

SCR 6

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REINVEST FUNDS USED FOR INCARCERATION TO STRUCTURED COMMUNITY PLACEMENT PROGRAMS FOR ELIGIBLE NON-VIOLENT FEMALE OFFENDERS.

NEIL ABERCROMBIE
GOVERNOR



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

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DIRECTOR

MARTHA TORNEY
Deputy Director
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Corrections

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Law Enforcement

No. _____

TESTIMONY ON SENATE CONCURRENT RESOLUTION 6
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REINVEST FUNDS
USED FOR INCARCERATION TO STRUCTURED COMMUNITY PLACEMENT
PROGRAMS FOR ELIGIBLE NON-VIOLENT FEMALE OFFENDERS

by

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

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

Thursday, March 15, 2012, 2:50 PM
State Capitol, Conference Room 224

Chair Espero, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of Senate Concurrent Resolution 6 that seeks to reinvest the funds for incarceration to structured community placement programs for eligible non-violent female offenders. Any cost savings would only result from the reduction of inmates held in contract beds. Presently, there are no female inmates held in mainland correctional facilities, but 66 female jail inmates at the Federal Detention Center.

PSD currently has a contract with T.J. Mahoney & Associates, Ka Hale Hoala Hou No Na Wahine Residential Program that provides transitional beds for up to 30 female inmates. At present, there are 26 female inmates on work furlough status

who are participating in that program which is utilizing this bed space. On average, it takes female inmates a minimum of six months to complete the residential program.

Through grant-in-aid funds that T.J. Mahoney & Associates received for about year, female inmates were able to transition from the residential program to a structured community placement program. In order to transition, female inmates had to petition T.J. Mahoney & Associates staff to enter the structured community placement program upon completion of the residential program and demonstrate their readiness through program compliance and responsible living. The community placement program was a structured, comprehensive personal management system designed to guide inmates towards greater freedom and privileges through responsible action whereby the female inmates were placed on extended work furlough status and living in the community.

The residential program cost about \$100 per day, and the structured community placement program costs about \$50 per day. Due to the lack of funds, the female inmates do not currently have the option to transition from the residential to a structured community placement program. PSD would certainly consider the option for female inmates to transition from the resident to a structured community placement program; however, with any JRI funds, PSD will have to follow the procurement law (e.g. complete a Request for Information).

Thank you for the opportunity to provide testimony.



SCR6

**REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REINVEST FUNDS USED
FOR INCARCERATION TO STRUCTURED COMMUNITY PLACEMENT PROGRAMS FOR
ELIGIBLE NON-VIOLENT FEMALE OFFENDERS**

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

March 15, 2012

2:50 p.m.

Room 224

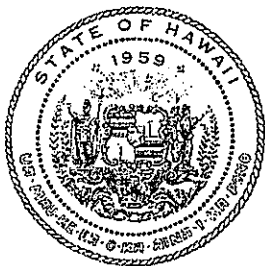
The Office of Hawaiian Affairs (OHA) **SUPPORTS** SCR6, which requests that the Department of Public Safety reinvest incarceration funding for community placement for non-violent female offenders.

OHA's 2010 report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System," and the recently completed study by the Justice Reinvestment Initiative indicate that there is a clear need for smart justice solutions like treatment and reentry.

T.J. Mahoneys is an OHA grantee and successfully provides these services for female offenders. Similarly, OHA funded a trauma informed care initiative to provide more effective supervision of pa`ahao. The success of these programs can only come with further support from agencies like PSD.

Mahalo for the opportunity to testify on this important measure. We urge your committee to PASS SCR6.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
ADRIENNE KING
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
CAROL ANNE PHILIPS

Executive Director
Catherine Betts, Esq.

Email:
DHS.HSCSW@hawaii.gov
Web:
www.hawaii.gov/dhs/women/
HSCSW

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 14, 2012

Testimony in Support of SCR 6

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

From: Catherine Betts, Esq., Executive Director, Hawaii State Commission on the
Status of Women

Re: Testimony in Support of SCR 6

On behalf of the Hawaii State Commission on the Status of Women, I would like to express my support of this resolution, which would request the Department of Public Safety to reinvest funds used for incarceration to community placement programs for non-violent female offenders.

