

SR 75
SCR 172
PROPOSED SD1

Measure Title:

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY UP TO FIVE HUNDRED INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER AND BE MONITORED TWENTY-FOUR HOURS PER DAY, SEVEN DAYS A WEEK BY ELECTRONIC MEANS.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE RESOLUTION 75, SD1 AND SENATE
CONCURRENT RESOLUTION 172, SD1 REQUESTING THE
DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY UP TO
FIVE HUNDRED INMATES WHO COULD BE INVOLVED
IN A DAY REPORTING CENTER AND BE MONITORED
TWENTY-FOUR HOURS PER DAY, SEVEN DAYS A
WEEK BY ELECTRONIC MEANS

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, April 8, 2010; 1:40 PM
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) appreciates the legislature's interest in enhancing both, the Department's and the Hawaii Paroling Authority's (HPA) electronic monitoring capabilities and possibly increasing the number of offenders in the Work Furlough program. As written, PSD does not support neither SR 75, SD1 nor SCR 172, SD1, as both measures are clearly detrimental to public safety and the welfare of the community.

First, it should be noted that HPA has no jurisdiction with respect to offenders involved in either work furlough, extend furlough, and/or those placed

on electronic monitoring by PSD. HPA's authority in part is to determine appropriate minimum sentences, make appropriate educational, rehabilitative and/or treatment program recommendations, decide if the privilege of parole should be granted, and if so, under what terms and conditions, and to determine if parole should be revoked. Historically, HPA has applied electronically monitoring to those offenders that they believed might have violated the terms and conditions of parole and/or that require this high level of supervision. HPA already has an Intensive Supervision Parole (ISP) section that provides a high level of parole supervision, monitoring, and increased drug testing for higher risk offenders.

As of March 22, 2010, there are approximately 5,953 persons either in the custody of and/or under the supervision of PSD. Of that amount, approximately 368 were parole violators in our Hawaii facilities that were returned to custody for violating the terms and conditions of their release and/or committing new crimes while on parole. This represents only approximately 6.2% of PSD's offender population. Therefore, the assumptions contained in both, SR 75, SD1 and SCR 172, SD1 with respect to parole violators is clearly in error.

Parolees are not generally returned to custody for a single parole violation, but rather multiple violations that place the public at risk. Parole Officers work with parolees to address parole violations while the parolees are still in the community. However, when parolees continue to repeatedly and willfully violate the terms and conditions of their release despite the assistance and guidance of the Parole Officer, the parolee leaves HPA no choice but to return them to custody so that the community will not be victimized by the actions and/or criminal behavior of the parolees.

Secondly, while many of those incarcerated are non-violent offenders, it is critically important to note that the vast majority of them were initially sentenced to probation in lieu of either jail or prison and while on probation supervision in the community, they repeatedly violated the terms and conditions of probation and in a large number of instances committed new crimes. As a direct result of their continued victimization of the community and visitors to the State, they were re-sentenced to serve jail and/or prison sentences. It should also be noted that non-violent offenders are the most prolific criminal group of the offenders and have committed the vast majority of crimes. The 5,953 persons in custody have committed no less than 80,000 felony offenses and well over 100,000 misdemeanor crimes. The release of 500 offenders on electronic monitoring is unwise and will place the public at risk.

In order for PSD to comply with the proposed provisions of possibly placing 500 offenders on 24/7 electronic monitoring and establish a day reporting center, PSD would require dozens of additional corrections officers, program staff, supervision staff, and clerical and administrative support personnel to carry out the proposed requirements of these measures.

Additionally, it should be noted that some may develop a false sense of security regarding electronic monitoring. In that, while using electronic monitoring with GPS capabilities, the device will inform the supervisory agency of the offenders location at any given time, which is valuable information. However, the supervisory agency is unable to detect what the offender is doing, whom they are with, and if some violations and/or crimes are being committed.

Further, having offenders on electronic monitoring does no good if you do not have staff to immediately respond to violations and/or have a secure location to return the offenders to should their actions and/or behavior(s) in the

community warrant return to custody. If violations and/or crimes are being committed and the supervision agency is aware of these acts, and if the offender is not immediately removed from the community and returned to custody, the State would be placed in an extremely vulnerable position with respect to civil litigation for malfeasance and/or negligence.

