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February 12, 2013

To: The Honorable David Ige, Chair
Senate Committee on Ways and Means

Date: Thursday, February 14, 2013
Time: 9:05 am
Place: Conference Room 211, State Capitol

From: Mila Kaahanui, MSW
Executive Director
Office of Community Services (OCS)

TESTIMONY IN SUPPORT

Testimony for Senate Bill 204, Relating to Public Safety

I. OVERVIEW OF PROPOSED LEGISLATION

The present bill proposes an appropriation for State funds to be used for reintegration services, provided that the funds be matched through another public, private, or other source.

The Office of Community Services strongly supports this bill, with a few comments and as long as it does not adversely affect the priorities of the Executive biennium budget.

II. CURRENT LAW

The Office of Community Services (OCS) is charged to facilitate and enhance the delivery of service to low-income, immigrant, refugee, and other disadvantaged populations. OCS currently runs several employment programs to assist these populations with placement. The Department of Public Safety (PSD) has invested time and staff in the Justice Reinvestment initiative, which will streamline and concentrate services where they are needed most.

III. COMMENTS ON SENATE BILL

OCS recognizes the attempt of this bill to strengthen community involvement in the reintegration of our fellow citizens through public-private partnerships. Matching funds such as these will allow outside investment by entities interested in collaboration, as well as provide opportunities for businesses and organizations in the areas where our reintegrating individuals live to get to know these citizens.

OCS would like to emphasize the competitive nature of this fund, and see this clause as a sound stewardship of State funds. In our talks with community organizations regarding our employment services, the Ex-offender population was identified as a major population in need of service, especially given the Governor's priority to return those incarcerated on the mainland to our State. OCS then set about having conversations with service providers and PSD to ensure we designed non-duplicative services around PSD's Justice Reinvestment priorities and respective of our service providers additional needs for this population, such as substance abuse and psychological treatment.

OCS has developed partnerships in the Native Hawaiian community we believe will be able to do just what this bill intends, increase community investment and create partnership. Additionally, we have just solicited for a reintegration program complimentary to the PSD model which includes PSD's recommendations to utilize modern curriculum and tools developed at the national level, namely the Offender Workforce Curriculum.

Should this measure move forward, OCS is confident we can raise up to \$500,000 in matching funds for Fiscal Biennium 2014-2015.

Copies of our RFP's and plans are available should the committee be interested in inspection or if they have further questions.

Thank you for the opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, February 14, 2013

9:05 a.m.

Room 211

STRONG SUPPORT FOR SB 204 - FUNDING FOR REINTEGRATION

Aloha Chair Ige, 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 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.

SB 204 appropriates funds for state programs related to the re-integration of offenders into the general population.

Community Alliance on Prisons strongly supports this measure. We are members of the Reentry Commission and co-chair the Commission along with the Director of Public Safety.

As Ted Sakai said at the Hope in Hawai`i conference in August 2011:

- 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.
- Reentry is not rocket science. Actually, it's harder, and the stakes are higher. Building and successfully launching a rocket requires thousands of intricate, complicated parts and steps, and tens of millions of dollars. But rocket science involves known and predictable factors. You put together a team of highly skilled, trained and motivated people. They work with the best raw material money can buy, make sure each part is made of the proper materials, built to exact specifications, and installed precisely. You wait until weather conditions are right, and push the button. If something goes wrong, you can do careful analysis and pinpoint the problem. You discover that the O-ring was defective, and you change that and try again, this time successfully.

On the other hand, when you work with reentry, you are working with unknown inputs, unknowable environmental forces, and unpredictable responses. Failure will occur even when everyone does their job. And the cost? Way more than millions of dollars – lost and wasted lives.