The majority of our incarcerated females are non-violent offenders. As primary caretakers, many of our incarcerated women no longer have the option of remaining present in their children's lives. A national shift toward gender responsiveness in the criminal justice system has revealed that community placement is much more effective in assisting female offenders.¹ Many community placement programs are more culturally sensitive and gender specific. These approaches make a huge difference in the successful rehabilitation of female offenders and have a lasting effect on women and their families.

The Commission strongly supports this resolution and respectfully urges this Committee to pass it.

Thank you for this opportunity,

Catherine Betts, Esq.

¹ *Women Offender Transition and Reentry: Gender Responsive Approaches to Transitioning Women Offenders from Prison to the Community*, Judith Berman, Ph.D., Center for Effective Public Policy, National Institute of Corrections.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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



COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Michelle Kidani, Vice Chair

Thursday, March 15, 2012

2:50 p.m.

Room 224

STRONG SUPPORT FOR SCR 6 - COMMUNITY PLACEMENT FOR NON VIOLENT WOMEN

Aloha Chair Espero, Vice Chair Kidani 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.

SCR6 requests the Department of Public Safety to reinvest funds used for incarceration to structured community placement programs for eligible non-violent female offenders.

Community Alliance on Prisons is in strong support of this resolution. In 2006 the department contracted with a nationally renowned firm to reclassify all 6,000 inmates in Hawai'i. We have attached a one page sheet from their report showing that more than 50% of the women are nonviolent and community custody.

Since we know that more than 60% of the women are mothers and the primary caregivers of their children, it makes sense to place them at home with support and monitoring by an agency, such as TJ Mahoney (Ka Hale Ho'ala Hou No Na Wahine). This will save money - as community placement with support and monitoring costs approximately \$50/day as opposed to \$127-\$137/day for incarceration, but will strengthen families and help the women reunite with their children.

This is what the federal bureau of prisons is already doing with eligible non-violent individuals, finding that it is cost-effective thereby preserving precious resources for those that need more assistance.

This is a common sense plan and we urge the committee to encourage the department to adopt strategies like this that are more humane, less costly and promote successful community reintegration.

Mahalo for this opportunity to testify.

CURRENT AND PROJECTED JAIL POPULATION DISTRIBUTIONS BY CUSTODY AND GENDER

| <u>Custody Level</u> | <u>Female</u> | | <u>Male</u> | |
|----------------------|---------------|-----------|-------------|-----------|
| | Current | Projected | Current | Projected |
| Maximum | 2.3% | 1.3% | 8.1% | 2.5% |
| Medium | 57.2% | 26.5% | 43.9% | 40.4% |
| Minimum | 40.5% | 17.0% | 48.1% | 18.6% |
| Community | NA | 55.2% | NA | 38.5% |

CURRENT AND PROJECTED PRISON POPULATION DISTRIBUTIONS BY CUSTODY AND GENDER

| <u>Custody Level</u> | <u>Female</u> | | <u>Male</u> | |
|----------------------|---------------|-----------|-------------|-----------|
| | Current | Projected | Current | Projected |
| Maximum | 3.8% | 2.4% | 16.9% | 10.0% |
| Medium | 33.5% | 31.6% | 43.1% | 35.7% |
| Minimum | 25.9% | 18.2% | 21.1% | 31.4% |
| Community | 36.8% | 47.8% | 18.8% | 23.0% |

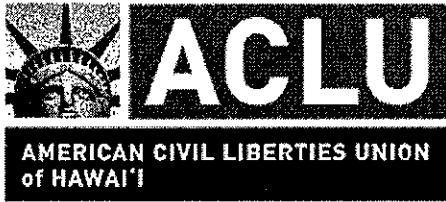
NON-VIOLENT SENTENCED JAIL INMATES BY CUSTODY AND GENDER

| <u>Custody Level</u> | <u>Female</u> | | <u>Male</u> | |
|----------------------|---------------|-----------|-------------|-----------|
| | Current | Projected | Current | Projected |
| Maximum | 1.5% | 1.5% | 2.6% | 1.3% |
| Medium | 36.1% | 24.8% | 32.9% | 34.8% |
| Minimum | 62.4% | 20.3% | 64.5% | 25.2% |
| Community | NA | 53.4% | NA | 38.7% |

