

# **SB 44**

## **RELATING TO PUBLIC SAFETY.**

Requires the department of public safety to establish performance indicators for inmate reentry system.  
Requires reports, using key performance indicators, to be provided to the legislature.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

JODIE MAESAKA-HIRATA  
INTERIM DIRECTOR

Deputy Director  
Administration

Deputy Director  
Corrections

Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 44  
RELATING TO PUBLIC SAFETY**

by

Jodie F. Maesaka-Hirata, Interim Director  
Department of Public Safety

Senate Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair

Thursday, January 27, 2011, 2:45 PM  
State Capitol, Conference Room 224

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

The Department of Public Safety (PSD) appreciates the intent of collecting data and developing performance indicators regarding various functions as required by Senate Bill 44; however, PSD opposes this measure as written. Requiring the PSD to report on these performance indicators within 30 days of the last working day of the months of April, August, and December, would be repetitive because the length of time will not indicate significant change. If PSD were required to add another report to the Legislature, we would ask it only be required once a year since this measure as written will require additional resources PSD does not have. Currently, PSD is required to complete over twenty (20) reports annually to the legislature. Virtually, all of the information you request is contained in these reports. PSD requests the Legislature to consider consolidating these reports into one comprehensive report.

Thank you for this opportunity to testify and we ask that this bill be amended as requested.

NEIL ABERCROMBIE  
GOVERNOR



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

MAX OTANI  
ACTING CHAIR  
ROY W. REEBER  
MEMBER

GAIL MURANAKA  
MEMBER

TOMMY JOHNSON  
ADMINISTRATOR

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 44  
RELATING TO PUBLIC SAFETY**

**HAWAII PAROLING AUTHORITY**  
Max Otani, Acting Chair

Committee on Public Safety, Government Operations and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair

Thursday, January 27, 2011, 2:45p.m.  
State Capitol, Conference Room 224

Chair Espero, Vice Chair Kidani and Committee Members:

The Hawaii Paroling Authority appreciates the Legislature's interest in collecting various forms of data as required by Senate Bill 44.

However, it should be noted that the Department of Public Safety (PSD) is already required to provide approximately thirty (30) separate annual reports to the Legislature and/or the Department of Budget and Finance on a variety of issues, some of which contain a portion of the information required of Senate Bill 44. While, the Hawaii Paroling Authority does not speak for PSD, we would respectfully request that the Legislature consider reviewing the annual reports already provided by PSD to see if some of them can be collapsed into a single and more comprehensive report that fits the needs of the legislature, provides for a more efficient reporting system, and is not burdensome to PSD. As written, this measure requires the use of resources, which PSD simply does not currently have.

For example, the Variance Report, ACT 219 (Strategic Plan to Provide Services to Female Offenders Returning from the Mainland), HRS 367D-008 (Gender Responsive Community Based Programs for Women), ACT 100, Section 6 & 7 Session of Laws of Hawaii 1999 (Goals and Objectives), ACT 8, 2008 Special Session, Part 1, Section 7(c) (Return of Out-of-State Inmates), and 353G (Criminal Offender Treatment Act) all provide the legislature with at least some of the information required in SB 44. It may be more efficient and less arduous if these reports can be considered for consolidation and/or elimination in lieu of a single report.

It is also recommended that the Legislature seek the assistance of the Interagency Council on Intermediate Sanctions (ICIS) to review the extensive work that has already been done and continues with respect to reducing the adult offender recidivism rate. The ICIS should be able to provide the Legislature with detailed information regarding recidivism rates required in Section (a)(1) – Improving recidivism rates.

With respect to Section 2(c) (6) and (7) that directly impact the Hawaii Paroling Authority (HPA), this agency can comply with this measure as written. However, it is noted that the reasons provided and language used when notifying applicants of the parole board's decision regarding requests for reductions of minimum term(s) of imprisonment are very specific and contained in Hawaii Administrative Rules (HAR) (23-700-28 and 23-700-29). The parole board is not free to utilize other language and/or reasons not specifically in HAR when granting or denying an application.

Thank you for this opportunity to testify and we ask that this bill be held as PSD does not have the resources to comply with the requirements of Senate Bill 44.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/[kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, January 27, 2011

2:45 PM

Room 224

SB 44 -Rehabilitation, Reentry, Performance Indicators

**STRONG SUPPORT**

[PGMTestimony@capitol.hawaii.gov](mailto:PGMTestimony@capitol.hawaii.gov)

Aloha Chair Espero, 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 to improve conditions of confinement for our incarcerated individuals, enhance the 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.