While other jurisdictions have initiated early release programs and may have experienced limited success, there are also cases in those same jurisdictions where offenders released from custody early have committed serious and/or heinous crimes, including, but not limited to assaults, rapes, murders, and other predatory criminal acts. In California for example, an inmate released from prison early committed rape within 24 hours of his early release.

As written, SR 75, SD1, and SCR 172, SD1 requires both, PSD and the HPA to report to the legislature on the progress made in implementing this measure no later than December 31, 2010, including the following information:

1. The number of paroles revoked for technical violations and the nature of those violations (No identified period for the requested information provided).
2. The number of inmates and parolees eligible for release (No specific information as of date and/or specific location of incarceration provided).
3. A plan to increase the number of individuals on the expanded work furlough program (No specific information requested as offenders location of incarceration as not all facilities have work furlough programs).
4. The feasibility of establishing a day reporting center at the Oahu Community Correctional Center and the Halawa Correctional Facility.

5. A description of successful early release and re-entry programs in other jurisdictions; and
6. A plan to expand connections with community churches and organizations to facilitate the reintegration of formerly incarcerated individuals.

Given the loss of over 158 positions and funding throughout PSD, the loss of both, staff and major program funding, the requirement for PSD to provide the information requested by the legislature will be virtually impossible. At present, PSD only has 1 of 3 researcher positions filled and there are efforts currently underway to eliminate approximately \$8.7 million in funding for the Halawa Correctional Facility, which equates to over 1/3 of the facility's annual funding. In addition, key leadership positions within PSD have been targeted for elimination by the legislature that will devastate PSD and jeopardize public safety.

At present, PSD is already required to provide no less than twenty-six separate comprehensive annual reports to the legislature. The addition of yet another comprehensive report that would be due by December 31, 2010, is unrealistic and will be almost impossible given the severe shortage of staff, funding, and other challenges faced by PSD.

Finally, PSD supports initiatives that safely assist offenders to reintegrate back into the community, but the initiatives should not place the public at risk of continued victimization, which unfortunately, some do.

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

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

ALBERT TUFONO
CHAIR

DANE K. ODA
MEMBER

ROY W. REEBER
MEMBER

MAX OTANI
ADMINISTRATOR

No. _____

TESTIMONY ON SENATE CONCURRENT RESOLUTION 172 Proposed SD1
AND SENATE RESOLUTION 75 Proposed SD1
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO
IDENTIFY UP TO 500 INMATES WHO COULD BE INVOLVED IN A DAY
REPORTING CENTER AND BE MONITORED BY ELECTRONIC MEANS

HAWAII PAROLING AUTHORITY
Albert Tufono, Chairman

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

Thursday, April 8, 2010, 1:40 P.M.
State Capital, Room 229

Chair Espero, Vice Chair Bunda and Committee Members

The Hawaii Paroling Authority (HPA) does not support SCR 172, Proposed SD1. It is unclear what the desired outcome of the resolution would be. This measure also lacks specific criteria that would be needed to determine which inmates would qualify for day reporting and home detention. Generating a list of 500 inmates who are close to their parole hearing date would not be difficult, however, criteria used to grant release should be specific as there are public safety concerns. HPA currently sees approximately 200 inmates per month that are eligible for parole, of which approximately one-third are granted parole release. Issues such as prison adjustment, program completion, verifiable residence and legitimate income are some of the other issues that must be reviewed and considered before release is considered. Victim right's issues must also be addressed when release is considered.

Thank you for this opportunity to testify.

From: Peter Gellatly **Sent:** Wednesday, April 07, 2010 5:54 PM
To: PSM Testimony
Subject: SCR 172 SD1 / SR 75 SD1 — PSD information

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair

Thursday, April 8, 2010, 1:40 p.m.
Room 229

SCR 172 SD1 / SR 75 SD1— STRONG SUPPORT

Aloha Chair Espero, Vice Chair Bunda, and members of your Committee,

I serve on the state's Corrections Population Management Commission as the representative of the Hawaii community. While the formal mandate of the Commission may not state such, among our responsibilities is a requirement to be imaginative. We seldom are, so I greet this resolution with special delight.

