



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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TESTIMONY ON HOUSE BILL (HB) 2363, HOUSE DRAFT (HD) 1  
RELATING TO  
PUBLIC SAFETY

by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, February 13, 2014; 2:00 p.m.  
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 2363, HD 1 which establishes a two-year reentry pilot project within PSD for the provision of a coordinated system of reentry treatment and support services to assist non-violent, low-risk male and female drug offenders in transitioning to the community from jail or prison.

PSD agrees that the amendments made in HD1 helps clarify the intended participants in the pilot project, the intended role of PSD, and the intended services to be provided. Having inmates prepared for release into the community will provide offenders a better opportunity for success, thereby increasing public safety. This bill as written, will allow PSD to provide reentry services to offenders, other than the sentenced felon population. Many jail detainees are in need of similar services to those that were

sentenced to prison, and without such services, will often recidivate and return to incarceration.

Thank you for the opportunity to present this testimony.



HAWAII SUBSTANCE ABUSE COALITION

## **HB2363 HD1: Reentry Pilot Project for Nonviolent, Low-Risk Drug Offenders**

HOUSE COMMITTEE ON JUDICIARY: Representative Karl Rhoads, Chair; Representative Sharon E. Har, Vice Chair

- Thursday, February 13, 2014 at 2:00 p.m.
- Conference Room 325

## **HSAC Supports HB2363 HD1:**

*Good Morning Chair Rhoads; Vice Chair Har; And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than twenty treatment and prevention agencies across the State.*

**The Hawaii Substance Abuse Coalition fully supports funding a two-year pilot project to demonstrate the cost effectiveness of providing structured reentry for nonviolent, low risk drug offenders from incarceration into a coordinated system of community-based treatment programs and reentry support services.**

The purpose of HB2363 HD1 is to break the cycle of recidivism by providing community-based treatment including wrap around services that meets the holistic needs of the offender spanning the gamut of substance use disorder treatment, mental health services, vocational rehabilitation, physical medical treatment, family reunification, case management support, parenting skills, domestic violence or anger management, and effective supervision.

This pilot will demonstrate that using modern science to provide community-based services in a more effective way can reduce recidivism, reduce Hawai'i's prison population as well as reduce the cost of incarceration.

A network of key resources must be tailored to fit the needs of the offender and should target factors that impact criminal behavior. The treatment plan and correctional supervision monitoring can develop a continuity of care for drug abusers that is effective for them to reenter community. A balance of rewards and sanctions can encourage pro-social behaviors and treatment participation. Co-occurring drug abuse and mental health problems require an integrated approach including medications that are a most important part of treatment. Treatment for offenders reentering the community should include strategies to prevent and treat serious, chronic medical conditions, especially HIV/AIDS, hepatitis B and C and tuberculosis.

**Through a partner network, treatment providers and supervision can help non-violent, drug abusing offenders to effectively integrate back into their communities in a way that is healing and productive to themselves, family members and others.**

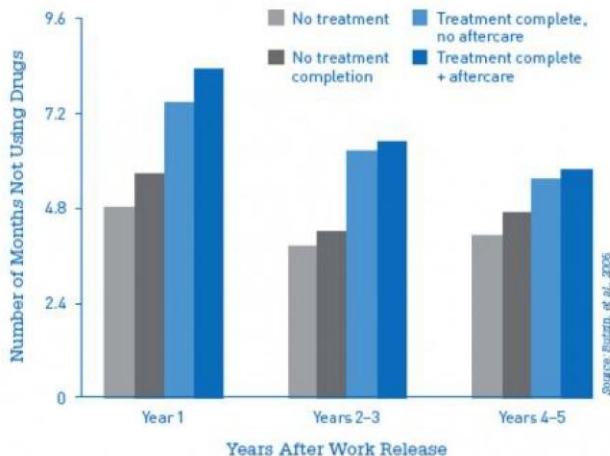
**Outcomes will be improved by cross-agency coordination and collaboration among treatment providers, criminal justice professionals, and various other social service agencies.**

Offenders need support because they generally have family difficulties, limited social skills, mental health disorders, educational and employment problems, infectious diseases, and other medical issues. Because stress is a contributing factor to relapse, offenders re-entering the community often need help when facing their many challenges and stressors such as re-uniting with family members, obtaining housing, and complying with supervision requirements. Stressors can even include daily decisions especially considering that they recently were released from a highly controlled prison environment.