NON-VIOLENT SENTENCED PRISON INMATES BY CUSTODY AND GENDER

| <u>Custody Level</u> | <u>Female</u> | | <u>Male</u> | |
|----------------------|---------------|-----------|-------------|-----------|
| | Current | Projected | Current | Projected |
| Maximum | 3.2% | 1.9% | 7.9% | 4.7% |
| Medium | 30.3% | 29.4% | 44.7% | 29.3% |
| Minimum | 27.6% | 18.7% | 28.7% | 39.3% |
| Community | 38.9% | 50.0% | 18.8% | 26.7% |

This information is from the Preliminary Report "Classification – Systematic Approach to Sound Correctional Management" by the Criminal Justice Institute, Inc. - Consultants hired by the Hawai'i Department of Public Safety and presented to the 2008 Hawai'i State Legislature



Committee: Committee on Public Safety, Government Operations, and Military Affairs
Hearing Date/Time: Thursday, March 15, 2012, 2:50 p.m.
Place: Room 224
Re: Testimony of the ACLU of Hawaii in Support of S.C.R. 6

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. 6. The ACLU of Hawaii supports every effort to reduce overincarceration, including S.C.R. 6, which seeks to place low-risk offenders into community programs that will help them to successfully transition back into the community. In general, community placement, reentry and furlough programs are far more cost-effective – and far more effective at reducing recidivism – than incarceration, and they deserve the Legislature’s full support. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members.

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 Temple
Staff Attorney

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



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

March 15, 2012

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 Y. Ohta, Executive Director

RE: SCR 6 Requesting the Department of Public Safety to Reinvest Funds used for Incarceration to Structured Community Placement Programs for Eligible Non-Violent Female Offenders
HEARING: March 15, 2012, 2:50 p.m., Room 224

POSITION: SUPPORT

The Drug Policy Forum of Hawai'i writes in support of this measure.

The vast majority of women are convicted for non-violent drug or drug-related offenses. We believe that their needs would be better served by community-based programs rather than incarceration. Community-based programs are less expensive than incarceration and provide an opportunity for offenders to address their pathways to crime and drug use. These programs also allow more successful transitions back into the community.

The Justice Policy Institute released a briefing paper in 2008, "Substance Abuse Treatment and Public Safety." The report finds that "community-based drug treatment programs have been shown to reduce the chance that a person will become involved in the criminal justice system after release from prison." Community-based programs reduce incarceration rates, reduce incarceration costs, and improve public safety by reducing crime.

These types of programs have the potential to provide women with adequate housing, community supervision, medical care, drug treatment, reintegration programs, employment training and transitional services. In addition, they will help establish much needed community beds for treatment; will help reduce recidivism; and will facilitate and improve family relationships.

We respectfully request that you pass this measure.



HAWAII SUBSTANCE ABUSE COALITION

SCR 6 Requesting the Department of Public Safety to reinvest funds used for incarceration to structured community placement programs for eligible non-violent female offenders

SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

Senator Will Espero, Chair; Senator Michelle Kidani, Vice Chair

- Thursday, March 15, 2012, 2:50 p.m.
- Conference Room 224

HSAC Supports SCR 6:

*Good Morning Chair Espero, Vice Chair Kidani, And Distinguished Committee Members.
My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, a hui of about 20
treatment and prevention agencies across the State.*

What has been the overall result?

