

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Gilbert Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Thursday, March 31, 2010

2:00 p.m.

Room 325

**SCR 137/HR 117 -ASSESS IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS
STRONG SUPPORT**

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

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HCR 137/HR 117 requests the Attorney General to assess the impact of diverting drug possession offenders from the criminal justice system to drug treatment programs on the criminal justice system, drug treatment resources, and public safety.

Community Alliance on Prisons is in strong support of this measure. The majority of individuals sentenced in Hawai'i are incarcerated for drugs or drug-related offenses.

In February 2010, the National Center on Addiction and Substance Abuse at Columbia University (CASA) released a comprehensive report on the cost and consequences of untreated substance abuse disorders in the nation's correctional system, entitled *Behind Bars II: Substance Abuse and America's Prison Population*¹. CASA describes the 144-page report as "the most exhaustive analysis ever undertaken to identify the extent to which alcohol and other drugs are implicated in the crimes and incarceration of America's prison population." The report is a follow-up to CASA's first analysis of the issue, *Behind Bars*, released over a decade ago.

¹ *Behind Bars II: Substance Abuse and America's Prison Population*, The National Center on Addiction and Substance Abuse at Columbia University (CASA), Lauren Duran and Sulaiman Beg, February 2010. <http://www.casacolumbia.org/absolutenm/templates/PressReleases.aspx?articleid=592&zoneid=79>

The report found that 65 % of all U.S. inmates meet medical criteria for substance abuse addiction; only 11% receive treatment.

The numbers for Hawai'i are slightly higher at about 85% of our incarcerated population needing some form of substance abuse treatment.

The report found that nationally drugs and alcohol are implicated in

- 78 percent of violent crimes;
- 83 percent of property crimes; and
- 77 percent of public order, immigration or weapon offenses; and probation/parole violations.

In Hawai'i, the prosecutor testified that substance abuse was involved in 70% of the crimes in Honolulu.

A May 2009 report entitled, *Shoveling up II: the Impact of Substance Abuse on Federal, State and Local Budgets*, released by the National Center on Addiction and Substance Abuse at Columbia University (CASA)² contained summaries of state spending on substance abuse and addiction in 2005. Here is what is listed for Hawai'i on page 99 of the report.

Total State Budget (2005) \$6,793 M ~ Population 1.3 M

- Elementary and Secondary Education \$1,552 M
- Substance Abuse and Addiction \$758 M
- Medicaid \$364 M
- Higher Education \$755 M
- Transportation \$704 M

How the Substance Abuse Dollar is spent

- Prevention – less than 1 cent
- Treatment – less than 1 cent
- Regulation/Compliance – less than 1 cent
- Burden to Public Programs - 99 cents

Who's Shouldering the Burden of Substance Abuse?

- Public Safety – less than 1%
- State Workforce - 1%
- Mental Health/Developmental Disabilities - 1%
- Child/Family Assistance - 9%
- Health - 17%
- Justice - 41%
- Education - 32%

² *Shoveling Up II: The Impact of Substance Abuse on Federal, State and Local Budgets*, National Center on Addiction and Substance Abuse at Columbia University (CASA), May 2009, page 99.

These numbers are a stark realization that Hawai'i has criminalized a public health problem and we are paying dearly for it. We are wondering why some people commit the same crimes over and over when we know that it is to feed their untreated, but treatable, substance abuse disorder. We know many individuals who have cycled through the system four or more times and it was only on their last time that they received treatment and/or reentry services. These folks have stayed out of the system for many years after they received the appropriate services. We know what to do.

Nevertheless, it would be great to have the AG's research department pull all the numbers together so we could see exactly how much money Hawai'i allocates and receives as grant monies to work on substance abuse treatment in the community and in the correctional system.

With real data we can then formulate a plan to increase more effective community-based treatment, reduce the imprisoned population, save money and increase community health and safety. Substance abuse treatment provided in the community is more cost-effective than imprisonment. Individuals with substance abuse histories compose a large portion of the prison population. Substance use/abuse plays a role in the commission of certain crimes. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes.

The data show that for every \$1 spent on drug treatment in the community, you save approximately \$18.³

Let's face the facts and the problem head-on. We have about 50% of the treatment slots we had a decade ago and a much larger identified problem. If we shift money from incarceration - criminal college - and put it into community programs that directly address individuals' pathways to crime, we would be solving much more than the crime problem.

It's time to be smart on crime. Treatment Works, Prisons Don't!

Mahalo for this opportunity to testify.

³ Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. **The comparative costs and benefits of programs to reduce crime.** Olympia: Washington State Institute for Public Policy.

A the Drug Policy *Action* 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: House Committee on Judiciary

FROM: Pamela Lichty, MPH
President

DATE: March 31, 2011, 2 p.m., room 325

RE: H.C.R. 137/HR 117 REQUESTING THE ATTORNEY GENERAL TO
ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION
OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG
TREATMENT PROGRAMS – IN SUPPORT

Aloha Representative Keith-Agaran 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.

