



SCR 84 SD1
REQUESTING THE CONVENING OF A TASK FORCE
TO REPORT ON STRATEGIES AND RESOURCES TO
REDUCE RECIDIVISM AMONG NATIVE HAWAIIANS
House Committee on Hawaiian Affairs

April 21, 2011

9:30 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) offers the following comments on SCR 84 SD1, which requests the convening of a task force to report on strategies and resources to reduce recidivism among Native Hawaiians.

OHA's recent report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System," shows that the Native Hawaiians in the criminal justice system accumulate at each stage from arrest through parole. While Native Hawaiians are arrested at a comparable rate to other populations, Native Hawaiians are more likely to be incarcerated, have longer sentences, and more likely to have their parole revoked.

OHA appreciates the intent of this resolution. The publication of our criminal justice study has resulted in our building relationships and sharing data with various stakeholder groups, state agencies, academic partners and existing task forces. One such task force we are now participating with is the Interagency Council on Intermediate Sanctions (ICIS), whose vision is to reduce recidivism and prevent future victimization by adult offenders. We note that HCR 116 would be duplicative of ICIS and other similar efforts, and may not provide enough time to develop and implement effective proposals.

OHA's study shows that early intervention will decrease the need for incarceration and lighten the impact on the judiciary and other stakeholders in the criminal justice system. While a fair amount of attention is given to addressing recidivism, much less focus is provided to early intervention and diversion. A bill in our 2011 Legislative Package, SB 986 SD2 HD3, would create a task force that would fill this gap.

Mahalo for the opportunity to testify on this important measure.



The Judiciary, State of Hawaii

Testimony to the House Committee on Hawaiian Affairs

Representative Faye P. Hanohano, Chair

Representative Chris Lee, Vice Chair

Thursday, April 21, 2011, 09:30 a.m.

State Capitol, Conference Room 312

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Concurrent Resolution No. 84, S.D. 1, Requesting the Convening of a Task Force to Report on Strategies and Resources to Reduce Recidivism Among Native Hawaiians.

Purpose: Establishes a task force to produce a comprehensive report on strategies and resources needed to reduce recidivism among Native Hawaiians.

Judiciary's Position:

In September 2010, the Office of Hawaiian Affairs ("OHA") produced a report entitled "The Disparate Treatment of Native Hawaiians in the Criminal Justice System." In his introduction at the beginning of the report, OHA's Chief Executive Officer, Clyde Namu'o states that "[I]t is clear that when a Native Hawaiian person enters the criminal justice system, they serve more time in prison and more time on probation than other racial or ethnic groups. Native Hawaiians are also likely to have their parole revoked and be returned to prison compared to other racial or ethnic groups." He also states that the results and recommendations of this study are needed to initiate policy reform and systemic change for Hawai'i.

These are important issues that should be carefully reviewed. In its continued commitment to improving the judicial system, the Judiciary is open to participating in efforts to assess these issues through the process envisioned by this measure.

Thank you for the opportunity to testify on Senate Concurrent Resolution No. 84, S.D. 1.

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 HAWAIIAN AFFAIRS

Rep. Faye Hanohano, Chair

Rep. Chris Lee, Vice Chair

Thursday, April 21, 2011

Room 312

1:20 p.m.

SCR 84, SD1 – Task Force to Reduce Native Hawaiian Recidivism

SUPPORT

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

Aloha Chair Hanohano, Vice Chair Lee and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working 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, far from their ancestral lands.

SCR 84, SD1 requests the convening of a task force to report on strategies and resources to reduce recidivism among Native Hawaiians.

Community Alliance on Prisons supports this resolution with the assertion that the data already show what needs to be done.

Treatment Works, Prisons Don't!

We know that the majority of Hawai'i's incarcerated population are non-violent Native Hawaiian lawbreakers sentenced for drugs or drug-related crimes. Incarcerating drug offenders has proven to be expensive and ineffective compared to substance abuse treatment in the community, in some cases for every dollar spent on drug treatment, \$18 is saved in costs across the system¹.

