

HB 130

HD1

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Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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March 31, 2011

TO: The Honorable David Ige, Chair
Senate Committee on Ways and Means

FROM: Gladys C. Baisa
Council Member

**SUBJECT: HEARING OF APRIL 1, 2011; TESTIMONY IN SUPPORT OF HB 130 H.D. 1,
RELATING TO COMMUNITY REINTEGRATION**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure requires the Department of Public Safety to determine the number of women who are eligible for reintegration into the community and contract with providers of gender-responsive community services to assist women in successfully transitioning back into the community.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Our female imprisoned population rose by 89% from January 1, 2001 to June 30, 2008.
2. A classification study, commissioned by the Department of Public Safety, revealed that the majority of our incarcerated women are nonviolent (84%) and imprisoned for drugs or drug related crimes.
3. Almost half (48%) of our incarcerated women are classified as Community custody, which is defined by the department as "Individuals who are eligible to participate in community release programs such as work furlough, extended furlough or residential transitional living facilities".
4. Many of our incarcerated women have been having children since their teens. They need help navigating their way into the free world.
5. Community based gender responsive programs can help women chart a more positive course for their lives as well for the lives of their children.
6. Community based gender responsive programs provide structure, monitoring, and accountability and help women and girls develop the tools to lead responsible and fulfilling lives. They provide the solid foundation that is crucial when these women reenter the community by providing the necessary support through effective programming to address the woman's specific needs.

For the foregoing reasons, I support this measure.

GCB:amm

Action the Drug Policy
Group

A sister organization of the Drug Policy Forum of Hawai'i
PO Box 61233, Honolulu, HI 96839 ~ (808) 988-4386

Dedicated to safe, responsible, and effective drug policies since 1993

TO: Senate Committee on Ways and Means

FROM: Pamela Lichty, MPH
President

DATE: April 1, 2011, 9 a.m., room 211

RE: HB130, HD1 Relating to Community Reintegration– **IN SUPPORT**

Aloha Senators Ige, Kidani, and members of the Committee. My name is Pam Lichty and I'm testifying on behalf of the Drug Policy Action Group. We are in strong support of this measure.

We strongly support HB 130, HD 1 which would require PSD to determine the number of women who are eligible for reintegration into the community and contract with providers of gender responsive community services to assist women in successfully transitioning back into the community.

This bill makes sense on so many levels. It is fiscally sound, logical, and humane.

It has long been known that our female prison population, one of the fastest growing in the nation, is largely incarcerated for non-violent crimes or for drug-related crimes. Almost half of them are classified as "community custody" by the Department itself.

Transferring funding from corrections facilities to beds in community re-integration settings would help these women learn to reconnect with their families and communities and teach them to survive and thrive in the real world – with which they may have scant experience.

We thank you for hearing this measure today and urge you to pass it on to the full Senate with a strong recommendation. Mahalo for the opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai`i 96817

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



COMMITTEE ON WAYS & MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Friday, April 1, 2011

Room 211

9:00 a.m.

HB 130 HD1 - REINTEGRATION/REENTRY BEDS FOR WOMEN

STRONG SUPPORT

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chairs Ige, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and justice issues in Hawai`i for more than a decade. We respectfully offer our testimony always being mindful that Hawai`i has some 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, their ancestral lands.

HB 130 HD1 requires the Department of Public Safety to determine the number of women who are eligible for reintegration into the community and contract with providers of gender-responsive community services to assist women in successfully transitioning back into the community. The SD1 defected the date, which we hope you will change to a more reasonable date.

Community Alliance on Prisons is in strong support of this measure. Hawai`i has achieved the dubious distinction of having one of the fastest rising female incarcerated populations in the nation. Our female imprisoned population rose by 89% from January 1, 2001 (403) to June 30, 2008 (760).

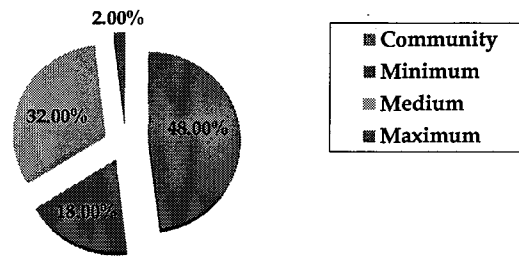
A classification study¹, commissioned by the Department of Public Safety, revealed that The majority of our incarcerated women are nonviolent (84%) and imprisoned for drugs or drug-related crimes. almost half (48%) of our incarcerated women are classified as Community custody, which is defined by the department² as *"Individuals who are eligible to participate in community release programs such as work furlough, extended furlough or residential transitional living facilities"*.

