



**Office of the Public Defender  
State of Hawaii**  
**Timothy Ho, Chief Deputy Public Defender**



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

February 19, 2014, 2:00 p.m.

H.B. No. 2363, HD2: RELATING TO PUBLIC SAFETY

Chair Luke and Members of the Committee:

The Office of the Public Defender supports H.B. 2363, HD2.

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 have not shown to reduce recidivism. Intensive supervision programs such as Drug Court and Hope Probation have proven that recidivism can be reduced significantly if the problems causing the substance abuse and criminal behavior are 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.

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 16, 2014 3:46 PM  
**To:** FINTestimony  
**Cc:** kat.caphi@gmail.com  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM  
**Attachments:** 2.19.14 FIN#2 Testimony in SUPPORT of HB 2363 HD2.pdf

**HB2363**

Submitted on: 2/16/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kat Brady	Community Alliance on Prisons	Support	Yes

Comments:

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HAWAII SUBSTANCE ABUSE COALITION

## **HB2363 HD2 PUBLIC SAFETY: Re-entry Pilot Program for Low Risk**

HOUSE COMMITTEE ON FINANCE: Representative Sylvia Luke, Chair; Representative Scott Nishimoto, Vice Chair; Representative Aaron Johanson, Vice Chair

- Wednesday, Feb. 19, 2014 at 2:00 p.m.
- Conference Room 308

## **HSAC Supports HB2363 HD2:**

*Aloha Chair Luke; Vice Chair Nishimoto; Vice Chair Johanson 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 an alternative to incarceration by diverting nonviolent offenders with substance-abuse issues from incarceration into a coordinated system of community-based treatment programs, community organizations, and reentry support services.**

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**Research has determined the most effective way** for offender reentry using structured treatment processes. Several states have demonstrated remarkable success.

A study in Hawai'i identified new **procedures that would improve systems and indicated over a hundred million dollars could be saved** as well as significant improvements in outcomes.

**This pilot would test what could work** and how much could be saved in Hawai'i.

PSD would select **non-violent, low-risk offenders** for early parole.

The choice is do we have **early release with treatment** or later release with no treatment.

**Treatment would organize a partnership network** of vocational rehabilitation, housing, domestic violence, medical, psychiatric, and self-support groups including churches.

The purpose of SB2392 is to break the cycle of recidivism by providing community-based treatment coupled with wrap around services that meets the holistic needs of the offender coordinating criminal justice supervision with the gamut of substance use disorder treatment, mental health services, vocational rehabilitation, physical medical treatment, family reunification, faith-based services, case management support, parenting skills, domestic violence or anger management, and culture oriented programs.

This pilot will demonstrate that using modern science integrated with community support groups 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.

**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, their family and their community.**

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. And medications are 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.

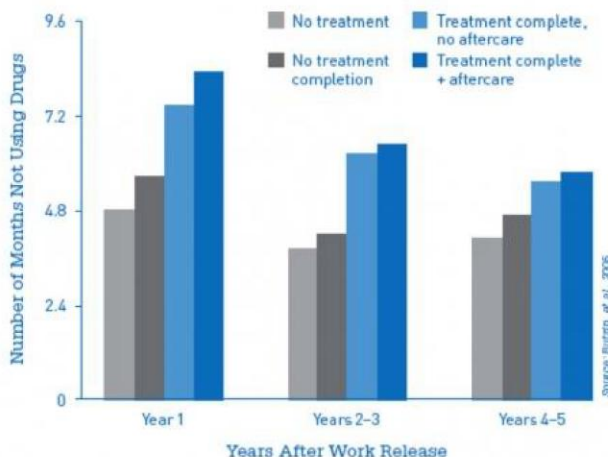
**Outcomes will be improved by cross-agency coordination and collaboration among treatment providers, criminal justice professionals, various other social service agencies and community groups including faith-based and culturally oriented groups.**

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. Connections to faith-based organizations, culturally oriented groups, and other positive and supportive social groups are important as well.

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 groups 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.**

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 offender's needs change during re-entry especially housing; child care; medical, psychiatric, and the need for social support services; as well as vocational and employment assistance. Offender need help and guidance to practice interpersonal relationships as they develop a drug-free peer support network to 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.