- In rocket science, failure is a surprise; loss of life is an aberration. With reentry, we should expect failure, but still keep on trying. You have to be patient, and you have to be realistic, and you have to keep on trying.
- You cannot do reentry effectively unless you truly appreciate the prison environment. People go to prison because they made bad choices. And prison does not teach them how to make good choices. People who go to prison do not have good habits or social skills. Prison is not a place where you can acquire these. When you work with offenders in reentry, you are working with people who need practice in making good choices, who need to learn good habits, and who need to acquire good social skills. Many can't overcome their pasts – the first, second or third times. But they all need and deserve our support, because many can and do make it, and because they are citizens of our community.
- You can't do it alone. I don't care how large and powerful your agency is, or how well-funded, or how elegant your program design. You can't do it alone. You need partners. The Department of Public Safety needs the Departments of Labor, Education, Health, Human Services, etc. etc. The State agencies need the county agencies, and the government agencies need the community agencies. To do it without complete buy in from all, including the community sector is foolish and shortsighted. And everyone needs to be included, not just the ones you think support your position.
- You don't have all the answers. No one does. Don't hesitate to look outside. See what others are doing, in Kansas, Oregon, Michigan. Watch how the California drama unfolds – when a community is under so much stress, there is bound to be innovation. There are many sources of information. Don't be afraid to seek them. You must keep your eyes and your minds and hearts open. And sometimes, learning is not about the information you gather; rather, it is about the questions you ask. As Roshi Shunryu Suzuki so famously noted, "When the student is ready, the teacher appears."

Resources for Developing Effective Reentry and Supervision Strategies¹

During the past decade, a number of leading criminal justice organizations, stakeholders and community leaders have developed comprehensive reentry and supervision strategies. There are a number of resources in the field aimed at helping policy makers and practitioners implement effective, evidence-based correctional policies and programs, including:

- Council of State Governments: *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* and the many materials from the CSG Justice Center's National Reentry Resource Center.²
- Urban Institute: *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*³

¹ *The State of Recidivism – The Revolving Door of America's Prisons*, April 2011.

² Council of State Governments, Reentry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* (New York, NY: January 2005), <http://reentrypolicy.org/>; <http://www.nationalreentryresourcecenter.org/>.

- National Governors Association Center for Best Practices: *Improving Prisoner Reentry through Strategic Policy Innovations*⁴
- U.S. Department of Justice National Institute of Corrections and Crime & Justice Institute: *Implementing Evidence-Based Policy and Practice in Community Corrections*⁵
- Pew Center on the States, Public Safety Performance Project: *Policy Framework to Strengthen Community Corrections*⁶

Certificates of Rehabilitation⁷

THE POTENTIAL OF NEW YORK'S CERTIFICATE PROGRAM

Certificates of Rehabilitation are politically attractive forms of relief for people facing collateral consequences. The main alternatives, pardons and expungement, have gained little traction over the past fifty years. Both pardons and expungement result in a greater degree of finality than certificates, virtually erasing a person's convictions and the collateral consequences that stem from them.¹⁴⁶ Those very benefits also make them a far greater political liability for politicians to endorse.

This paper concluded:

This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison ... America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life.

- President Bush, State of the Union Address, January 2004.

[T]here are people who have made mistakes ... I think that one of the great things about America is that we give people second chances ... [Y]ou reduce the recidivism rate, they pay taxes, it ends up being smart for taxpayers to do.

- President Barack Obama at a town hall meeting, January 22, 2010.

³ Amy L. Solomon, Jenny W.L. Osborne, Laura Winterfield, et al., *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (Washington, DC: The Urban Institute, 2008), http://www.urban.org/uploadedpdf/411791_public_safety_first.pdf.

⁴ National Governors Association, *Improving Prisoner Reentry Through Strategic Policy Innovations*, (Washington, DC: National Governors Association, September 2005) <http://www.nga.org/Files/pdf/0509PRISONERREENTRY.PDF>

⁵ Meghan Guevara and Enver Solomon, *Implementing Evidence-Based Policy and Practice in Community Corrections*, Second Edition, Washington, DC: National Institute of Corrections, October 2009) <http://nicic.gov/Library/024107>.

⁶ Pew Center on the States, *Policy Framework to Strengthen Community Corrections*. <http://www.pewstates.org/research/reports/policy-framework-to-strengthen-community-corrections-85899374213>

⁷ *Administering Justice: Removing Statutory Barriers to Reentry*, Joy Radice, July 2011. <http://ssrn.com/abstract=1864917>

Over the past decade, the country has shifted its thinking about tough-on-crime politics. We are at a unique moment in evaluating what happens on the backend of the criminal justice system when people are released. This prioritization of reentry initiatives makes sense on both sides of the political aisle from a normative and economic perspective.