In 2002 the Hawaii State Legislature passed ACT 161 that aimed to divert non-violent drug offenders into treatment in lieu of incarceration. Unfortunately there was no funding attached to that measure; the language was weakened in subsequent sessions and the law was never fully implemented.

Nonetheless the rationale for diversion programs is even stronger now than it was nine years ago. Many states, including Texas quite recently, have gone this route as fiscal crises have forced re-examination of state policies on drugs, incarceration and the **real** costs of such policies.

It is widely acknowledged that in Hawai'i, as in other states, the majority of our inmates have underlying substance abuse problems and/or have committed drug-related offenses. Sadly, contrary to popular opinion, the most of these offenders do not receive drug treatment while incarcerated, leading directly to high rates of recidivism. In addition, of course, diversion of these kinds of offenders would be highly cost effective for the state.

The one amendment we would make is to include criminologists and/or other policy researchers into the list of stakeholders with whom to consult. We urge this Committee to pass this bill on with a strong recommendation for passage. Mahalo for the opportunity to testify.

HAWAII SUBSTANCE ABUSE COALITION

For: HCR 137 / HR 117 REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS.

To: COMMITTEE ON JUDICIARY: Rep. Gilbert S.C. Keith-Agaran, Chair; Rep. Karl Rhoads, Vice Chair

Time: Thursday, March 31, 2011, 2:00 PM,

When: Conference Room 325

Good morning Chair Keith-Agaran, Vice Chair Rhoads 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 more than 20 non-profit treatment and prevention agencies.

HSAC supports HCR 137 / HR 117:

Advancements in treatment methodologies in recent years, especially in gender responsive criminality treatment, have proved to be very effective as well as exceptionally cost-effective. Treatment works and saves money not just in the long run, but also in the current year.

Especially because of the current economic situation, we must develop new solutions with change leaders who can help Hawaii transition into new proven services through diverting existing funds.

We appreciate the opportunity to testify and are available for questions.

KŪ ALOHA OLA MAU

For: HCR 137 / HR 117 REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS.

To: COMMITTEE ON JUDICIARY: Rep. Gilbert S.C. Keith-Agaran, Chair; Rep. Karl Rhoads, Vice Chair

Time: Thursday, March 31, 2011, 2:00 PM,

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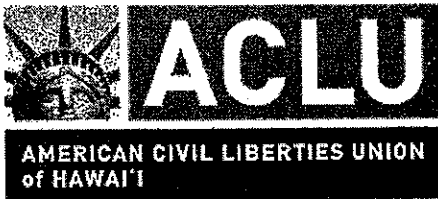
Good morning Chair Keith-Agaran, Vice Chair Rhoads and Distinguished Committee Members: My name is Lisa Cook. I am the executive director for Kū Aloha Ola Mau, a non-profit treatment agency that has served over 13,000 in Hawaii for addiction to opiates and other drugs.

KŪ ALOHA supports HCR 137 / HR 117:

Knowing what works and what does not is important in critical decisions surrounding drug offenders. . Incarceration without intervention does not change the course of addiction and criminality. Treatment provides an opportunity to for individuals to heal and re-integrate into society as healthy community members. Treatment not only keeps an offender from re-offending, but has positive long term effects. Treatment is targeted to address and correct these issues. The treatment community understands brain function, how offenders think and what needs to be changed and what interventions have been researched and proven to work.

Especially because of the current economic situation, we must develop solutions which are effective in the short and long term. These are solutions in which departments, public and private communities work in unison toward mutual positive outcomes.

Thank you for the opportunity to testify and are available for questions.



Committee: Committee on Judiciary
Hearing Date/Time: Thursday, March 31, 2011, 2:00 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Support of H.C.R. 137, H.R. 117

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.C.R. 137/ H.R. 117.

The budget for Hawaii's Department of Public Safety increased 87.5% from 2000-2009, and the number of inmates has skyrocketed over the last few decades. The ACLU of Hawaii encourages legislative actions that end punitive drug policies that cause widespread violations of constitutional and human rights as well as unprecedented levels of incarceration. In furtherance of that goal, we support legislation like H.C.R. 137/ H.R. 117 that seeks research-based information that can better inform our state's drug policies.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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the
**Drug Policy
Forum**
of hawaii

March 31, 2011

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To: Rep. Gilbert Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

RE: HCR 137/HR 117 Diverting Drug Possession Offenders
Hearing: March 31, 2011, 2:00 p.m., Room 325

Position: Support

The Drug Policy Forum of Hawai'i supports HCR 137/HR 117 which requests that the Attorney General conduct a study assessing the impact of diverting drug possession offenders from the criminal justice system to drug treatment programs.

DPFH supports this request for a study and also supports the policy of diverting people with drug abuse and addiction problems into treatment rather than the criminal justice system.

We strongly believe that appropriate treatment for drug offenders saves money over incarceration. Incarceration does not reduce recidivism and does not address addiction, but treatment does. It is an effective policy that has worked in other locations.

We encourage the passage of this measure and encourage the legislature to continue to pursue enacting a policy that encourages treatment over incarceration. Thank you for the opportunity to provide testimony.

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