America's awful financial circumstances are forcing states across our country to reevaluate their prison systems. In good times, locking people up for long periods in a no-brainer. It makes public safety officials and often politicians look good, and the people objecting to simplistic and unnecessary if expensive measures are typically powerless. Hawaii takes this irresponsibility a step further and exports thousands of its prisoners to the mainland, saying that we're saving money. In truth, we are only taking the easy way out.

Now, truly needing to save even money, we are contemplating shipping even more human bodies overseas. I urge you to reject this as a matter of conscience and embrace the alternate opportunities in this resolution. Their moral value is self-evident. The dollar savings they represent is quantifiable. They display a frightening amount of imagination, and even more common sense.

Like most things, going broke has a silver lining. Where public safety is concerned, this is it.

Thank you very much.

aloha, Peter Gellatly

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, April 8, 2010

1:40 PM

Room 229

SUPPORT SCR 172 SD1/SR 75 SD1 - Day Reporting Center

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 diverse community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SCR 172 SD1/SR 75 SD1 requests the Department of Public Safety to identify up to five hundred inmates who could be involved in a day reporting center and be monitored twenty-four hours per day, seven days a week by electronic means.

Community Alliance on Prisons supports this measure.

The majority of Hawai'i's incarcerated population is nonviolent (84% women; 63% men) and should be classified as minimum or community custody (the least restrictive levels of confinement).

PSD already has the authority to release those individuals who have completed their programming, pose little or no risk to the community, and are awaiting release. Sadly, they have not done so, at great expense to our economy and community safety.

If Hawai'i made a commitment to smart justice - to only establish policies that are data-driven and scientifically based, we would be able to save millions of dollars, rebuild hundreds of lives, and stop the shameful inter-generational incarceration Hawai'i is known for.¹ I

¹ In 1998 the Department of Justice came to Hawai'i and held multiple hearings on crystal methamphetamine. After the hearings DOJ said that they had not experienced the inter-generational drug use that they witnessed in Hawai'i in any other jurisdiction they visited.

It will be enormously helpful to know how many parolees are violated and sent back to prison for minor technical violations, such as not calling or meeting with parole officer or a dirty drug screen.

Other jurisdictions are looking at ways to trim their correctional budgets, which they know are not sustainable. If Hawai'i released individuals who completed their required programming, are deemed to be of little to no risk to the community and are awaiting release, we would save millions of dollars.

Expanding community corrections is the more sensible thing to do with Hawai'i's incarcerated population since the majority are nonviolent (84% women; 63% men) and are classified as minimum or community custody (the least restrictive levels of confinement).

If the department had implemented the Community Safety Act of 2007, our incarcerated population would have been reduced and more individuals would have been ready to successfully re-enter the community.

Day reporting centers have worked in other jurisdictions, and during this economic crisis we need to consider all options to stop the out-of-control corrections costs, which have increased by more than 80% over the last decade.

When we choose incarceration over education, it is indeed time to re-examine our priorities.

Prison is the most expensive sanction and should be reserved for violent individuals.

As Justice Anthony Kennedy said, "This is YOUR justice system; these are YOUR prisons."

We urge passage of SCR 172 SD1.

Mahalo for this opportunity to share our thoughts.

For: SCR172 SD1 REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY UP TO FIVE HUNDRED INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER AND BE MONITORED TWENTY-FOUR HOURS PER DAY, SEVEN DAYS A WEEK BY ELECTRONIC MEANS.

To: **COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS:** Sen. Will Espero, Chair; Sen. Robert Bunda, Vice Chair

Time: Thursday, Apr. 8, 2010, 1:40: PM, Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION

Good morning Chair Espero, Vice Chair Bunda, and distinguished committee members: My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of about 20 non-profit treatment and prevention agencies.

Provide Informational Testimony

Day Reporting Centers with Electronic Supervision are good opportunities to assess the degree of substance abuse severity for dependence. Low level forms of non-dependence can be managed by sanctions; however, addiction can not. Treatment is needed to address dependency criteria. Treatment in tangent with sanctions and supervision provides even better outcomes.