The following chart illustrates the findings of the Classification study.

¹ Classification - A Systematic Approach for Correctional Management, Camille Camp, Patricia Hardyman, Ph.D., Presentation to Hawai`i State Legislature, January 2008.

² Department of Public Safety 2008 Annual Report, Inmate Classification Office, page 18.

Female Incarcerated Population



Based on the female imprisoned population, as reported in the Department of Public Safety's 2008 Annual Report that means that 365 of our incarcerated women are community custody. If 250 of these women were deemed to pose no threat to public safety, wouldn't it be better to fund programs that more appropriately address their needs and help them transition into the community and reunify with their families especially their children?

If, as the department has testified, it costs \$137/day to incarcerate an individual in Hawai'i, it is costing taxpayers \$12,501,250 a year to incarcerate 250 women who should be in the community according to the department's own definition.

Transferring the money from corrections to community reintegration beds is a more sane way of treating women who break the law - address their needs appropriately and help them learn how to live more pro-social and fulfilling lives. Many of our incarcerated women have been having children since their teens. They need help navigating their way into the free world.

Community based gender responsive reintegration programs can help them chart a more positive course for their lives as well as the lives of their children.

Community-based gender responsive reintegration programs provide structure, monitoring and accountability and help women and girls develop the tools to lead responsible and fulfilling lives. They provide the solid foundation that is crucial when these women reenter the community by providing the necessary support through effective programming to address the woman's specific needs. These programs actually enhance public safety.

Especially since women's pathways to crime are different from the pathways of men, it is important that gender responsive reintegration community based programs be adequately funded to reduce recidivism. These programs more directly affect the needs of females in the criminal processing system. Creating a network of these programs can facilitate women's contact with their children and help the family reunify.

Since the data show that children of incarcerated parents are six to seven times more likely than other children to end up incarcerated themselves, this is an investment that will help future generations. Let's break the negative cycle of inter-generational incarceration.

We must get correctional costs under control. Since 2000, appropriations for the Department of Public Safety have increased from \$128M to \$243.7M in 2009, an increase of 90% during that timeframe. What we are doing is not sustainable.

Jurisdictions around the country are awakening to this realization as their correctional budgets soar along with their deficits. Many are repealing mandatory minimum sentencing, working on alternative sentencing, releasing nonviolent, low-level drug offenders to reduce their imprisoned populations the failed war on drugs has created.

We are proud that Hawai'i's leaders (Governor Abercrombie, Senate President Tsutsui, Speaker Say, Chief Justice Recktenwald, and Interim PSD Director Jodie Maesaka-Hirata) have submitted a letter to the Department of Justice asking to be considered for Justice Reinvestment Initiative³ technical assistance.

Senator Espero and Representative Hanohano, the former Chair of Public Safety in the House, are to be commended for setting the course for this to happen by submitting a letter requesting technical assistance from the Justice Reinvestment team in June of 2010.

Hawai'i's request is currently being vetted by the DOJ. Hawai'i's leaders have asked the justice reinvestment team to

1. analyze the prison population and spending in the communities to which people in prison often return;
2. provide policymakers with options to generate savings and increase public safety;
3. quantify savings and reinvest in select highstakes communities; and
4. measure the impact and enhance accountability

There are so many better, evidence-based and proven strategies that will save Hawai'i money and, more importantly, help those who have lost their way (and their families) find their place again in our communities.

Treat the Moms, Save the Children!

Mahalo for this opportunity to share our mana`o with the committee today.

³Justice Reinvestment: <http://www.justicereinvestment.org>.

Honorable Chair Ige, Vice Chair Kidani and Members of the Ways and Means Committee;

My name is Mervina Cash-Kaeo and I am the President/CEO of ALU LIKE, Inc. ALU LIKE, Inc. supports the concept behind HB400 and is the current Office of Hawaiian Affairs provider for social services to their beneficiaries.

In the 1989 session of the 15th Legislature of the State of Hawaii, Senate Concurrent Resolution #106, SD 1, requested that the Governor appoint a Task Force for Hawaiian Services to make finding and recommendations concerning the coordination of all public and private services available to Hawaiians. The Task Force was to provide by the convening of the regular legislative session of 1991, an inventory of current services and programs being provided; an assessment of the use and accessibility of current services and programs to Native Hawaiians and Hawaiians; An analysis of the quality of coordination of exiting services and programs; An identification of critical needs and requirements that need to be addressed through future services and programs; and Recommendations on improving accessibility, the quality of coordination, and the provision of future services and programs for currently unmet needs.