Offenders must be guided to avoid or cope with environments associated with drug use, which can trigger cravings and cause relapse. Offenders need help to deal with situations such as a loss of support from family, or encountering past acquaintances who are still involved in drug or criminal activity. Because engaging in old activities that were once associated with drug activity can trigger strong cravings and cause a relapse, a coordinated approach of key resources is the best way to intervene to any threats to successful recovery as well as provide the skills to avoid or cope with situations that could lead to relapse.

**Recovery from drug addiction requires effective treatment, followed by management of the problem over time.**

The best treatment is to match evidenced-based interventions to individual needs at each stage of recovery development. Cognitive-behavioral therapy, positive and negative reinforcements to effect behavior change and motivational enhancements can improve recovery success. Community care after release is critical for reducing relapse and recidivism. The period surrounding release from prison is a critical time for offenders, for them to realize the potential for a drug-free and crime-free life in the community.



Case management and referrals to other medical, psychological, and social services are crucial components for offender treatment. Research demonstrates that providing treatment to individuals involved in the criminal justice system decreases future drug use and criminal behavior while improving social functioning. Blending the functions of criminal justice supervision with drug abuse treatment and support optimally serves both public health and public safety concerns.

**Public safety is preserved through careful initial screening and continuing monitoring of participants in the project as they live in the community.**

NIDA's Principles of Drug Abuse Treatment for Criminal Justice Populations

Ongoing and comprehensive assessments are needed during reentry to determine the nature and extent of an individual's drug problems, establish whether problems exist in other areas that may affect recovery, and enable the formulation of an appropriate treatment plan. Personality disorders and other mental health problems are prevalent in offender populations; therefore, comprehensive assessments should include ongoing mental health evaluations with treatment planning for these problems.

In general, drug treatment should address issues of motivation, problem solving, and skill-building for resisting drug use and criminal behavior. Lessons aimed at supplanting drug use and criminal activities with constructive activities and at understanding the consequences of one's behavior are also important. Tailored treatment interventions can facilitate the development of healthy interpersonal relationships and improve the participant's ability to interact with family, peers, and others in the community. Ongoing assessments are needed because offenders' needs change during re-entry especially housing, child care, medical, psychiatric, and the need for social support services including vocational and employment assistance. Offenders need help and guidance to practice interpersonal relationships as they develop a drug-free peer support network so that they can learn how to live drug-free in their community.

**In any case, treatment is needed to provide the skills necessary to avoid or cope with situations that could lead to relapse. Research also reveals that with effective drug abuse treatment, individuals can overcome persistent drug effects and lead healthy, productive lives.**

We appreciate the opportunity to provide testimony and are available for questions.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Thursday, February 13, 2014

2:00 p.m.

Room 325

## SUPPORT - HB 2363 HD1 - Reentry Pilot Project For Nonviolent, Low-Risk Drug Offenders

Aloha Chair Rhoads, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of 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 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i 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.

HB 2363 HD1 provides systematic reentry programming for nonviolent, low-risk drug offenders by establishing the Reentry Pilot Project for Nonviolent, Low-risk Drug Offenders. Effective July 1, 2020, and repealed on June 30, 2016.

Community Alliance on Prisons supports creating a robust statewide reentry system where a diverse network of community-based programs provide the services needed by individuals exiting incarceration. This bill is a good start *if* it is funded appropriately.

Reentry is the weak link in the system. People exit without skills and without the proper tools to help them successfully transition from being dependent on the system for basic needs to living independently and successfully in the community....working, paying rent, etc.

In a speech at the Hope in Hawai'i conference in August 2011 Ted Sakai said:

*"Do not forget that reentry is a process. It is not a program. At its best, the correctional system guides the offender through a series of experiences which we believe will help them develop the behaviors that will help them stay out of trouble after they return to the community at large. We structure these experiences through programs. Each program is part of the process. The process only works if we have the right programs in the right place."*

We respectfully ask the committee to support bills that call for funding prison and jail programs. Ted is correct, reentry is a process. Reentry planning must start the day someone enters a facility since more than 95% of incarcerated persons will be returning to their communities some day. How do we want people to return?

At that same conference, Ted also made another statement that really resonated with us. He said,

*“Reentry is not rocket science. Actually, it’s harder, and the stakes are higher.”*

Truer words could not be spoken! Humans are complex beings. NASA can replace parts that aren’t working, not so much with human beings. That is why we need a diverse array of community-based programs to address the needs of the people exiting incarceration and the communities receiving their people who are coming home. And, as Ted reminded everyone at the conference:

*“You have to patient, and you have to be realistic, and you have to keep on trying”.*

Anyone who has raised kids, or worked on a farm or at the Humane Society or anyplace that would take a bucketful of patience every day knows that you have to keep trying. Most incarcerated people want to change their ways. They need help getting there and that is what programs that are strength-based do. They work with people’s assets instead of focusing on their deficits.