Bar associations, politicians, advocates, and scholars have shined a spotlight on state-issued certificates because they can remove the myriad and unending civil punishments that attach to even the most minor criminal conviction. This attention recognizes that the state, which has set up these legal barriers to reentry, has a reciprocal obligation to be part of their removal. In our technologically advanced society, where criminal records can be retrieved easily on the internet, removing all memory of a criminal record is futile. As New York's experience with Certificates of Rehabilitation shows, a certificate does not wipe away the reality of the past. It merely stands for the proposition that a person with a conviction still has a future. A Certificate of Rehabilitation can be administered to ensure that the impact of collateral consequences is proportionate to the crime and to offer protection against persistent discrimination. Certificates can help us reshape the purpose of our criminal justice system toward a more forgiving reintegration ideal.

EEOC revises rules on job seekers with criminal records⁸

To pass muster, job denials based on criminal convictions must be shown to be "job-related and consistent with business necessity," according to EEOC guidelines. This means the employer must show that it considered three factors: the nature and gravity of the offense, the amount of time since the conviction and the relevance of the offense to the type of the job that's being sought.

Ex-offenders and the Labor Market⁹

"The rise in the ex-offender population overwhelmingly reflects changes in the U.S. criminal Justice system, not changes in underlying criminal activity," says Schmitt. "We incarcerate an astonishing share of non-violent offenders, particularly for drug-related offenses. We have far better ways to handle these kinds of offenses, but so far common sense has not prevailed."

Bruce Western and Katherine Beckett (1999) have rightly called the criminal justice system a U.S. labor-market institution. Our estimates suggest that ex-offenders lower overall employment rates as much as 0.8 to 0.9 percentage points; male employment rates, as much as 1.5 to 1.7 percentage points; and those of less-educated men as much as 6.1 to 6.9 percentage points. These employment losses hit ex-offenders hardest, but also impose a substantial cost on the U.S. economy in the form of lost output of goods and services. In GDP terms, we estimate that in 2008 these employment losses cost the country \$57 to \$65 billion per year.

⁸ EEOC revises rules on job seekers with criminal records by TONY PUGH, MCCLATCHY NEWSPAPERS, 04.25.12. <http://www.miamiherald.com/2012/04/25/2767832/eeoc-revises-rules-on-job-seekers.html>

⁹ **Ex-offenders and the Labor Market**, Center for Economic and Policy Research, John Schmitt and Kris Warner, November 2010. www.cepr.net/documents/publications/ex-offenders-2010-11.pdf

Public Opinion is Changing

In March 2012 Pew released Public Opinion on Sentencing and Corrections Policy in America¹⁰.

- 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.**
- **Support for sentencing and corrections reforms** (including reduced prison terms) is strong across political parties, regions, age, gender, and racial/ethnic groups.

Poll Respondent Demographics:

- 39 percent identified as conservative
- 30 percent identified as liberal
- 32 percent identified as a Republican or leaning Republican
- 24 percent identified as Independent
- 37 percent identified as Democrat or leaning Democratic
- 17 percent identified as a violent crime victim household
- 43 percent identified as a non-violent crime victim household
- 12 percent identified as a law enforcement household

The majority of Hawai'i's incarcerated population is nonviolent offenders (63% male, 84% female) and, as the following charts show, 66% of females and 54% of males are classified as Minimum or Community, the least restrictive custody levels.

Hawai'i has got to abandon the mentality that incarcerated persons don't deserve programming. That mindset puts everyone at risk. Approximately 98% of all incarcerated persons will return to our communities. How do we want them to come home – angry and bitter or as persons who are ready to be part of our communities?

Persons with criminal records still face many barriers to employment and licensure. Hawai'i must address these barriers so that people who have worked to change their lives and behavior can move forward.

As Dr. Martin Luther King, Jr. so eloquently said:

"It really boils down to this: that all life is interrelated. We are all caught in an inescapable network of mutuality, tied into a single garment of destiny. Whatever affects one destiny, affects all indirectly."

Mahalo for this opportunity to testify.