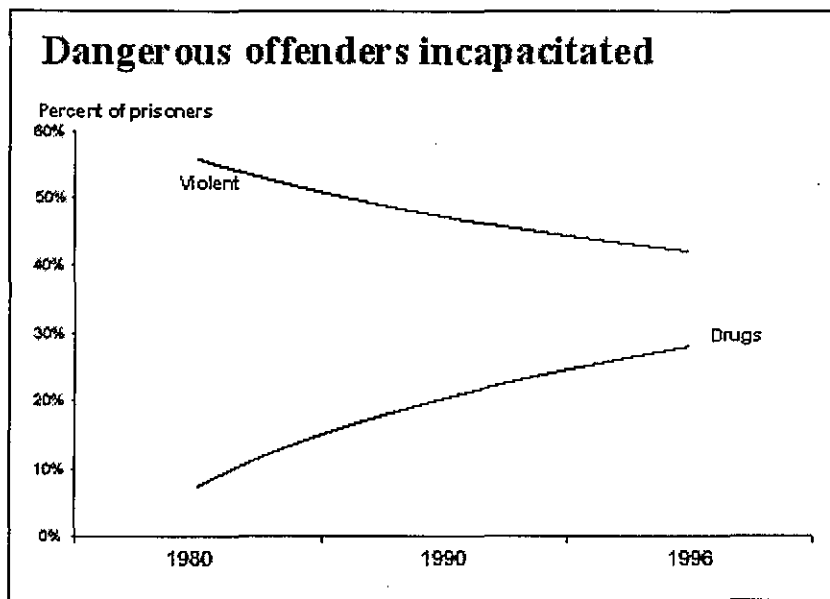
- ✚ Prisons have grown substantially over the last 25 years.
- ✚ Prisons are extremely expensive.
- ✚ 200% increase over the last 10 years only reduced violent crime by 9%.
- ✚ The huge increase is for non-violent drug addicts had little or no effect on drug dealing or use.
- ✚ Increasing the length of sentences for drug offenders costs an additional \$1.5 billion a year nationwide, with no reduction in drug crimes.
- ✚ Mandatory sentencing has led to greater racial disparity.

What works According to Research

- ✚ Use mandatory sentencing only for violent crimes, not non-violent drug addicts.
- ✚ Give discretionary decision making to probation/parole who could release "reformed" offenders
- ✚ Improve upon the numerous inefficiencies between agencies.
- ✚ Reduce long sentences for non-violent drug offenders and divert to treatment.
- ✚ Use competent assessment protocols to determine safety risk and relate it to sentencing
- ✚ Employ best practices to integrate Public Safety, Judiciary and community-based programs.

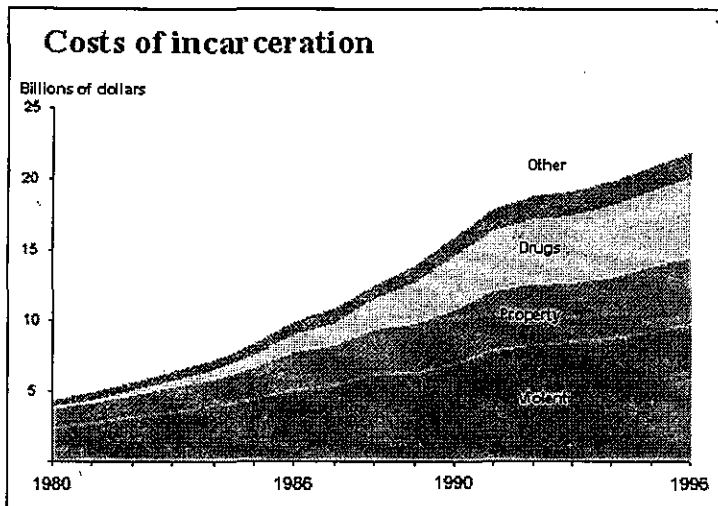
The vast majority offenders who are properly treated by supervision and community professionals are no longer committing drug related crimes.

Prisons are Full Due to Non-Violent Drug Offenders



Most incarcerated drug offenders are not violent offenders:

- ⚠ 85% of drug offenders have no history of prior incarceration for violent crimes;
- ⚠ 33% of drug offenders are incarcerated for possession, use, or miscellaneous drug crimes;
- ⚠ 40% of federal drug offenders have no current or prior violence on their records.



As the above chart shows, more than half the cost of incarceration, which has increased dramatically since 1980, is a result of keeping non-violent offenders in prison.

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

Sources:

1. William J. Sabol: Crime Control and Common Sense Assumptions Underlying the Expansion of the Prison Population, Urban Institute: May 1999. <http://www.urban.org/url.cfm?ID=410405>

From: mariya [mariyangel@aol.com]
Sent: Wednesday, March 14, 2012 12:56 PM
To: PGM Testimony
Subject: Re: scr 6

COMMITTEE ON PUBLIC SAFETY, GOVERNMENTS OPERATIONS AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair
Thursday, March 15, 2011
2:50 p.m.
Room 224

STRONG SUPPORT for SCR 6 -

RE: SCR 6 for the investment of PSD funds into rehousing for non-violent women inmates

I cannot think of too many other bang for the buck solutions to the Justice Reinvestment problems we're attempting to come to resolution with in Hawaii.