SB 44 requires the department of public safety to establish performance indicators for inmate reentry system and requires reports, using key performance indicators, to be provided to the legislature.

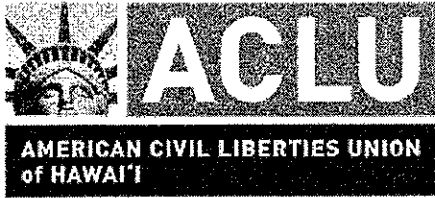
Community Alliance on Prisons is in strong support of this measure. Every business that wants to succeed sets some measurement or evaluation for positive outcomes. By tracking not just the programs, but the success rate of participants, it is easier to gauge success and facilitate improvements and course corrections can be thoughtfully planned using performance indicators.

A report from the Pew Center recommends developing performance measures that matter.

<http://www.pewcenteronthestates.org/uploadedFiles/GPP.PSPPFinal.pdf>

*Meaningful performance measures, including authentic outcome data, are helping state corrections managers and policy makers make better decisions.*

*A number of states have begun implementing the uniform performance measures developed by the Association of State Corrections Administrators (ASCA), which has standardized the definitions of key measures. Begun with just six states (Washington, Ohio, Iowa, Louisiana, South Carolina and*



Committee: Committee on Public Safety, Government Operations, and Military Affairs  
Hearing Date/Time: Thursday, January 27, 2011, 2:45 p.m.  
Place: Conference Room 224  
Re: Testimony of the ACLU of Hawaii in Support of S.B. 44,  
Relating to Public Safety

Dear Chair Espero and Members of the Committee on Public Safety, Government Operations, and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 44, Relating to Public Safety, which seeks to require the Department of Public Safety to establish performance indicators for inmate reentry.

Requiring performance indicators will help to ensure that the Department of Public Safety is held accountable for implementing and managing reentry programs, and will ultimately ensure that Hawaii's inmates are successfully reintegrated into the community. S.B. 44 will also help to ensure that our limited resources are being spent effectively and efficiently.

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,

Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
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E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
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the  
**Drug Policy  
Forum**  
of hawaii

January 27, 2011

To: Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair and  
Members of the Committee on Public Safety, Government Operations, and  
Military Affairs

From: Jeanne Ohta, Executive Director

Re: SB 44 Relating to Public Safety (Performance Indicators)  
Hearing: January 27, 2011, 2:45 p.m., Conf. Room 224

Position: STRONG SUPPORT

Good afternoon Chair Espero, Vice Chair Kidani and Members of the Committee, I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii testifying today in strong support of this measure.

SB 44 requires the Department of Public Safety to establish performance indicators for inmate reentry system and requires reports, using key performance indicators to be provided to the legislature.

Businesses measure performance against established goals to determine how well the business has done and if goals are not met, what needs to be changed to achieve those goals. In the same way, performance indicators will provide a basis to evaluate the progress of the Department of Public Safety in preparing individuals to reenter the community.

The concept is not to just track programs, but to measure the success rate of participants to determine if the programs are effective. It is also important for the legislature to know whether policy decisions have been effective and whether taxpayer money has been put to good use or not.

Performance indicators will assist in evaluating the efficacy of programs and will also assist in keeping the relevant agencies accountable for their performance.

We urge you to pass this measure out of committee. Thank you for allowing me to testify today.

**Board of Directors**  
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TESTIMONY

The Libertarian Party  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822

January 24, 2011

RE: SB 44 to be heard Thursday, January 27, 2011, in conference room 224.

To the members of the Senate Committee on Public Safety and Military Affairs

We support passage of SB 44 that requires a greater degree of accountability for programs aimed at successfully rehabilitating offenders. We are pleased to note the direction of efforts away from costly incarceration to hopefully more cost effective and less harmful programs. We note for the record that a more involved discussion on the underlying assumptions by which various acts have become criminal in nature might lead to still better results.

