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THE HONORABLE DAVID Y. IGE, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

February 13, 2014

RE: S.B. 2592; RELATING TO PUBLIC SAFETY.

Chair Ige, Vice-Chair Kidani, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following comments in opposition to Senate Bill 2592. As a viable alternative, the Department urges this Committee to wait until House Bill 2363, H.D. 1, crosses over to the Senate—assuming that that bill is passed by House Committee on Finance—and consider that bill instead.

While the Department strongly agrees that additional treatment programs are long-overdue for drug offenders and other offenders in need of services, S.B. 2592—as currently written—would put the public at increased risk, and thus is not in the best interest of public safety. In addition to 50 offenders who are eligible for early release or parole, the proposed pilot program aims to take 50 inmates directly out of Oahu Community Correctional Center ("OCCC")—who are presumably not eligible for early release or parole—and place them into the community (see pg. 4, lines 1-2). Unless the proposed program involves a secured and locked treatment facility, the enrollment for this program should be strictly limited to those inmates eligible for early release or parole.

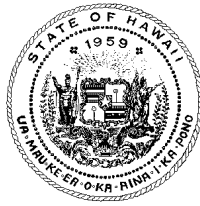
Indeed, it is currently impossible for the Committee—and the public—to assess the strengths or weaknesses of the proposed pilot program, as S.B. 2592 does not provide any specific plans or details of the program, other than to describe general benefits of "community based treatment" and "reentry support services." There are no indications whether the pilot program's participants would be housed at a residential treatment facility, whether such facility would be secured, nor are there any specific parameters for selecting program participants (other than them being "nonviolent," which is not defined). Overall, there is simply no indication as to what, if any, safeguards would be in place to ensure the safety of the community.

In addition to the foregoing, the pilot program described in S.B. 2592 proposes to monitor recidivism rates for 18 months after the participant's release from jail or prison (see

pg. 4, lines 8-10). The Department believes the recidivism monitoring should be much longer, as some offenders are only caught for subsequent offenses occurring 2, 3, 4 or more years after their release from jail or prison. To limit recidivism monitoring to 18 months—and even limiting status monitoring to 6 months—will likely provide an inaccurate and/or incomplete picture of the pilot program's results.

Thank for you the opportunity to submit comments on this matter.

NEIL ABERCROMBIE
GOVERNOR



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TESTIMONY ON SENATE BILL (SB) 2592
A BILL RELATING TO PUBLIC SAFETY
Ted Sakai, Director
Department of Public Safety



Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, February 13, 2014; 9:30 a.m.
State Capitol, Conference Room 211

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

The Department of Public Safety (PSD) **supports** SB 2592, Relating to Public Safety. This bill establishes a two-year diversion and reentry pilot project within PSD for male and female inmates on Oahu. Having inmates prepared for release into the community will provide them a better opportunity for success, thereby, increasing public safety. This bill as written will allow PSD to utilize reentry services to inmates other than the sentenced felon population. Many jail inmates are in need of similar services to those that were sentenced to prison, and without such services, will often recidivate and return to jail. It is PSD's plan to utilize this project on the pretrial, misdemeanor, and sentenced felon probation population.

PSD would recommend that the following amendments be made:

- Delete all references of “non-violent” offenders and replace it with “low risk” offenders. There are offenders that were convicted of crimes that were violent, but would be considered low risk in community placement. This change would also provide the program a broader pool of applicants and more flexibility in reaching the target population of 100 offenders.
- Include a new subsection to read: “The pilot project shall be based on evidence-based principles.” The application of evidence-based principles will enhance the chances for success and assure replicability.

There is concern as to whether the amount appropriated would be sufficient to serve 100 offenders per year. In addition to program delivery, funds for program evaluation would also need to be expended to determine the pilot’s outcome.

We thank you for considering this measure and our opportunity to testify.