Research Demonstrates that Treatment Works for Criminal Justice Systems

Across the nation, the vast majority of prisoners who are drug abusing offenders are not getting the treatment they need in the Criminal Justice System despite two decades of research that demonstrate its effectiveness, according to researchers at the National Institute on Drug Abuse (NIDA), part of the National Institutes of Health.¹

"We know what works to treat addiction, based on our scientific knowledge of the cognitive, behavioral, and physiological characteristics of addicts," said Dr. Nora Volkow, NIDA Director. "The principles of drug abuse treatment represent the translation of research into practice. They are powerful and practical tools that will allow communities to choose between ongoing treatment or ongoing crime."²

Treatment Saves Money And Reduces Crime It is estimated that 70 percent of individuals in state prisons and local jails have abused drugs regularly, compared with approximately 9 percent of the general population. Studies show that treatment cuts drug abuse in half, reduces criminal activity up to 80 percent, and reduces arrests up to 64 percent. However, fewer than 20% of these offenders receive treatment. Treatment not only lowers recidivism rates, it is also cost-effective. It is estimated that for every dollar spent on addiction treatment programs, there is a \$4 to \$7 reduction in the cost of drug-related crimes. With some outpatient programs, total savings can exceed costs by a ratio of 12 to 1.

Children Of Offenders. The failure to treat addicts in the criminal justice system contributes to a continuous cycle of substance abuse and crime. In 1999, 1.5 million

minor children - most under the age of 10 - had a parent in prison. Over 58% of these imprisoned parents used drugs in the month before their offense. Children of addicted parents are 4 times more likely to become addicted if they choose to use drugs or alcohol, and many will also enter the criminal justice system.

Principles of Drug Abuse Treatment for Criminal Justice Populations In 2006, NIDA released a landmark scientific report showing that effective treatment of drug abuse and addiction can save communities money and reduce crime. The principles include an acknowledgement that drug addiction is a brain disease that affects behavior; that recovery requires effective individualized treatment that might include medication; and that continuity of care is essential for drug abusers re-entering the community after a period of incarceration.³

"Without proven treatment and therapeutic follow-up in a community setting, addicted offenders are at a high risk of relapse despite a long period of forced sobriety," said Dr. Volkow.

1. Why do people involved in the criminal justice system continue abusing drugs?

The answer to this perplexing question spans basic neurobiological, psychological, social, and environmental factors. The repeated use of addictive drugs eventually changes how the brain functions. Resulting brain changes, which accompany the transition from voluntary to compulsive drug use, affect the brain's natural inhibition and reward centers, causing the addict to use drugs in spite of the adverse health, social, and legal consequences (Volkow, Fowler, Wang, et al., 1993; Volkow, Hitzemann, Wang, et al., 1992; Volkow and Li, 2004).

Addictive Drugs Can Cause Long-Lasting Changes in the Brain



Normal



Cocaine Abuser
[10 days of
abstinence]



Cocaine Abuser
[100 days of
abstinence]

PET scans showing glucose metabolism in healthy brain and cocaine-addicted brains. Even after 100 days of abstinence,

glucose metabolism has not returned to normal levels.

Forced abstinence without treatment does not cure addiction.

Abstinent individuals must still learn how to avoid relapse, including those who have been incarcerated and may have been abstinent for a long period of time. Craving for drugs may be triggered by contact with the people, places, and things associated with prior drug use, as well as by stress. Potential risk factors for released offenders include pressures from peers and even family members to return to drug use and a criminal lifestyle. Tensions of daily life—violent associates, few opportunities for legitimate employment, lack of safe housing, even the need to comply with correctional supervision conditions—can also create stressful situations that can precipitate a relapse to drug use.

Research also reveals that with effective drug abuse treatment, individuals can overcome persistent drug effects and lead healthy, productive lives.

2. Why should drug abuse treatment be provided to offenders?

Effective treatment decreases future drug use and drug-related criminal behavior, can improve the individual's relationships with his or her family, and may improve prospects for employment.

When criminal justice systems work with treatment providers, outcomes can be improved.

1. Provide assessments for abuse severity, mental health problems, and physical health immediately after arrest
2. During the prosecution and sentencing phases, determine appropriate treatment according to the offender's needs.
3. Offender can participate in community-based drug abuse treatment while under criminal justice supervision through drug courts, diversion programs, pretrial release programs conditional on treatment, and conditional probation with sanctions.