The following is a portion of the Hui Imi Task Force recommendations: 1) The providers awareness of cultural sensitivity being vital to the successful delivery of services; 2) Community-based services having a better chance of being culturally sensitive, since those who provide the services are likely to know their clients or at least be able to identify them; 3) Multi service centers be conveniently located to facilitate access to services; 4) Multi-service centers should offer several services in the same facility or approximate area; 5) A single point of access to Hawaiian and non-Hawaiian social services information and referral; 5) Educational Assistance and 6) Legal Assistance.

In addition, the Hui Imi Task Force identified several key roles for the Office of Hawaiian Affairs: 1) Advocate for the Hawaiian People; 2) Promote the coordination among Hawaiian Organizations; 3) Plan for the future of the Hawaiian Community; and 4) Propose, fund and monitor programs to fulfill the needs of the Hawaiian Community.

Funding from the Office of Hawaiian Affairs and the State of Hawai'i, has enhanced ALU LIKE's ability to provide culturally appropriate services for more than 19 years. Over these years, ALU LIKE has become the "go to" agency for Hawaiians to access Hawaiian and non-Hawaiian social services information and referral. Our statewide offices are conveniently located offering a wide range of in-house services including financial literacy, financial assistance, employment services, career and technical educational services, early childhood education, high-risk reduction services, Elderly services and Library services. The funding we receive from the Office of Hawaiian Affairs and the State of Hawaii is critical to helping us maintain, coordinate and support a "go to" point of access for the Hawaiian Community.

Thus, we ask for your support of HB400 and Thank you for this opportunity to express our support.

Mervina K. M. Cash-Kaeo
President/CEO, ALU LIKE, Inc.

Testimony for HB 273 "Relating To Tobacco"

March 29, 2011

My name is Mark Miyahira and I am a partner in SWAM (Shiroma's Wine and More) a locally owned small business. We sell fine wine, premium spirits, hand crafted beers and premium hand-rolled cigars. Although I am not opposed to taxes on "Large Cigars" I do believe the state is over charging on it. Over the past 5 years that we have been selling cigars I have noticed that a number of our customers have been turning to the internet for their cigar buying. Whether it be the economy or the rise in taxes 2 years ago, every cigar smoker that I have run into has bought over the internet. Below are a few examples of the difference in pricing that we deal with:

Example 1

Our wholesale price from Klafters:

Item No.	Description	Amount
02NXCA358	NUB CAM 3.75x58 (3 3/4 X 58) 24/Count	\$68.77

From Cigars International Web site:

358 Cameroon (3.7" x 58) ☆ BOX OF 24 In Stock ~~\$110.40~~ \$98.95

With Hawaii State Tobacco tax on Cigars (50% wholesale):
\$68.77 x .5 = \$34.39
Our profit (if the same) = \$30.18
Our selling price would be \$133.34

\$133.34 vs \$98.95

Example 2

Our wholesale price from Klafters:

02CNBLCO	COHIBA Black CORONA (5 1/2 X 42) 25/Count	\$162.52
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From JRsCigars Web site:

CORONA	Maduro 5.50 x 42 25	\$297.25	\$164.25
CDC3			

With Hawaii State Tobacco tax on Cigars (50% wholesale):
\$162.52 x .5 = \$81.26
Our profit (if the same) = \$1.73
Our selling price would be \$245.51

\$245.51 vs \$164.25

These examples are from large cigar retailers that rely (prey) on states that have a high tobacco tax and as a result use a very low profit margin or they buy in bulk to get a better price. Our retail margins are a little higher than what is on the examples and thus we and the state are at a big disadvantage to the internet sales.

As it stands, I believe there is a big number of premium *large cigars* that are **bought out of state** and as a result no tax collected.

Instead of the 50% wholesale tax, I would suggest a flat tax for *large cigars* similar to a pack of cigarettes of \$3.20 per 5 cigars. This would give the state a "per unit tax" as consumers trade down to the less expensive brands but would still collect the same amount of taxes throughout the spectrum. This would give us a \$16.25 tax per box (25 cigars per box) rather than the 0 tax collected from out of state sales.