Culturally-Competent Community-Based Programs are Proven to be Effective Economically & Socially

The Maui Economic Opportunity (MEO) BEST Reintegration Program held great promise for Native Hawaiians and all individuals reentering the community and reuniting with their loved ones until it was de-funded by the Lingle-Aiona administration. Culture and `ohana were at the core of everything they did. The staff became `ohana to those who had no family in Hawai'i. The BEST clients' halau performed at community functions, they worked alongside the community to restore lo'i, which ultimately helped in their own restoration. These are the strategies that ease an individual's transition to community life.

¹ 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.

BEST contracted for community-based services for their clients, they advocated for them at parole hearings, they helped connect them with employers. And it was always about being part of the community. And, in turn, the community of Maui was incredibly supportive of the program and its clients. They turned out in force for community discussions and picnics and workdays. This is what helps folks who have lost their way, find their way back to the community.

Yes, culturally-based community programming works. An evaluation done in May 2008² of MEO's BEST program found:

- BEST clients are less likely than non-participants to be arrested for a new crime or for a violation of their supervision conditions following release from prison.
- BEST participants avoid arrest and conviction longer than non-participants, thus staying in the community longer.
- BEST clients are less likely than non-participants to be convicted of a new crime following their release from prison.
- BEST saved money. *"The total cost-saving difference between BEST clients and the control group is a total of \$1,760,007. This translates into a per client cost difference of \$13,463."*

Table 16: Summary of Cost-Benefits for BEST Clients versus Control Group³

<u>Cost-Benefit Item</u>	<u>BEST Clients - Total</u>	<u>Control Group - Total</u>	<u>Difference</u>	<u>Cost Difference Per Client</u>
Incarceration	\$1,810,658	\$2,520,004	\$ 709,346	\$ 5,499
CJS (arrest > conviction)	\$1,702,255	\$2,712,599	\$1,010,344	\$ 7,832
Victimization Costs	\$ 54,957	\$ 95,274	\$ 40,317	\$ 313
Total	\$3,567,870	\$5,327,877	\$1,760,007	\$13,643

In summary, Community Alliance on Prisons supports the development of thoughtful and data-driven public policy based on science. The data⁴ is out there to support

- the restoration of judicial discretion by eliminating or reducing mandatory minimum sentencing, especially for drugs,
- investing in community-based alternatives to incarceration such as substance abuse and mental health treatment programs,
- increasing work furlough and early release programs and
- investing in a comprehensive reentry/reintegration system that assist individuals transitioning from incarceration to the community.

These are evidence-based strategies that reduce recidivism and will assist Native Hawaiians and other individuals exiting incarceration in successfully transitioning to the community.

Mahalo for this opportunity to share our thoughts.

² *Impact and Cost-Benefit Analysis of Hawai'i's Serious and Violent Offender Reentry Initiative: The BEST Program*, Brown, Marilyn, Davidson, Janet, Allen, Joseph, Tavares, Sherilyn, May 2008.

³ *Impact and Cost-Benefit Analysis of Hawai'i's Serious and Violent Offender Reentry Initiative: The BEST Program*, p.34.

⁴ *Smart Justice Research Paper*, Smart Justice Collective, Hawai'i, July 2010.

http://www.acluhawaii.org/downloads/SJRP_8_2010.pdf?PHPSESSID=02a270c5aba12293a2876a5eb58e31fd

SCR 84_SD1

THURSDAY, April 21, 2011

**2:45 p.m.
Room 224**

SCR 84 – TASK FORCE TO REDUCE CONTACT WITH CRIMINAL JUSTICE SYSTEM

SUPPORT

Please establish a task force to reduce Native Hawaiian contact with the criminal justice system.

My name is Carmael Kamealoha Stagner. I support SCR 84 in its spirit and its intent.

I ask the task force to please consider current and available data and statistics with such a short time for the convening of this committee, slated to ending 2013.

Please consider a furlough program in Hawaii focusing on the mainland inmate population who are currently within 24 months of final completion of their sentences and discharge from incarceration.