3. How effective is drug abuse treatment for criminal justice-involved individuals?

Treatment is an effective intervention. However, the effectiveness of drug treatment depends on both the individual and the program, and interventions appropriate for the individual's needs. To amend attitudes, beliefs, and behaviors that support drug use, the drug abuser must engage in a therapeutic change process.

4. Are all drug abusers in the criminal justice system good candidates for treatment?

Proper assessments can determine which offenders who meet drug dependence criteria should be given higher priority for treatment than those who do not.

Less intensive interventions, such as drug abuse education or self-help participation, may be appropriate for those not meeting criteria for drug dependence.

Services such as family-based interventions for juveniles, psychiatric treatment, or cognitive-behavioral “criminal thinking” interventions may be a higher priority for some offenders, and individuals with mental health problems may require specialized services.

Outcomes can be improved when criminal justice personnel work in tandem with treatment providers.

Low motivation to participate in treatment or to end drug abuse can be addressed by motivational enhancement interventions and legal pressure that encourages abstinence, treatment participation and retention with longer treatment stays.

Drug abuse treatment is also effective for offenders who have a history of serious and violent crime, particularly if they receive intensive, targeted services. The economic benefits in avoided crime and costs to crime victims (e.g., medical costs, lost earnings, and loss in quality of life) may be substantial for these high-risk offenders. Treating them requires a high degree of coordination between drug abuse treatment providers and criminal justice personnel to ensure that treatment and criminogenic needs are appropriately addressed.

5. Is legally mandated treatment effective?

Legal pressure can increase treatment attendance and improve retention.

Studies indicate that outcomes for those who are legally pressured to enter treatment are as good as or better than outcomes for those who enter treatment without legal pressure. NIDA Director Dr. Nora D. Volkow suggests that the criminal justice system is in a unique position to encourage drug abusers to enter and remain in treatment.

SUMMARY

Untreated substance abusing offenders are more likely than treated offenders to relapse to drug abuse and return to criminal behavior. This can bring about re-arrest and re-incarceration, jeopardizing public health and public safety and taxing criminal justice system resources. Treatment offers the best alternative for interrupting the drug abuse/criminal justice cycle for offenders with drug abuse problems.

Outcomes for substance abusing individuals can be improved by cross-agency coordination and collaboration of criminal justice professionals, substance abuse treatment providers, and other social service agencies. By working together, the criminal justice and treatment systems can optimize resources to benefit the health, safety, and well-being of individuals and the communities they serve.

We appreciate the opportunity to testify today and are available for questions, if needed.

References:

1) Dr. Redonna K. Chandler and Dr. Nora D. Volkow from the National Institute on Drug Abuse (NIDA), a component of the National Institutes of Health (NIH), an agency of the Department of Health and Human Services (HHS): *Drug Abusing Offenders Not Getting Treatment They Need in Criminal Justice System: Treating Inmates Has Proven Public Health, Safety, and Economic Benefits: Journal of the American Medical Association* January 13, 2009 <http://www.drugabuse.gov/newsroom/09/NR1-13.html>

2) National Institute on Drug Abuse (NIDA), a component of the National Institutes of Health (NIH), an agency of the Department of Health and Human Services (HHS): *NIDA Announces Recommendations To Treat Drug Abusers, Save Money, And Crime: NIH Scientific Report Provides Judges with Public Health Solution to Crime*: 2006 at http://www.drugabuse.gov/PODAT_CJ/faqs/faqs1.html#1

3) National Institute on Drug Abuse (NIDA), a component of the National Institutes of Health (NIH), an agency of the Department of Health and Human Services (HHS): *Principles of Drug Abuse Treatment for Criminal Justice Populations*: 2006 at http://www.drugabuse.gov/PODAT_CJ/principles/ For more information, see *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research-Based Guide* at www.drugabuse.gov/DrugPages/cj.html.

This Booklet is available in PDF format at http://www.drugabuse.gov/PODAT_CJ/

TJ MAHONEY & ASSOCIATES

Ka Hale Ho`āla Hou No Nā Wāhine – *The Home of Reawakening For Women*
524 Kaaahi Street Honolulu, HI 96817 (808) 748-4300

COMMITTEE Public Safety and Military Affairs
Senator Suzanne Will Espero, Chair, Senator Robert Bunda, Vice Chair
DATE, TIME Thursday, April 8, 2010, 1:40 p.m.
PLACE State Capitol, Conference Room 229
RE **Support with amendments: SR 75**

Good afternoon Chair Espero, Vice Chair Bunda, and members of the Committee. My name is Lorraine Robinson. I am the Executive Director of TJ Mahoney & Associates, Ka Hale Ho`āla Hou No Nā Wāhine, a non-profit program dedicated to *empowering women to successfully transition from prison to the community*. I've served in this capacity for over 14 years and prior to that as a social worker at the Women's Community Correctional Center.

TJ Mahoney is a leader in community corrections with over 30 years experience assisting offenders with community re-entry. We have contracted with the Department of Public Safety since 1992 and the Federal Bureau of Prisons in Hawaii since 1990. Ka Hale Ho`āla Hou No Nā Wāhine has received national recognition for our work with women offenders.

I am a strong advocate for community based interventions and solutions for offenders who do not pose a threat to public safety and therefore, do not need to be incarcerated. I am in support of the majority of SCR 172. My concern is that the resolution calls for Electronic Monitoring (EM) as a means of monitoring offenders. In this climate of limited resources, I am concerned about money spent on EM. Results of such expenditures are controversial. A 2008 Research Report, posted on the National Institute of Corrections website, *An Overview of Electronic Monitoring in Corrections: The Issues and Implications** concludes that "...many of the initial factors driving the implementation of Electronic Monitoring programs, such as reducing prison populations and cost savings have yet to materialize nearly 20 years after their implementation. It is also evident that, at the present juncture, it is difficult to make any firm conclusions regarding the ability of EM to achieve such desired objectives as managing offenders' risk, reducing recidivism rates, and affecting positive behavioral change."

This statement affirms anecdotal reports I recently heard from colleagues throughout the field. I just returned from an International Community Corrections Policy Conference in Washington DC, where EM was discussed both formally and informally. A trusted colleague from a large community corrections program was adamant that, after her organization spent time and dollars for EM, their conclusion was that they wished they never began. They felt strongly that money spent to provide face to face support was a much wiser investment, more certain to produce positive results.

In closing, I am in support of SR 75 with the deletion of the Electronic Monitoring clauses, to be replaced with meaningful interventions, to include expanded work furlough programs and other services tailored to offenders' needs.

Thank you for the opportunity to testify on this matter.

*<http://www.csc-scc.gc.ca/text/rsrch/reports/r182/r182-eng.pdf>

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COMMITTEE Public Safety and Military Affairs
Senator Suzanne Will Espero, Chair, Senator Robert Bunda, Vice Chair
DATE, TIME Thursday, April 8, 2010, 1:40 p.m
PLACE State Capitol, Conference Room 229
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TJ Mahoney is a leader in community corrections with over 30 years experience assisting offenders with community re-entry. We have contracted with the Department of Public Safety since 1992 and the Federal Bureau of Prisons in Hawaii since 1990, and have received national recognition for our work with women offenders.

Based on my years of experience, I am a strong advocate for community based interventions and solutions for offenders who do not pose a threat to public safety and therefore, do not need to be incarcerated. I am in support of the majority of SCR 172. My concern is that the resolution calls for Electronic Monitoring (EM) as a means of monitoring offenders. In this climate of limited resources, I am concerned about money spent for this pursuit in that the results of such expenditures are controversial. A 2008 Research Report, posted on the National Institute of Corrections website, *An Overview of Electronic Monitoring in Corrections: The Issues and Implications** concludes that "*...many of the initial factors driving the implementation of Electronic Monitoring programs, such as reducing prison populations and cost savings have yet to materialize nearly 20 years after their implementation. It is also evident that, at the present juncture, it is difficult to make any firm conclusions regarding the ability of EM to achieve such desired objectives as managing offenders' risk, reducing recidivism rates, and affecting positive behavioral change.*"

This report is in direct alignment with anecdotal reports I recently heard from colleagues throughout the field. I just returned from an International Community Corrections Policy Conference in Washington DC, where EM was discussed both formally and informally. A trusted colleague from a large community corrections program was adamant that, after her organization spent time and dollars for EM, their conclusion was that they wished they never began. They felt strongly that money spent to provide face to face support was a much wiser investment, more certain to produce positive results.