Current	
Taxes 2010	
july	\$46,392.00
aug	\$117,319.00
sept	\$70,772.00
oct	\$141,150.00
nov	\$54,568.00
Dec	\$68,461.00
Ave	\$83,110.33 50% of wholesale
	\$166,220.67 in total boxes sold
	\$30.71 ave box cost
	5413 boxes sold in hawaii per month
0.197% per capita buying boxes	

Proposed:

\$3.20 per 5 large cigars or
\$16.25 per box (25)

Our revenue would be:

\$87,954.60

increase per store (30 outlets) which includes:

- Tamuras (4)
- R Fields (3)
- Fujiokas (2)
- South Pacific
- Tobac of Hawaii (2)
- Foodlands (10 selected)
- Island tobacco
- Sir Wilfreds
- Cigar Cigar
- Longs
- Safeway
- Mothers
- Times
- SWAM

Premium hand rolled brands include:

- Fuente
- Partigas
- Macanudo
- Sancho Panza
- Punch
- Hoyo de Monterey

Additional taxes collected

\$4,875.00

Total revenue

\$92,829.60

10 boxes each store = 300 boxes x \$16.25 per box

Bottom line increase

\$9,719.27 per month

\$116,631.23 per year

\$67.83

low-end cigar brands include:

- \$75.00
- \$58.00
- \$68.00
- \$60.00
- \$76.00
- \$70.00

\$21.44 Average

- \$28.73
- \$18.72
- \$30.86
- \$20.97
- \$13.55
- \$15.78

\$17.15 80%

\$13.57 20%

\$30.71 Average box cost

To give you an explanation of the chart:

Current:

This is the data provided by the state for the last 6 months of 2010

This is the only data that is available for Large Cigars

Prior to July 2010 all data was lumped into other tobacco products

Proposed:

Using the same tax of 1 pack cigarettes to 5 Large Cigar = \$3.20 per pack = \$0.64 per cigar

Ave Box Cost:

Traditionally 80% of the sales are done by 20% of the products

The top 20% of product movement is done on the lower end of the spectrum.

*Although the Proposed and Ave. Box Cost are hypothetical, I believe this is very close. Cigar Association of America and the International Premium Cigar & Pipe Retailers believe that 60-65% of premium cigar smokers order off of the internet or through catalog sales. I believe in Hawaii that number is low.

- Hawaii is the 6th highest taxed state on Large Cigars
- In Hawaii, you can't drive over a state line to get to another state to buy cigars.
- There are no native American lands in Hawaii that are sovereign and do not charge tax.

Therefore I believe that of the \$83,110 monthly taxes on Large Cigars, 20% is coming from the premium end. The \$16,622 that is generated by premium cigars equals to about 245 boxes that are reported to the State by retailers. This I believe is only 15% of the premium cigars being used in the entire state.

We could easily double that amount of taxes collected by **capping** the large cigar tax to \$.64 on a large cigar.

One of the questions is "Why give out of state retailers money that the local retailers could get?" and "Why not collect the state and general excise taxes on it?"

I believe there needs to be an amendment to this bill and deeper research needed to look at ways to get more, without hurting local small businesses.

Respectfully submitted,

Mark Miyahira

SWAM

Shiromas Wine and More

98-1277 Kaahumanu St 104

Aiea, Hawaii 96701

From: Hardy Spoehr [HSpoehr@papaolalokahi.org]
Sent: Thursday, March 31, 2011 7:24 AM
To: WAM Testimony
Subject: Testimony: HB 130, HD1

Testimony: HB 130, HD1, Relating to community reintegration

Friday, April 1, 2011
9:00 am
Conference Room 211
State Capitol

Papa Ola Lokahi strongly supports this legislation. Many, if not a majority, of the women in the correctional system are of Native Hawaiian ancestry. In most cases, these women are simply struggling to become productive citizens and a part of our island society. This legislation will greatly assist them to achieve their goals. Thank you for the opportunity to support this critical legislation.

Hardy Spoehr, Executive Director
Papa Ola Lokahi (Native Hawaiian health Board)
894 Queen Street
Honolulu, HI 96813
808-597-6550

Given by:

Jolene Molinaro

April 1, 2011

Conference Room 211

9:00 A.M.

Testimony in support for H.B. No 130

Good Morning Chair Ige, Vice Chair Lee and Committee members. My name is Jolene Molinaro and I am a student at UH Manoa in the MSW Program. I wish to give testimony in support of Bill H.B. 130 because I am concerned about the plight of incarcerated women and their children. As a non-violent ex-offender and as a woman, I am a member of a unique and diverse social group who faces its own issues. As many women have become responsible for the total support of their children and families, they are more susceptible now than ever to a variety of new problems. Some of these problems are addiction, crime, and incarceration, often combined with single parenthood. This is what has motivated me in my goal of becoming a Licensed Clinical Social Worker. But my reaching my goal and my education would not be possible without my good fortune of having a great family support network upon my release from prison after my second incarceration.

