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February 12, 2009

LATE TESTIMONY

MEMORANDUM

TO: Honorable Will Espero, Chair
Senate Committee on Public Safety and Military Affairs

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 1148 - RELATING TO THE COMPREHENSIVE OFFENDER
REENTRY SYSTEM

Hearing: Thursday, February 12, 2009, 1:15 P.M.
Conference Room 229, State Capitol

PURPOSE: S.B. 1148 clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawaii inmates housed in out-of-state prisons; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2010.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill. We are willing to work collaboratively with the Department of Public Safety (PSD) to promote research on the impact of a parent's incarceration on the well-being of the offender's child and the long-term impact of incarceration on fathers and their children.

We defer to PSD on the other provisions of this bill.

Thank you for the opportunity to testify.

AN EQUAL OPPORTUNITY AGENCY



COMMITTEE ON PUBLIC SAFETY
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Thursday, February 12, 2009
1:15 pm Room 229

LATE TESTIMONY

COMMENTS
SB 1148 RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM

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

My name is Carrie Ann Shirota, and I am writing to share comments on SB 1148 Relating to the Comprehensive Offender Reentry System. My experiences as a former Public Defender and staff member of a reentry program on Maui, and member of Community Alliance on Prisons have shaped my advocacy efforts to promote accountability and transparency within our correctional system. Each of us has a stake in providing rehabilitation opportunities to help individuals better prepare for their release from prison as law-abiding, contributing members of their `ohana and community.

Facility Space. The bill clarifies that there must be facility space before bringing individuals back home. My concern is that the Department of Public Safety will rely upon this provision to justify their failure to return our people home in a timely manner under Act 8, unless more prisons are built at home. We know from experience that building more prisons is NOT the solution. Yet, PSD has continued to advocate for new prisons in the form of "tents" rather than diverting those funds for alternatives to prison and treatment, and early release for low risk individuals – solutions that have proven to work by independent research.

Reentry Commission. As drafted, the bill provides the Governor the ability to appoint the majority of members of the Reentry Commission. My concern is that the Reentry Commission will just add another layer of bureaucracy, particularly since the members are not required to have any special expertise or knowledge of reentry. Rather than creating a Reentry Commission, I believe it would be more cost effective to establish an **INDEPENDENT OVERSIGHT COMMISSION.**

Significantly, a growing number of United States jurisdictions have established independent Oversight Committees to ensure public and private facilities which confine individuals for alleged or adjudicated crimes meet their legal obligation to ensure constitutional conditions of confinement. See "Opening Up a Closed World: What Constitutes Effective Prison Oversight" Conference sponsored by the Lyndon B. Johnson School of Public Policy at the University of Texas-Austin, <http://www.utexas.edu/lbj/prisonconference/index.php>. Additionally, the Report of the Commission on Safety and Abuse in America's Prisons (June 2006) included a call for oversight and accountability through external oversight. See http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf.

Similarly, in August 2008, the American Bar Association approved a policy recommendation requesting federal and state governments to establish public entities independent of any correctional agency to regularly monitor and report publicly on the conditions in all correctional facilities.

An Independent Oversight Committee will help to achieve transparency of public and private institutions and accountability for the operation of safe and humane jails and prisons for both incarcerated persons and staff. In addition, the Committee would help to ensure that public officials meet their legal obligations to provide conditions of confinement that comply with state and federal laws.

LATE TESTIMONY

TO: COMMITTEE ON PUBLIC SAFETY AND MILITARY
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Thursday, February 12, 2009
1:15 PM
Room 229, Hawaii State Capitol

RE: Testimony in Support of SB 1148 – Clarifying Act 8

FROM: Atty Daphne Barbee-Wooten
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813

Dear Chair Espero, Vice Chair Bunda and Members of the Committee:

My name is attorney Daphne Barbee-Wooten and I practice law in the State of Hawaii. I testify in support of SB 1148 mandating written reentry plans, establishing a limit on the number of Hawaii inmates housed in out-of-state prisons and establishing a reentry commission. I have seen many inmates who were granted parole only to break the parole on purpose because they have no support in the community such as a job, programs and other means of support to assist them in reentering society. Having a reentry program would assist in finding jobs and giving emotional support to persons who have been behind bars and who do not have necessary skills to make it on the outside. It is time to rethink the concept of our penal system as only punishment. Our correctional system is called "correction", meaning affirmative acts to assist in changing a person's behaviors so that they may be law abiding citizens. Merely punishing and throwing away a person behind bars will not lead to corrective action, and in fact, many inmates become worse in prison. This bill is a step in the right direction.

Dated: Honolulu, Hawaii

2-12-09

DWB

Daphne Barbee-Wooten
Attorney at Law