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 18, 2014 9:27 AM  
**To:** FINTestimony  
**Cc:** lmhubbard@hawaiiantel.net  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM

**HB2363**

Submitted on: 2/18/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
	Na Koa Ikaika	Support	Yes

Comments: To build strong communities we need strong support services to lead the non-violent offenders into becoming positive contributors to themselves and society. We save money via treatment rather than creating hardened, dead-end, futureless and hopeless addicts. Addiction should be treated as a chronic disease.

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 17, 2014 10:37 AM  
**To:** FINTestimony  
**Cc:** kennedy@four-rules.com  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM

**HB2363**

Submitted on: 2/17/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rafael Kennedy	Individual	Support	No

Comments: Dear Committee Chair and Vice Chair, I strongly support this bill. Because this bill is only for a pilot program, the potential waste is low, and all of the evidence suggests that reentry programs such as these are extremely cost effective ways to prevent crime before they happen, and thus save the taxpayer huge amounts of money. It is the finance committee's fiscal responsibility to pursue this opportunity for huge taxpayer savings. Mahalo, Rafael Kennedy

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 16, 2014 11:39 AM  
**To:** FINTestimony  
**Cc:** rmiller@aya.yale.edu  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM

**HB2363**

Submitted on: 2/16/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard S. Miller	Individual	Support	No

Comments: This bill makes great sense. There is no valid reason for not passing it. As its supporters have said, the bill will well serve the following objectives: • This is an investment in social capital to build safe, just, and healthy communities for Hawai`i's families • Reducing our imprisoned population by providing more and better community services to directly address the most common pathway to crime is a sound fiscal decision • Hawai`i's Reentry law (353H, HRS) passed in 2007 has never been implemented • HB 2363 HD2 is the first movement to put the law into practice

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 16, 2014 11:32 AM  
**To:** FINTestimony  
**Cc:** mauicrowe@gmail.com  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM

**HB2363**

Submitted on: 2/16/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
james crowe	Individual	Comments Only	No

Comments: Please support HB2363 to establish the low risk offender reentry pilot project. It is a very smart financial investment for Hawaii, for public safety and for low risk offenders. So many of the offenders have the potential to be good community members, family members and taxpayers for the state. Appeal to the better angels of your nature.

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**From:** Sandy Salmers <ssalmers@hawaii.rr.com>  
**Sent:** Tuesday, February 18, 2014 11:33 AM  
**To:** Rep. Sylvia Luke  
**Cc:** FINTestimony  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* HB2363 HD2

Representative Luke, Chair, Committee on Finance:

Re: HB2363 HD2

I support establishing and funding the Reentry Pilot Project for non-violent, low risk drug offenders in Hawaii.

This innovative program would allow these individuals to be released to much needed community-based substance abuse treatment programs.

Research shows that treatment is cost effective and that it significantly reduces recidivism.

The Reentry Pilot Project will also help these individuals to successfully transition back to their communities.

Please support HB2363 HD2 as it will save the State of Hawaii money and reduce recidivism.

Thank you.

*Sandy Salmers*

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 17, 2014 2:29 PM  
**To:** FINTestimony  
**Cc:** maukalani78@hotmail.com  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM

**HB2363**

Submitted on: 2/17/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E. Ileina Funakoshi	Individual	Support	No

Comments: COMMITTEE ON FINANCE Rep. Sylvia Luke, Chair Rep. Scott Nishimoto, Vice Chair Rep. Aaron Ling Johanson, Vice Chair SUPPORT HB 2363 HD2 — REENTRY PROGRAMMING FOR NONVIOLENT DRUG OFFENDERS Hearing on 2/19/14, Rm 308, 2pm Dear Chair Luke, Vice Chairs Nishimoto and Johanson, and Committee Members: I am E. Ileina Funakoshi, private citizen, asking for your support of HB2363 HD2. Hawai`i's Reentry law (353H, HRS) passed in 2007 has never been implemented and HB 2363 HD2 is the first movement to put the law into practice. This measure is sorely needed to help these low-risk, non-violent inmates learn another pathway to life which will help society in releasing productive citizens rather than a recycled inmate who is released into the same pathway he left. It is only a pilot program which will be evaluated. There is so much fear of any programs which will help to improve the present system. So many studies have been done which proves that we cannot go on incarcerating and releasing prisoners like clockwork without any intervention. This bill fiscally is sound too. After living in conditions where one is not allowed to think for oneself for many years; only told what to do and when. Like a trained dog to simply obey to stay out of trouble. But, even a dog gets a treat after obeying. The inmate gets nothing. Points for good behavior is nonexistent. What is life without hope. Not having the tools to succeed only leads to failure and recidivism again. Not that they want to, but they don't know how to succeed; how to think. Thank you for the opportunity to submit my testimony. Again, please support this measure. With Aloha, E. Ileina Funakoshi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 18, 2014 11:09 AM  
**To:** FINTestimony  
**Cc:** shaglund@hotmail.com  
**Subject:** \*Submitted testimony for HB2363 on Feb 19, 2014 14:00PM\*