In 1995 I experienced a difficult divorce and custody battle which lead to major depression and addiction to meth amphetamines I had no family support and without health insurance I was unable to seek therapy services. As you know, this drug is extremely addictive and so I quickly headed down the path of my destruction. I was eventually arrested and charged with possession and promotion of a dangerous drug in the 3rd degree as well as for paraphernalia. During my incarceration I completed a drug treatment program inside the prison and was paroled after 2 1/2 years. However, I had no options for housing other than the area I had come from due to lack of an appropriate sponsor to parole to, so I chose to parole to a friend who I knew was using drugs. I had every intention to do well and I was excited about the possibilities of a new start, However, I was not prepared for the difficulties an ex-offender faces in reintegrating back into society such as obtaining employment and appropriate housing. which is necessary if you are to meet the conditions of parole and provide for yourself and your family. I also was not prepared for the stigmatism I experienced while searching for employment. It was a very stressful and emotional time for me. While I knew that I was the only person responsible for my situation, I could not help but wonder how women like me were supposed to "go forth and do well" from then on if we didn't at least have

the opportunity to do so.

I managed to stay clean even while I lived in a drug abusing household, but I could not find a job. I began to become discouraged, desperate and angry. Eventually I was eventually rearrested for theft. This mistake, made out of desperation, cost me my freedom, my children and it contributed to the stigma by making me a reoffender. I feel a strong post-prison support network would have helped prevent me from reoffending and it could benefit the hundreds of non-violent ex-offending women in Hawaii. If the women had access to professionals to assist with mental health, family reunification, housing assistance and employment support and educational opportunities I am positive the recidivism rate would drop significantly, saving the state the cost of housing reoffenders and parole violators. I know in my case I would not have re-offended if I had access to the support of professional helpers.

Thank you for this opportunity to testify in support of this bill.

Respectfully Submitted,
D. Jolene Molinaro

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PAGE 1

James Miyashiro

April 1, 2011

Conference Room 211

9:00 am

Testimony in Strong Support of H.B. 130

Good Afternoon Chair Ige, Vice Chair Kidani, and WAM. Committee Members.

I am offering my testimony in strong support of HB 130, as this bill holds significance not only to me, but the rest of society as well. This bill would benefit the state with its financial situation and the women who have earned the chance to reintegrate themselves back into society. Our current justice system contains blemishes, one in particular is the current policies regarding rehabilitation/reintegration of incarcerated individuals back into society. Though it is up to individuals to decide their fate, they need assistance from the state, nonprofit agencies, and individuals who are willing to help them to acclimate back into the world they are a part of. I have a couple of female friends who went through the justice system and were repeat offenders because they simply did not receive the help for a successful reintegration back into society. I see the same issues happening everywhere; where the state releases incarcerated men and women back from the prisons, and leave them to fend for themselves with little to no resources.

In the past, the state has focused more on waging a "war" on non-violent drug offenders by mandating harsher sentences, warehousing them instead of treating them and spending money on mainland prisons. What is more effective, keeping prisoners incarcerated where they are nothing more than a drain on society, or keeping them out by offering reintegration services in prison as well as community-based gender responsive programs which can offer the necessary resources?

Sincerely,

James Miyashiro

Committee: Ways and Means

Hearing Date/Time: Friday, April 1, 2011. 9:00 a.m.

Place: Room 211

Re: Support of H B. 130: Relating to Community Reintegration

Dear Chair Ige and Members of Ways and Means Committee:

My name is Tusi Iloilo and I'm an advocate of women who are incarcerated and I am **in support of H.B. 130**, reintegrating women who are incarcerated back into the community.

This bill is very important to me because the majority of incarcerated women are released into the community without the necessary skills for life's demands. This includes job training, education, parenting, budgeting, and basic social skills as many of these women are trying to overcome substance abuse issues. Reintegration is important for men and women transitioning from incarceration into the community. Currently the number of female incarcerations is increasing and the number of services for reintegration into society disproportionately favors men. So it's important for these services to be provided.

Please support HB 130 RELATING TO COMMUNITY REINTEGRATION

Thank you for this opportunity to testify.

Sincerely,

Tusi Iloilo

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 2:57 PM
To: WAM Testimony
Cc: tusi@hawaii.edu
Subject: Testimony for HB130 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB130

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Tusi Iloilo
Organization: Individual
Address:
Phone:
E-mail: tusi@hawaii.edu
Submitted on: 3/31/2011

Comments: