

LINDA LINGLE
GOVERNOR



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No. _

TESTIMONY ON SENATE BILL 540, SD2 (HSCR 1133)
RELATING TO PUBLIC SAFETY

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) **strongly opposes** SB 540, SD2 (HSCR 1133), 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. Although, the Committee Report states, "The Department of Public Safety submitted comments," PSD testified in strong opposition to this measure before the House Committee on Public Safety on March 19, 2009.

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. The PSD already operates a Work Furlough program at the Oahu Community Correctional Center on Oahu that currently houses 142 offenders who have completed the appropriate level of in-facility substance abuse treatment. These same offenders work during the day and are provided with substance abuse relapse counseling prevention and other services in the evening.

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 non-violent offenders with drug-related convictions, but long-term incarceration should be reserved for violent criminals. **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 16) 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 on the mainland.

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 funding required to develop and operate a new community-based substance abuse treatment phase.

Given the State's current extreme fiscal difficulties coupled with the fact that PSD already provides varying levels of substance abuse treatment at our in-state facilities and for those housed on the mainland, it would not be prudent to pursue enactment at this time. Therefore, the Department respectfully requests that his measure be held as it is unnecessary.

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

COMMUNITY ALLIANCE ON PRISONS

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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 540 SD2 - RDAP REENTRY PROGRAM

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 540 SD2 establishes the reentry phase of the federal RDAP program that is the treatment program offered at prisons in Hawai'i and also in the CCA prisons holding more than 2,000 Hawai'i individuals.

Community Alliance on Prisons stands in strong support of this measure, which will save the state millions of dollars every year if the program is implemented.

The U.S. Department of Justice, National Institute of Corrections, based on 154 controlled studies, reports that appropriate treatment **reduces recidivism by 30%**; inappropriate treatment *increases* recidivism by 6%, and traditional punishment increases recidivism by 7%. Adding this reentry phase to the existing RDAP treatment modality will save the state money.

We are pushing for the RDAP Reentry Program to be at OCCC because we know there are many men there who successfully completed the RDAP treatment and may be eligible for the reentry phase. PSD has been saying they need more transition beds - the RDAP Reentry program could be run out of the Annex at OCCC and the costs would be negligible since the men are there already.

1) Identifying individuals incarcerated for nonviolent drug offenses who are Minimum or Community Custody and moving them into the RDAP Reentry Program

The reclassification report is showing that more than half of Hawai'i's incarcerated population is either Minimum or Community Custody - meaning that most of these individuals require little to no supervision.

Incarceration is the most expensive sanction - if we transition eligible nonviolent drug offenders who have successfully completed the RDAP treatment phase into this Phase 2 reentry program, we will

increase their chances for success in the community and decrease the likelihood of recidivism, saving lots of money.

2) The data show that incentivizing nonviolent drug lawbreakers is more effective than leveling sanctions

The Bureau of Prisons understands the research that incentivizing drug offenders is more effective and evidence-based, so in 1995 they instituted a one-year reduction in sentences of those individuals who completed both the RDAP treatment program and the RDAP Reentry Phase.

Imagine if Hawai'i had 100 individuals in the RDAP Reentry Program and only half of those individuals successfully completed the program and were granted the one year sentence reduction. The Bureau of Prisons RDAP has a 60+% success rate! That would be a tremendous savings: 50 individuals multiplied by \$50,000 a year to incarcerate someone in Hawai'i.

50 individuals x \$50,000 per year = \$2,500,000 ... a savings of \$2.5 million a year

3) The RDAP Reentry Program is the application phase of the RDAP Treatment Program that has been shown to reduce recidivism

First we must understand that drug addiction is a public health problem and should not be treated as a criminal justice problem. A good analogy is giving someone a driver's manual to study so they know the rules of the road and the safety measures that good driving entails; that's great, but until that person gets behind the wheel, it is all theory. The RDAP Reentry Program is the application of the tools and skills acquired in the RDAP treatment program.

The recidivism rate for graduates of the RDAP program is 37-40%; must lower than Hawai'i's Hawai'i has been successful at recidivism - more than 65% of our people return to prison. Now let's try a proven, evidence-based program that the federal government has been using and become successful at reentry. That will save millions of dollars by keeping individuals from returning to prison.

This program would help turn OCCC into what it was intended to be - a transition center to help folks successfully reentry the community and NOT return to prison. The program can be anywhere at OCCC or other facilities where there is access to transportation so participants can get to and from work. PSD has started a transition program at Waiawa, which is miles away from public transportation. This is not a good plan for successful reentry.

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, 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

Please support SB 540 SD2. Mahalo for this opportunity to testify.



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 540 SD2 RELATING TO PUBLIC SAFETY
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 540 SD2 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.

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 settings and populations."

I urge the committee to pass SB 540 SD2 which would save the state money and would help stop the revolving doors of our prison system.

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OSAAB

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Queen Geraldine University Hospital of Obstetrics and Gynecology #1
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Tel: (355) 69-216-8088
April 1, 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice-chair

Wednesday April 1, 2009

11:00 pm.

Conference room 308

SB 540, SD2

RELATING TO PUBLIC SAFETY

SUPPORT

My name is Claudia Janiszewski. I was born and raised in Hawaii, and have had the opportunity of spending the last 18 years of my professional life living and working in developing countries.

From 1995-1997, I was the Job Placement Specialist for a United States Agency for International Development (USAID) which provided job skill training to political prisoners in Albania, who were persecuted under the former Communist regime. I developed and managed the Job Placement Center securing employment for students completing job skills and training courses. In its first year, the program was successful in placing over 500 students with jobs in an environment that had an unemployment rate of over 30%.

Additionally, in 1996, I founded and still operate, Organization for the Support of Albania's Abandoned Babies (OSAAB) a US 501©(3) organization operating in Albania with a mission to provide support and care to abandoned babies, as well as provide educational training in early infant care to medical staff and mothers of newborn babies.

In my experiences throughout the world, reintegration programs such as RDAP create financial self-sufficiency and decrease recidivism. As such, I highly support the reintegration phase of RDAP, and any other programs that provide former prisoners with the opportunity to reintegrate back into the community.

Regards,

Claudia Janiszewski
President / Founder
OSAAB

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**Hepatitis Prevention, & Support Network of Hawai'i
Prisoner Reintegration and Family Reunification Program**

1286 Queen Emma Street
Honolulu, Hawaii 96813

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Andy Botts, Director

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April 1, 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice-chair

Wednesday April 1, 2009

11:00 pm.

Conference room 308

SB 540, SD2

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. The Second Chance Act of 2007 provides Federal funds for proven programs that aim to reduce recidivism, and implementing the RDAP within our facilities immediately, even as a pilot program, would allow the State of Hawaii to apply for available funds now and in the future as they become available. Considering the fact that the Federal BOP administers this program makes it all the easier to request their assistance should we adapt it as well, so I strongly urge this committee to pass this bill immediately.

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

**Hepatitis Prevention & Support Network of Hawai'i
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April 1, 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice-chair

Wednesday April 1, 2009

11:00 pm.

Conference room 308

SB 539, SD1

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 bill because it coordinates efforts between the various agencies involved with reintegration, which should ensure that the offenders are prepared for society prior to their release.

Thank you for the opportunity to testify in this matter.

Andy Botts, Director

Prisoner reintegration program

Author, Nightmare In Bangkok

Franklin Jackson
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Pearl City, Hawaii 96782
Fjpearlcity@aol.com
April 1, 2009

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-chair
Wednesday April 1, 2009
11:00 pm.
Conference room 308
SB 540, SD2
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

Franklin Jackson
950 Luehu St Apt#403
Pearl City, Hawaii 96782
fjpearlcity@aol.com
March 19, 2009

COMMITTEE ON PUBLIC SAFETY
Rep. Faye Hanohano, Chair
Rep. Henry J.C. Aquino, Vice-chair
Thursday, March 19, 2009
10:00 a.m.
Conference room 309
SB 546
RELATING TO CORRECTIONS
SUPPORT

My name is Franklin Jackson. I strongly support any and all alternatives to incarceration, and electric monitoring is a proven method of strict supervision.
Mahalo for the opportunity to testify in this matter.

Franklin Jackson

Jonathon Calpito
2152 N. School Street
Honolulu, Hawaii, 96813
April 1, 2009
JonCalpito@hawaii.rr.com

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-chair
Wednesday April 1, 2009
11:00 pm.
Conference room 308
SB 540, SD2
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

Wayne Kahale
45-697 Kamehameha Hwy.
Kaneohe, Hawaii, 96744
April 1, 2009

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-chair
Wednesday April 1, 2009
11:00 pm.
Conference room 308
SB 540, SD2
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

Ross Hayashi
1516 C Lanakila St.
Honolulu, Hawaii, 96817
April 1, 2009

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-chair
Wednesday April 1, 2009
11:00 pm.
Conference room 308
SB 540, SD2
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, 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

COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Wednesday, April 1, 2009

11:00 AM

Room 308

STRONG SUPPORT

SB 540 SD2 – Establishes a Residential Drug Abuse Reentry Program

FINTestimony@capitol.hawaii.gov

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

I am writing in strong support of SB 540 SD2, which will establish a residential drug abuse reentry program. This program is long overdue and must begin in 2009.

We can no longer afford the luxury of incarcerating drug addicts and assume that the problems of addiction will be adequately addressed inside the walls of a prison. The real test comes when an inmate is released from prison and is subject to all the pressures and temptations of a real world environment. Given the difficult economic times, more cost-effective strategies to deal with drug addiction, such as the program outlined in this bill, must be adopted.

The residential drug abuse reentry program established by this bill will include an in-community component to give inmates the support and encouragement they need when they return to their lives in the community. It will reduce the costs of incarceration associated with drug abuse relapse and recidivism and help inmates rebuild their lives.

Mahalo for this opportunity to express my views on this issue. Please support SB 540 SD2.

Sincerely,

Diana Bethel

1441 Victoria St.

Honolulu, Hi 96822

TO: COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair
Wednesday, April 1, 2009
11:00 AM
Room 308, Hawaii State Capitol

RE: SB 540 SD2 – Testimony in Support of Residential Drug Abuse Program

FROM: Atty Daphne Barbee-Wooten, 1188 Bishop Street, Suite 1909, Honolulu, Hawaii
96813, (808) 533-0275

Dear Chair Oshiro and Vice Chair Lee, and Members of the Committee on Finance:

My name is attorney Daphne Barbee-Wooten. I am an attorney in private practicing law in Hawaii. I support the new amendments to the residential drug reentry program. The reentry program for persons with drug abuse will assist in reducing the amount of inmates in prison and the amount of money it costs to house a person in prison. Effective programs will reduce the prison population and ensure recidivism is minimal. Many person with drug addictions need guidance and treatment, not incarceration and banishment. With proper treatment, drug addicts can become productive citizens. Please pass this bill.

Dated: Honolulu, Hawaii

Daphne Barbee-Wooten
Attorney at Law