegration program

Author, Nightmare In Bangkok



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Wil Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, March 19, 2009

1:30 pm

Room 229

**STRONG SUPPORT HB 413 HD1 - RELATING TO PUBLIC SAFETY
(Residential Drug Abuse Program with Community Component)**

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

My name is Carrie Ann Shirota and I offer my strong support for HB 413 HD1. My experiences as a former Public Defender and staff member of a reentry program on Maui, as well as a member of Community Alliance on Prisons have shaped my advocacy efforts to promote rehabilitation, accountability and transparency within our correctional system, and focus on alternatives to prisons.

HB 413 HD1 establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. It would also expand the number of transition beds in module nineteen at the O`ahu community correctional center.

Recent findings from the Urban Institute on Substance Abuse and Reentry provide support for HB 413 HD1.

- A majority of prisoners have extensive substance abuse histories.
- Prisoners identify drug use as the primary cause of many of their past and current problems
- Despite high levels of drug use, relatively few prisoners receive drug treatment while incarcerated. In Hawai`i, a report commissioned by PSD indicated that less than 15% of all prisoners receive substance abuse treatment. *See Ten Year Corrections Master Plan Update.*
- Consensus in the field holds that individualized in-prison treatment in concert with community based aftercare can reduce substance use and dependency.
- Those with substance abuse use histories and those who engage in substance use after release are at a high risk to recidivate.

Given the challenges that substance abuse among former prisoners presents to successful re-entry, particularly upon release into the community, I strongly encourage you to pass HB 413!

Sincerely,

Carrie Ann Shirota, Esq.
Wailuku, Hawai`i
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March 19, 2009

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

My name is Franklin Jackson, and I strongly support any and all alternatives to incarceration. RDAP is a federally proven program that has the lowest rate of recidivism in the nation. Most offenders have a history of drug and/or alcohol dependence, and this proposal specifically addresses the typical non-violent drug offender. They aren't true criminals in regards to crime being their livelihood. Crime was the means to get drugs to satisfy the crave. The best approach to prevent relapse and reduce recidivism is to use different approaches, and the reintegration phase of RDAP will reduce recidivism while saving my tax dollars.

Mahalo for the opportunity to testify in this matter.

Franklin Jackson

**Danny Kennedy
Dan Pa Productions
333 Palene Way
Honolulu, Hawaii, 96821
March 19, 2009**

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

My name is Danny Kennedy, I'm a musician (Ukulele, Guitar, & Bass) with the musical group known as Manao Company. I'm also a former RDAP participant, and completed the RDAP program in 2005. I strongly support this bill, because I know that the RDAP program works. For instance, my class of 25 participants had only 1 failure. The rest of us graduated and are living productive law-abiding lives.

Mahalo for this opportunity, please consider it carefully.

Aloha,

Danny Kennedy

Jonathon Calpito
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Honolulu, Hawaii, 96813
March 19, 2009
JonCalpito@hawaii.rr.com

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

My name is Jonathan Calpito, and I am a former RDAP participant. I'm sorry that I couldn't testify in person today, because I have to work. However, I support this bill, because the re-entry phase of RDAP is the most important stage of RDAP, and it gave me the opportunity to change my thinking errors of the past.

Thanks for the chance to be heard, if you have any questions please contact me anytime.

Respectfully,
Jonathan Calpito

Ross Hayashi
1516 C Lanakila St.
Honolulu, Hawaii, 96817
March 19, 2009

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

My name is Ross Hayashi, and I'm a graduate of the Bureau of Prison's RDAP program. I completed RDAP in 2008, and have remained drug-free and employed full-time. It was my first experience with any type of drug rehab program, and it helped me to restore my life from scratch. Most important, was the halfway-house stage of the program, which prevented possible relapse following my release from Federal custody.

Thank-you for your consideration in this matter.

Ross Hayashi

Wayne Kahale
45-697 Kamehameha Hwy.
Kaneohe, Hawaii, 96744
March 19, 2009

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Bunda, Vice-chair

Thursday, March 19, 2009

1:30 p.m.

Conference room 229

HB 413

Relating to Public Safety

SUPPORT

I strongly support this bill, because I participated in the Federal BOP's RDAP program at Lompoc FCI in California. Following completion of the in-facility phase of RDAP, which provided me with the tools necessary to remain sober, I returned to Hawaii and completed the 6 month half-way house phase. The half-way house phase was the most important part of RDAP, because it gave me the time needed to apply the tools provided, which gave me a head start on my sobriety. I have now been out for over 4 years, have remained drug-free, and now have my own business. Thanks for the chance to share my experience with this program, and I strongly support this bill.

Mahalo, Wayne Kahale

HB 413, HD1 RELATING TO PUBLIC SAFETY.

Establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. Expands number of transition beds in module nineteen at the Oahu community correctional center. Effective 07/01/2020.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Date: Thursday, March 19, 2009

Time: 1:30 p.m.

Place: Conference Room 229

State Capitol

415 South Beretania Street

Position: IN STRONG SUPPORT OF HB 413

Aloha Senator Espero, Senator Bunda and distinguished members of the committee. My name is Corrie Young. I am a MSW student at the University of Hawai'i at Mānoa. I am testifying in strong support of HB 413 which establishes a state residential drug abuse program with an in-community component to help inmates' reentry into the community upon their release from prison. But I disagree with the amendment that changes the effective date to 07/01/20. I understand that this date is being chosen because of funding but I feel that this program should be implemented soon since research is showing that this program will save money in the long run by cutting warehousing time. More importantly this program shows promise of lowering the recidivism rate because implementation of support and treatment will be given at the most crucial time of reentry into the community.

I am also one that has been personally touched by the effects of substance abuse and addictions and incarceration of loved ones. This has led me to review much scholarly literature on the subjects of incarceration and rehabilitation which has intensified my stand that our society should focus more on rehabilitation and less on punishment for substance abuse offenders. It is time for a paradigm shift.

Research shows that many people are being incarcerated in prisons for doing drugs, yet there is just as much access to drugs inside prisons as there is outside. People are being sent to prison to learn their lesson of their wrong doing but get to prison to learn more crime and to make more contacts since there is not enough rehabilitation programs to teach them how to live a life in conventional society. What they receive instead are teachings from other addicts and criminals because they are being warehoused together for long periods of time in prisons that do not offer much formal education. Many return to society knowing more crime than when they first went in and they are still addicted to drugs.

There is an enormous need to improve our current situation of dealing with drug crime offenders. Currently we are punishing or incarcerating these offenders to deter them from their drug use crime, but data in current research clearly shows that punishment (incarceration) does not work; the evidence shows in the continuance in prison overcrowdings and high rates of parole violators. In contrast, evidence continues to show that there are rehabilitation treatment programs that are effective in deterring substance abuse and addictions and recidivism. It seems that there are more success rates if education, life skills, job programs, and housing worked together in the treatment of substance abuse. This approach would be more productive than just incarcerating or warehousing, which is ineffective in deterring crime and is very costly. It would be wiser to shift our resources from punishment (incarceration) and start investing more of our resources in improving and expanding substance abuse programs to include education, life skills, job programs, and housing.

Eventually majority of those who have been incarcerated will be released back into the community. It is therefore very essential that we do all we can to rehabilitate and equip these people with the skills necessary to become productive citizens and to stop the revolving door of incarceration. If they are not provided the resources for rehabilitation how else will they make a good change? I strongly encourage you to pass HB 413.

Mahalo for this opportunity to testify on this very important matter.