Sincerely:



Tracy Ryan  
Oahu County Chair  
The Libertarian Party of Hawaii

(808) 534-1846

tracyar@hawaiiantel.net



Public Safety, Government Operations and Military Affairs

Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair  
Thursday, January 27, 2011  
2:45Pm Room 224  
SB44  
Strong Support

Hello Chair Espero, Vice Chair Kidani and members of the committee,

My Name is Cathy Tilley and my son is an inmate at the Saguaro Correctional Facility in Eloy Arizona. I strongly support SB44 that requires the Department of Public Safety to establish performance indicators for inmate reentry systems using key performance indicators provided to the legislature. This would give everyone a much better idea of what is working and how to improve on the system. Reentry programs are so important to the success of the individual succeeding when back in the community that it is to everyone's best interest that the programs are working and that improvements are made where they are needed. Reentry is make it or break it for every inmate coming out of the system we have got to make sure the programs are working. If what we are doing is not wrking we need to know it and make changes

Sincerely,  
Cathy Tilley  
621 Pauku St  
Kailua, HI 96734

**Robert K. Merce**  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821  
January 25, 2011

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**COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, January 27, 2011

2:45 PM

Room 224

SB 44 – Rehabilitation, Reentry, Performance Indicators

**SUPPORT SB 44**

**PGMTestimony@capitol.hawaii.gov**

Dear Chair Espero, Vice Chair Kidani and Members of the Committee!

I am a retired member of the Hawaii State Bar. Before retiring, my practice included the representation of prison inmates on a wide array of issues. This made me aware of the many ways in which our justice system is failing inmates and the community, and since retiring I have decided to try to do something about it.

The performance indicators envisioned by SB 44 would provide valuable data for decision making by both public and private agencies and the legislature. Since programs in the social and behavioral sciences are clearly more effective and cost efficient when based on fact and data rather than assumptions or belief, SB 44 should lead to better decision making in an important area of public life, and therefore I fully support it. It is also consistent with the evidence-based approach to decision making that is now followed in the best medical centers where physicians rely on rigorously evaluated data to make clinical decisions.

I urge the members of this committee to support SB 44.

Thank you.

From: Emy Furusaki <[maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)>

Date: Tue, Jan 25, 2011 at 1:10 PM

Subject: SB 44, REHABILITATION, REENTRY, PERFORMANCE INDICATORS, REL TO

To: Kat Brady <[kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)>

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Michelle Kidani, Vice Chair

Thursday, Jan. 27, 2011

2:45 pm

Rm 224

SB 44 - Rehabilitation, Reentry, Performance Indicators

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

I STRONGLY SUPPORT SB 44. To have individual indicators will surely enhance the monitoring of the successes and failures, and help to come up with a comprehensive program to help those who sincerely have the desire to improve.

Mahalo and Aloha,

E. Funakoshi

455-9136

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Wednesday, January 26, 2011 7:02 PM  
To: PGM Testimony  
Cc: jadamesq@aol.com  
Subject: Testimony for SB44 on 1/27/2011 2:45:00 PM

Testimony for PGM 1/27/2011 2:45:00 PM SB44

Conference room: 224  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jo-Ann M. Adams, Esq.  
Organization: Individual  
Address: 411 Hobron Ln #801 Honolulu, HI 96815  
Phone: 808-528-2100  
E-mail: jadamesq@aol.com  
Submitted on: 1/26/2011

Comments:

SB 44 requires the department of public safety to establish performance indicators for inmate reentry system and requires reports, using key performance indicators, to be provided to the legislature.

I strongly support of this measure. Every business that wants to succeed sets some measurement or evaluation for positive outcomes. By tracking not just the programs, but the success rate of participants, it is easier to gauge success and facilitate improvements and course corrections can be thoughtfully planned using performance indicators.

Particularly since the Governor wants to bring all our prisoners home, we need to determine which facilities are most likely to have been successful in rehabilitating them so we can properly house them upon their return.

## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair  
Sen. Michelle Kidani, Vice Chair

Thursday, January 27, 2011  
2:45 PM  
Room 224

SB 44 –Rehabilitation, Reentry, Performance Indicators  
**STRONG SUPPORT**

Aloha Chair Espero, Vice Chair Kidani and Members of the Committee.

I am Ann Freed, representing the Women’s Coalition.

SB 44 requires the department of public safety to establish performance indicators for inmate reentry system and requires reports, using key performance indicators, to be provided to the legislature.

Since incarcerated women are in large measure convicted of non-violent crimes and poor women are incarcerated at a much higher rate than their more affluent sisters we have a particular interest in whether or not prison systems are effectively transitioning inmates into society. Is the goal of the prison system to rehabilitate or not?

Are the systems in place effective or not? We look forward to the passage of this legislation and the resulting reports.

Ann S. Freed  
Co-Chair Hawai'i Women's Coalition  
Mililani, HI

808-623-5676