¹⁰ http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/PEW_NationalSurveyResearchPaper_FINAL.pdf

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: maukalani78@hotmail.com
Subject: Submitted testimony for SB204 on Feb 14, 2013 09:05AM
Date: Wednesday, February 13, 2013 6:16:18 AM

SB204

Submitted on: 2/13/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Funakoshi	Individual	Support	Yes

Comments: Comments: Dear Chair Ige, Vice Chair Kidani, and Committee Members: I strongly support SB 204 which appropriates funding for the programs direly needed. I believe we need to help those who are being released to reintegrate themselves into a community that could be foreign to many of them who have been incarcerated for a long time. Unless there are programs established to help them into the process of even learning who they are so they may learn behavioral skills and to learn a trade. Basically, they need tools to help them establish themselves so they can be accepted into the community - a place to stay, a job, building confidence by their little successes. I communicate with those who have been released and they have a very difficult time in finding a job because they are unskilled, don't know how to handle challenges, and revert to their old ways. Rejection in being labeled an ex-convict is hard enough. My heart goes out to them because their situation seems hopeless at times with no way out. Please approve this bill so we may decrease the number of them failing and returning to prison after their release. It will be a win-win situation by saving the State/taxpayer monies while we help a citizen of Hawai'i finding a way towards a meaningful life. Thank you for the opportunity to submit my testimony.
Aloha, Elaine Funakoshi

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Erin E. Welsh
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February 12, 2013

COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

STRONG SUPPORT FOR SB 204 - Funding for Re-Integration

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee:

I am in strong support of passing SB 204, Funding for Re-Integration. As a mother of a prisoner, I have learned a lot in the last 5 years and have talked to many families of prisoners. The system has made it extremely hard for them to make it on the outside. The lucky ones have family or friends who support them, but many have no one. I believe our money will be much better spent keeping people out of prison, than it has been in the past, keeping them in prison.

Please pass this bill.

Thank you,



Erin Welsh

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: akamaimom@gmail.com
Subject: Submitted testimony for SB204 on Feb 14, 2013 09:05AM
Date: Tuesday, February 12, 2013 11:18:40 AM

SB204

Submitted on: 2/12/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Support	No

Comments: With the exception of clear violent offenders, I am fully in support of helping our inmate population return to being productive members of our community.

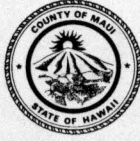
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February 12, 2013

TO: Honorable David Y. Ige, Chair
Senate Committee on Ways and Means

FROM: Gladys C. Baisa *GCB*
Council Chair

SUBJECT: **SUPPORT OF SB 204, RELATING TO PUBLIC SAFETY**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to appropriate funds for state programs related to the re-integration of offenders into the general population.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Hawai'i has got to abandon the mentality that incarcerated persons don't deserve programming. That mindset puts everyone at risk. More than 95% of our incarcerated citizens will be returning to our community someday and we want them ready to be part of the community and not angry and bitter.
2. Funding programs that provide support and assistance for successful transitions from prison to the community benefit everyone.
3. This is an investment in social capital and in our communities.

For the foregoing reasons, I support this measure.

GCB:amm

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MEMORANDUM FOR THE DIRECTOR

10/15/54

RE: [Illegible]

[Illegible body text]

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ssalmers@hawaii.rr.com
Subject: Submitted testimony for SB204 on Feb 14, 2013 09:05AM
Date: Tuesday, February 12, 2013 10:06:54 AM

SB204

Submitted on: 2/12/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Salmers	Individual	Support	No

Comments: I support SB 204. Ex-offenders need supportive programs to successfully transition back into their communities. Thank you for your support of SB 204.

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Cc: shannonkona@gmail.com
Subject: *Submitted testimony for SB204 on Feb 14, 2013 09:05AM*
Date: Monday, February 11, 2013 11:10:13 PM

SB204

Submitted on: 2/11/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

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Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for SB204 on Feb 14, 2013 09:05AM
Date: Tuesday, February 12, 2013 11:03:38 AM

SB204

Submitted on: 2/12/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual	Support	No

Comments: Big Island supporting!

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Cc: shaglund@hotmail.com
Subject: Submitted testimony for SB204 on Feb 14, 2013 09:05AM
Date: Tuesday, February 12, 2013 8:26:51 AM

SB204

Submitted on: 2/12/2013

Testimony for WAM on Feb 14, 2013 09:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Haglund	Individual	Support	No

Comments: I write in full support for SB204. This is an investment in social capital and in our communities. As a result, funding programs that provide support and assistance for successful transitions from prison benefits everyone. Please pass SB204. Thank you.

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