

SCR84, SD1

REQUESTING THE CONVENING OF A TASK FORCE TO REPORT ON STRATEGIES AND RESOURCES
TO REDUCE RECIDIVISM AMONG NATIVE HAWAIIANS.



The Judiciary, State of Hawaii

**Testimony to the Senate Committee on Public Safety, Government Operations, and
Military Affairs**

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Wednesday, April 13, 2011, 1:20 p.m.
State Capitol, Conference Room 224

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,



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Senate Committee on Public Safety, Government Operations, and Military Affairs

April 13, 2011

1:20 p.m.

Room 224

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 SCR84 SD1 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, would create a task force that would fill this gap. Therefore, OHA suggests amending the resolution to change the focus to diversion and early intervention in line with SB986.

Mahalo for the opportunity to testify on this important measure.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, April 13, 2011

Room 224

1:20 p.m.

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

SUPPORT

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

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 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 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 Hawaiians reentering the community and reuniting with their loved ones until it was de-funded by the Lingle-Aiona administration. Culture and `Ohana was 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

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.

functions, they worked alongside the community to restore lo`i, which ultimately helped in their own restoration.

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 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.

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

| <i>Cost-Benefit Item</i> | <i>BEST Clients - Total</i> | <i>Control Group - Total</i> | <i>Difference</i> | <i>Cost Difference Per Client</i> |
|---------------------------|-----------------------------|------------------------------|--------------------|-----------------------------------|
| 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,
- 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.

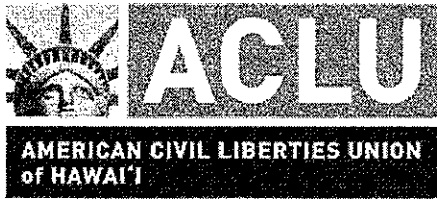
Mahalo for this opportunity to share our thoughts.

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/SIRP_8_2010.pdf?PHPSESSID=02a270c5aba12293a2876a5eb58e31fd



Committee: Committee on Public Safety, Government Operations and Military Affairs
Hearing Date/Time: Wednesday, April 13, 2011, 1:20 p.m.
Place: Room 224
Re: Testimony of the ACLU of Hawaii in Support of S.C.R. 84, SD 1

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.C.R. 84, SD1.

The ACLU of Hawaii supports every effort to reduce prison overcrowding and develop a comprehensive reentry system. The ACLU of Hawaii also supports efforts to address the disparate treatment of Hawaiians in the criminal justice system. In furtherance of those goals, we support legislation like S.C.R. 84, SD1 that seeks research-based information that can better inform our state's criminal justice 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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**SCR 84 REQUESTING THE CONVENING OF A TASK
FORCE TO REPORT ON STRATEGIES AND RESOURCES
TO REDUCE RECIDIVISM AMONG NATIVE HAWAIIANS**

Committee Meeting April 13, 2011 @ 1:20

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Michelle Kidani, Vice Chair

Aloha,

I am writing in support of SCR 84. As the President of Na Maka Walu, a nonprofit organization, which was able to pilot a cultural cognitive restructuring program aimed at reducing recidivism, I was able to meet with many of our incarcerated men and women. My experiences in Waiawa, Halawa, Hawaii Youth Correctional Facility (Ko'olau), TJ Mahoney's lets me know that there is a DISPARATE number of native Hawaiians in our prison system. The data speaks volumes.

It would be a good start to convene this task force to look for solutions to reduce the number of native Hawaiians who are in the PSD and justice systems. Being a teacher at Waianae Elementary I would like to remind the committee that this bill speaks of the incarcerated, but at the same time realize that the whole family is affected. Data shows that a child of an incarcerated adult will likely become a part of the system as well. I believe the problem is so large that this task force is necessary to address earlier intervention solutions, family interventions, data based interventions, and supports for those who are released from our prisons, as well as looking at improving the experiences of the men in prison so that our first time offenders don't become lifelong offenders...do they learn to be better criminals in our prisons?

I would also like to suggest that another 2 members be added to the task force and this would be so that the incarcerated population could have a voice. I believe that those who have been through the system would provide valuable insight as to what needs to be kept, changed, or added. Therefore one individual who has completed their sentence and one inmate, maybe a lifer? Realistically, if a boy enters the system at the age of 18 and serves a 20 year sentence, when he is released at the age of 38... what options or supports does he have so that he doesn't go right back to jail? Currently, after 20 years, that boy turned man is not equipped psychologically, emotionally, or education wise to be a self sufficient, contributing member of his community. It's no wonder they return to prison...the only environment they knew...talk about post traumatic stress!

In closing, I hope the committee can support this SCR 84, SD1 because it is imperative that data based strategies, and resources be developed and implemented to reduce recidivism among Native Hawaiians. It is crucial that we provide culturally based, community based, comprehensive reentry & reintegration systems that will provide supports to assist individuals & their families, transitioning from incarceration back to the community. This task force can bring together expertise, allow the different stakeholders to understand the issues from different eyes,

document, and implement, data driven strategies to reduce recidivism and improve lives. They could also be critical in educating lawmakers, policy makers, & the communities about the larger issues surrounding incarcerated individuals and their journeys back into the general population.

Mahalo for accepting my testimony, and I would love to volunteer to be a member of this task force.

Debbie Neuman: debneuman@hotmail.com: 808-277-7931

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Wednesday, April 13, 2011
1:20 pm
Conference Room 224
State Capitol

Testimony: SCR 84, Requesting the convening of a task force to report on strategies and resources to reduce recidivism among Native Hawaiians- OHA Task Force on 'Disproportionate representation'

Aloha Chair Espero, Vice Chair Kidani and Distinguished members. We are the leadership team that represents Imi Ke Ola Mau, a coalition of treatment providers dedicated to integrating Native Hawaiian practices into treatment for alcoholism, substance use disorders and related mental health challenges.

Imi Ke Ola Mau Supports SCR 84 with Recommendations

Imi Ke Ola Mau recommends that the Task Force includes a member of Imi Ke Ola Mau as we represent statewide treatment agencies that have developed expertise in providing treatment that are integrated with Native Hawaiian practices.

Imi Ke Ola Mau was formed in 2005 to promote the incorporation of indigenous cultural beliefs, practices and values which support the improvement of substance abuse and mental health services for Native Hawaiians, their families and communities. Research surrounding the efficacy of cultural programming has demonstrated conclusive results in reducing regressive behavior. As a public advocacy partner, the strategies and resources we advocate for are based on sound cultural components that we believe would contribute to health and resiliency in Native Hawaiian and justice affected clients.

We concur and strongly urge that the Office of Hawaiian Affairs convene a task force for the purpose of producing a comprehensive report on strategies and resources needed to reduce recidivism among Native Hawaiians.

We recommend that a 9 member task force which includes Office of Hawaiian Affairs, Attorney General, Public Safety Department, Adult Probation, Circuit Court Judge, a criminologist, a prosecutor, a member of the public and a public defender. There is a need to include public advocacy on the task force. This public voice would share community perspective, and work towards accountable solutions. At the behest of a number of community members Imi Ke ola Mau offers our participation as part of the task force.

We appreciate the opportunity to provide information and are available for questions, if needed.

Mahalo for your consideration in this urgent matter
Imi Ke Ola Mau Leadership Committee

Jackie Hong, LSW
Committee Facilitator
Imi Ke Ola Mau
Former Project Manager
Co-Occurring State Incentive Grant (COSIG)
Dept. of Health,
Adult Mental Health Division

Palama Lee, LCSW, QCSW
Director and Scholarship Alumnus,
Native Hawaiian Health Scholarship Program
Papa Ola Lokahi (Native Hawaiian Health Board)
Immediate Past Chair, American Indian, Alaska Native, Native Hawaiian Caucus of APHA
Community Ambassador, National Health Service Corps

Linda Rich, CSW
Executive Director
Salvation Army Family Treatment Services

Lisa Cook, ACSW, LSW
Executive Director
Ku Aloha Ola Mau

Edward Gomes
Regional Director
Hawaii Regional Center
National Meth Center

Imi Ke Ola Mau-Supporting providers in the development implementation and evaluation of culturally based programs through workshops, advocacy, training and consultation.

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, April 13, 2011

Room 224

1:20 p.m.

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

My name is Dina Lloyd and I am writing today in support of SCR 84, SD1-Task Force to Reduce Native Hawaiian Recidivism. This resolution is necessary in order to support prisoners in their quest for rehabilitation and stability when leaving our prison system. Let's start gathering our resources to lower Hawaii's recidivism rate. Recidivism is no good for the prisoner or for our community. Hawaii will benefit financially and our community will be strengthened as result of beginning this shift in our correctional procedures. Treatment is effective for long-term change. Continuing to have people back and forth in the prison system is a useless cycle that we should assist in breaking. Thank you for your time and consideration in this important step.

Sincerely,

Dina Lloyd, MSW, LSW

Honolulu, HI

Lloyd.dina@gmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 10, 2011 4:28 PM
To: PGM Testimony
Cc: shaglund@hotmail.com
Subject: Testimony for SCR84 on 4/13/2011 1:20:00 PM

Testimony for PGM 4/13/2011 1:20:00 PM SCR84

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Sue Haglund
Organization: Individual
Address:
Phone:
E-mail: shaglund@hotmail.com
Submitted on: 4/10/2011

Comments:
I support this resolution.