I have been in the field of substance abuse counseling and treatment for the past 30 years and am appauled at the lack of understanding and funding toward rehabilitation of the inmate who is 1st an addict and 2nd has engaged in criminal activities to obtain the drug which they need in order to keep from harming themselves further or another person for that matter. Not all addicts are violent criminals. Women in general are not the perpertrators of violence.

This will save money – as community placement with support and monitoring costs approximately \$50/day as opposed to \$127-\$137/day for incarceration and will also strengthen families and help the women reunite with their children. Since this has already been working with the Federal Prison System there seems no reason why it couldn't or shouldn't be adopted by the State Dept. of Public Safety. It could also financially assist our State of Hawaii PSD by utilizing the savings for the various needs it has.

Please vote a'e on this bill.

Respectfully submitted,

Mariya L. Dones, NCACII, CSAC, SAP
Substance Abuse Professional

****CONFIDENTIALITY NOTICE****
PROHIBITED**

****DISCLOSURE IS**

The information being disclosed to you from records protected by Federal 42 CFR Part 2, and 45 CFR Parts 160 and 164, HIPAA, and/or State (HRS 334-5) confidentiality rules. The Federal rules and State law prohibits you from making further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person whom it pertains or as otherwise permitted by 42 CFR Part 2, 45 CFR Parts 160 and 164, HRS 325-101 and/or HRS 344-5. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 3:30 PM
To: PGM Testimony
Cc: inunyabus@gmail.com
Subject: Testimony for SCR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SCR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: E. Dunbar
Organization: Individual
E-mail: inunyabus@gmail.com
Submitted on: 3/12/2012

Comments:
This is a good bill.
Please pass it.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 2:27 PM
To: PGM Testimony
Cc: ewelsh@metcalconstruction.com
Subject: Testimony for SCR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SCR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Erin Welsh
Organization: Individual
E-mail: ewelsh@metcalconstruction.com
Submitted on: 3/13/2012

Comments:

I am in strong support of this plan. This saves money and reunites families. I have adopted my 6 year old granddaughter because her parents were put away for years for drug offences. She cries for them every day. For one-half the cost, they can be with her, serving their community and getting better, so as to stay out of jail in the future. A no-brainer. Please pass this bill. Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 10:24 PM
To: PGM Testimony
Cc: evernw@aol.com
Subject: Testimony for SCR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SCR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Evern E Willilams
Organization: Individual
E-mail: evernw@aol.com
Submitted on: 3/13/2012

Comments:

This deserves your full support. It saves money and is a humane and sensible way to handle our women prisoners.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 2:19 AM
To: PGM Testimony
Cc: ohanahoopakele@gmail.com
Subject: Testimony for SCR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SCR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Ronald S. Fujiyoshi
Organization: Individual
E-mail: ohanahoopakele@gmail.com
Submitted on: 3/14/2012

Comments:

I have had the privilege of listening to the presentation of the creative writing class of women pa`ahao from Waiawa under Warden Kawika Patterson. They were very impressive. I am sure all of them would want us to support this resolution!

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 9:01 AM
To: PGM Testimony
Cc: jbsestak@prodigy.net
Subject: Testimony for SCR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SCR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Betty Sestak
Organization: AAUW Windward Branch
E-mail: jbsestak@prodigy.net
Submitted on: 3/14/2012

Comments:
Seems like common sense and also saves money.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 12:17 PM
To: PGM Testimony
Cc: jeraul.pladera@mpd.net
Subject: Testimony for SR6 on 3/15/2012 2:50:00 PM

Testimony for PGM 3/15/2012 2:50:00 PM SR6

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Jeraul S. Pladera
Organization: Individual
E-mail: jeraul.pladera@mpd.net
Submitted on: 3/14/2012

Comments:

I support this resolution as a way to bring to light the exemplary service that women in the armed forces have given to the United States of America.