In closing, I am in support of SCR 172 with the deletion of the Electronic Monitoring clauses, to be replaced with meaningful interventions, to include expanded work furlough programs and other services tailored to offenders' needs.

LORENN WALKER, J.D., M.P.H.

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Senator Will Espero, Chairperson
Senator Robert Bunda, Vice Chairperson
Thursday, April 8, 2010
1:40 p.m.
Room 229

SCR 172 REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY UP TO FIVE HUNDRED INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER AND BE MONITORED TWENTY-FOUR HOURS PER DAY, SEVEN DAYS A WEEK BY ELECTRONIC MEANS.

I STRONGLY SUPPORT this measure requesting that the Department of Public Safety (PSD) identify 500 incarcerated people who could participate in a day reporting center with electronic monitors 24 hours a day 7 days

The majority of people incarcerated in Hawai'i prisons by PSD are non-violent offenders who are minimum security and community custody. Obviously these people are good candidates for the intervention as suggested by this thoughtful resolution.

This measure would be an especially helpful intervention for parole violators who fail to meet the technical terms of their parole agreements, or who relapse, which people do not need to be held in prison at huge cost to the taxpayers.

The cost savings in prison housing overhead and in maintaining the institutions, along with the reduced recidivism rates, which are likely to result from this measure, would be significant. This is a resolution that PSD should readily support.

As a former deputy attorney general who represented state agencies including PSD I am well familiar with the liability costs of prison and the problems that occur and are commonplace in state institutions due to negligence. These liability risks would be avoided by not incarcerating people.

In addition, keeping people out of prison is an established way to prevent recidivism. Please see current research prepared for the State ICIS committee by Timothy Wong, concerning the dismal recidivism rates of the people PSD incarcerates compared to people on parole and people under court probation supervision, which are significantly less. If you need a copy of the PowerPoint presentation prepared for the ICIS, please let me know and we are happy to send you a copy. My contact information in below.

I am a long time criminal justice practitioner and researcher. Please see my website: www.lorennwalker.com for my current publications and for further review of my experiences and work.

Thank you for this opportunity to testify and for your hard work.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, April 8, 2010

Room 229

1:40 pm

SUPPORT FOR SCR 172 SD1/SR 75 SD1 – PSD information

April 6, 2010

Dear Chair Espero, Vice Chair Bunda, and members-

My name is Stacia Ohira and I am writing in full support of this resolution to start the process of better measures to incarceration. My thoughts and feelings on this measure is that it will alleviate the overcrowding of inmates currently in our system and currently being shipped out to Arizona. The EMF system or the Electronic Monitoring Furlough system is supposed to be set up for success. It also acts as an immediate alarm system that will alert the person supervising the said participants on this system. I think that it will provide a much closer watch even more so than parole or probation. This system will electronically notify the supervision person that the participant has gone out of range and immediate correction can begin. Unlike the penalizing methods currently in effect this method will give the participant a chance to report back to the happenings of the deviation. This system will save us tons of money because we won't need to incarcerate, feed, house, and medicate these individuals under the "Public Safety" department. If a few monitors were hired to monitor these said 500 individuals we would save tons of money because we would not have to build another prison or hire more corrections officers etc. A few good monitors would do a better job vs. how many people it would take to warehouse these 500 individuals. This is a win win situation no matter which way you look at it.

Thank you for your time and your efforts that you already do for our incarcerated individuals. Thank you for allowing me to share my input and my thoughts into this wonderful resolution.

Sincerely-

Stacia Ohira
(808) 250-3711

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Thursday, April 8, 2010
Room 229
1:40 pm
SUPPORT FOR SCR 172 SD1/SR 75 SD1

Dear Senator Espero, Vice Chair Bunda, and Committee Members:

I support SCR 172 SD1/SR 75 SD1 with enthusiasm.

Legislation of this nature is creative and what our state needs to decrease the number of inmates in our prisons. Shifting inmates to another facility is not cost effective because the same numbers of inmates are still being maintained.

Many of our inmates are nonviolent and we need to get them off our "payroll."
I encourage your committee favorable consideration of these resolutions as amended.

This is such a refreshing idea.

Mahalo and Aloha,

E. Funakoshi
455-9136