This group can be interviewed, evaluated and assigned to participate in programming that will allow the task force to test and measure re entry strategies.

I am writing in support of SCR 84 because as a former employee of the Department of Public Safety (PSD) from 2006-2010, I have seen Native Hawaiian inmates and their families shredded by the “IN”justice system.

While working as a clinical supervisor and temporary program manager in the PSD’s Correctional Programs Services Substance Abuse division, I have worked with staff members, interviewed inmates and reviewed several files of former and currently incarcerated inmates that support the findings of the Office of Hawaiian Affairs’ (OHA) Disparate Treatment of Native Hawaiians in the Justice System.

A forgotten group of Native Hawaiians are inmates currently trafficked by chattel to the dungeons of the Correctional Corporation of America (CCA). Most are classified by CCA as minimum security custodies, who have completed all their recommended programming, have had no institutional misconducts for the past six months, and will complete their sentences with no re-entry plan.

If held in Hawaii, these inmates are eligible for a custody level re-classification to

community custody, and eligible for re entry via furlough, according to PSD Correctional Policy 14.

However, contrary to what the PSD has erroneously published on their website (<http://hawaii.gov/psd/corrections/psd-comprehensive-offender-reentry-plan/ATTACHMENT%20C.pdf/view>) these inmates will instead “max out” with no re –entry plan, and complete their sentences with no vocational training that will aid with acquiring a living wage.

How then will a Native Hawaiian adult convicted of drug charges, with a mere GED, who can not read and write standard English, be expected to establish housing, acquire clothing, food, transportation, viable work skills, and maintain sobriety after criminal justice involvement and incarceration for a median of 10 years?

Native Hawaiian Mothers and Fathers are being released to the street with no re-entry plan. Moreover, the kupuna, makua and keiki are not well-equipped to receive and assist with this transition

We must work together to support our communities to support our Native Hawaiian inmates to reduce their risk of involvement in the criminal justice system.

Sincerely,

Carmael Kamealoha Stagner, MPsy, CSAC
45 563 Kukane Street
Kaneohe, Hawaii 97744
808 235 2217

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 18, 2011 9:20 PM
To: HAWtestimony
Cc: tad781@hawaii.rr.com
Subject: Testimony for SCR84 on 4/21/2011 9:30:00 AM

Testimony for HAW 4/21/2011 9:30:00 AM SCR84

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Jared Aiwohi
Organization: Individual
Address:
Phone:
E-mail: tad781@hawaii.rr.com
Submitted on: 4/18/2011

Comments:
I support this resolution.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 18, 2011 9:29 PM
To: HAWtestimony
Cc: olindaaiwohi@yahoo.com
Subject: Testimony for SCR84 on 4/21/2011 9:30:00 AM

Testimony for HAW 4/21/2011 9:30:00 AM SCR84

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Olinda Aiwahi
Organization: Paukukalo Hawaiian Homes Comm. Assoc.
Address:
Phone:
E-mail: olindaaiwohi@yahoo.com
Submitted on: 4/18/2011

Comments:

We are members of a native Hawaiian community and know the effects that are upon the Hawaiian people. Many of our neighbors have been incarcerated and even some of our family members and know only too well the bad effects prison life has on not just the individual but the family too. Maui had a wonderful program through MEO. It was the BEST program and my daughter worked in that program. She was so diligent in trying her best to make it work. The re-integration of inmates is so important. She would, on her own time, raise funds, ask for clothing, bikes, and food to help whom ever she could that was in the BEST program. Her heart was in saving whomever she could so that they would have a better chance in life. She know only too well that the majority of incarcerated were Hawaiians, and it seemed that the Hawaiians are never favored by the judges and are always given a harsher sentence than other prisoners. Prove in many of the articles found in the Maui News, where two people who committed almost the exact same crime were given different sentences. The Hawaiian always got the stiffer one. Why? I support this resolution because it would be a helpmeet to the many incarcerated who need help when they are released. Thank you