Community Alliance on Prisons understands that no one agency can do it alone. There needs to be collaboration with state and county agencies as well as with community agencies. The community component is absolutely essential to successful reentry. The government must be open to hearing all voices, even those they don’t like. Sometimes it is those voices that see issues from a different perspective that can help shape a more holistic vision for reentry. Everyone’s voice is important.

Community opinion is changing as a March 2012 Pew Public Opinion on Sentencing and Corrections Policy in America reported:

- American voters believe **too many people are in prison** and the **nation spends too much** on imprisonment.
- Voters **overwhelmingly support a variety of policy changes that shift non-violent offenders from prison to more effective, less expensive alternatives.**

This bill is a great jump start for the long-delayed reentry system and we hope the committee sees the wisdom in treating people’s needs to ensure that they will be contributing citizens when they are released. Very few people will be in prison for the rest of their lives.

Mahalo for this opportunity to share our thoughts.

**HB2363**

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	Yes

Comments: COMMITTEE ON JUDICIARY Rep. Karl Rhoads, Chair Rep. Sharon E. Har, Vice Chair Rep. Della Au Belatti Rep. Mark M. Nakashima Rep. Tom Brower Rep. Cliff Tsuji Rep. Richard Creagan Rep. Jessica Wooley Rep. Ken Ito Rep. Bob McDermott Rep. Derek S.K. Kawakami Rep. Cynthia Thielen Rep. Chris Lee NOTICE OF HEARING DATE: Thursday, February 13, 2014 TIME: 2:00 p.m. PLACE: Conference Room 325 State Capitol 415 South Beretania Street This has already been approved with Hawai'i's Reentry law (Chapter 353H, HRS) Every statistic proves that a program like this is beneficial to the community and families. Let's DO THIS! Mahalo for your support!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**HB2363**

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandy Salmers	Individual	Support	No

Comments: Please pass HB2363. I support establishing the Reentry Pilot Project, so non-violent, low risk drug offenders could be released to community-based treatment programs. This program will save the state money and help individuals to successfully transition back into their communities. Thank you.

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**Office of the Public Defender  
State of Hawaii**

**Timothy Ho, Chief Deputy Public Defender**



**LATE**

**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

February 13, 2014, 2:00 p.m.

H.B. No. 2363, H.D1: RELATING TO PUBLIC SAFETY

Chair Rhoads and Members of the Committee:

The Office of the Public Defender supports H.B. 2363, HD1.

This measure would establish a reentry pilot project within the Department of Public Safety for nonviolent, low-risk drug offenders.

Mandatory, lengthy prison sentences for drug offenders has not shown to reduce recidivism. Intensive supervision programs such as Drug Court and Hope Probation has proven that recidivism can be reduced significantly if the problems causing the substance abuse and criminal behavior is addressed. This method has proven to be much more effective than lengthy prison terms, which is a huge financial drain on the state.

This program is a pilot program, which will allow bodies such as this legislature to review the results and data which will be generated as a result of this project. Eventually, we would like to see our prison population reduced to a level that will allow us to keep all of our inmates at home.

Thank you for the opportunity to be heard on this matter.

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE KARL RHOADS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai'i**

February 13, 2014

**RE: H.B. 2363, H.D. 1; RELATING TO PUBLIC SAFETY.**

Chair Rhoads, Vice-Chair Har, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of House Bill 2363, H.D. 1.

We thank the House Committee on Public Safety for amending H.B. 2363 with a H.D.1 that clarifies that the participants in the pilot project will be male and female nonviolent, low-risk drug offenders who are eligible for early release or parole, and not low-risk male and female offenders diverted from the Oahu Community Correctional Center.

We have one small suggested amendment, asking that the 100 participants in the reentry pilot program be discretionary rather than mandated since there may be times when there may be less than 100 participants – that way the program can still proceed on if they do not reach the targeted 100 participants.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu support H.B. 2363, H.D. 1. Thank for you the opportunity to testify on this matter.

**LATE**

**HB2363**

Submitted on: 2/12/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Burke	Individual	Support	Yes

Comments: I support this bill be fund a pilot project to help non-violent low risk substance abusing offenders on the road to recovery rather continued incarceration.

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