**HB2363**

Submitted on: 2/18/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sue haglund	Individual	Support	No

Comments:

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finance8-Danyl

From: Julie Yang on behalf of Rep. Sylvia Luke  
Sent: Tuesday, February 18, 2014 10:26 AM  
To: finance8-Danyl  
Subject: FW: testimony

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From: Howie Simon [mailto:thelotuscafe@gmail.com]  
Sent: Saturday, February 15, 2014 4:58 PM  
To: Rep. Sylvia Luke  
Subject: testimony

**I strongly SUPPORT HB 2363** Re-entry project for non violent, low risk drug offenders..

howie simon  
of kailua kona on the bog island

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**LATE**

**THE HONORABLE SYLVIA LUKE, CHAIR  
HOUSE COMMITTEE ON FINANCE  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai`i**

February 19, 2014

**RE: H.B. 2363, H.D. 2; RELATING TO PUBLIC SAFETY.**

Chair Luke, Vice Chair Nishimoto, and members of the House Committee on Finance, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of House Bill 2363, H.D. 2.

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.

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.

February 18, 2014  
Testimony in support of HB 2363



Please accept this as testimony in support of HB 2363, the reentry pilot program. Incarceration rates are high across the nation and Hawaii is no exception. Most people who are sent to prison will return to the communities from which they came. At least half of these folks will recidivate, at great cost to our correctional budgets and with some risk to public safety. Our monies could be better invested, and invested in ways that ultimately save us money and increase public safety. This reentry pilot project is absolutely a step in the right direction. Efforts to reduce the prison population, reduce recidivism, and save money simply make sense. This is the right thing to do. I strongly urge this committee to pass this bill.

Thank you,  
Janet T. Davidson, Ph.D.  
Associate Professor  
Criminology & Criminal Justice  
Chaminade University of Honolulu

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 18, 2014 4:25 PM  
**To:** FINTestimony  
**Cc:** bottspoidog@aol.com  
**Subject:** Submitted testimony for HB2363 on Feb 19, 2014 14:00PM



**HB2363**

Submitted on: 2/18/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Andy Botts	National Association of Reformed Criminals	Support	Yes

Comments: We support re-entry and other rehabilitation programs that focus on lowering recidivism. We submitted a bill several years ago in regards to the Federal RDAP (Residential Drug & Alcohol Prevention). This is the foremost substance abuse program that the Bureau of Prisons boasts to have the highest success rate in the nation, and is presently used in the Federal system. It is also used in Arizona in CCA, but it is only in phase of the program. The re-entry phase hasn't been implemented, which is the main stage of the program. Mahalo, Andy Botts

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STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

TESTIMONY ON HOUSE BILL (HB) 2363, HOUSE DRAFT (HD) 2  
RELATING TO  
PUBLIC SAFETY

by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair

Wednesday, February 19, 2014; 2:00 p.m.  
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

The Department of Public Safety (PSD) would like to comment on HB 2363, HD 2 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 HD 1 and HD 2 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.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 18, 2014 3:04 PM  
**To:** FINTestimony  
**Cc:** green\_thumb@live.com  
**Subject:** \*Submitted testimony for HB2363 on Feb 19, 2014 14:00PM\*



**HB2363**

Submitted on: 2/18/2014

Testimony for FIN on Feb 19, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Welsh	Individual	Support	No

Comments:

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