

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on S.B. 716
RELATING TO A PRE-ARREST DIVERSION PILOT PROJECT**

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

Hearing Date: February 9, 2017

Room Number: 229

- 1 **Fiscal Implications:** Not determined
- 2 **Department Testimony:** The Department of Health (DOH) applauds the intent of this bill to
3 establish a pre-arrest diversion pilot project for individuals with substance abuse and mental
4 health challenges, and to allocate funding to the office of the Governor for purposes of
5 implementing this project. Studies indicate that a significant proportion of the state's chronic
6 homeless population have substance abuse and/or mental health issues and are frequently arrested
7 for non-violent, non-felony offenses. The DOH continues to follow the lead of the Coordinator
8 to ensure that efforts are synchronized in support of the State's comprehensive framework to
9 address homelessness across the system of care. The framework includes focus of efforts on
10 three primary leverage points – affordable housing, health and human services, and public safety.
- 11 One of the initiatives targeted for joint support and coordination between the Department and the
12 Coordinator is Law Enforcement Assisted Diversion (LEAD). LEAD has been evaluated to have
13 significant positive impact in other jurisdictions nationally where the program has been
14 employed; including significant decreases in rates of re-arrest and increase in engagement of
15 participants with needed treatments and other social services. It has also been successful at

1 decreasing burdens on judicial and law enforcement systems by directing individuals, particularly
2 the chronically homeless, to behavioral health care services in the community. The DOH
3 Alcohol and Drug Abuse Division (ADAD) recently conducted a Request For Information to
4 gather community feedback related to the need, feasibility and capacity of the social service
5 system to implement a pilot project modeled after LEAD in other jurisdictions. Responses from
6 community providers indicate both a need for this type of project in the community and a
7 willingness on the part of community providers to assist with implementation. One provider,
8 Community Health Outreach Work (CHOW Project) has already begun to develop a “LEAD
9 Hui” consisting of more than twenty (20) community organizations who are committed to
10 supporting LEAD in Hawaii.

11 While the DOH Adult Mental Health Division (AMHD) has been providing jail diversion
12 services for individuals with severe and persistent mental illness, LEAD differs from these
13 services in two key areas: 1) LEAD intakes would take place at the pre-arrest point of contact,
14 which is described in Section 5 of S.B. 716; and 2) the services would be targeted toward
15 substance abuse and related crimes. If implemented, this project would supplement, support and
16 coordinate with current efforts by AMHD. If the funds requested in the Governor’s Executive
17 Budget for LEAD are approved, the Department would leverage the involvement of ADAD-
18 contracted providers, many of whom are members of the LEAD Hui, to provide the services
19 needed for the project.

20 With respect to Section 11 of S.B. 716, the DOH asks the Legislature’s support of the
21 Governor’s Executive Budget request of \$20.9 million, which includes appropriations to the
22 DOH for outreach services to homeless persons with serious and persistent mental illness and
23 substance abuse, and outreach, counseling, and diversion services for unsheltered homeless
24 persons experiencing substance abuse. The DOH requests that any appropriations resulting from
25 this bill do not supplant or replace priorities requested in the Executive Budget.

26 Thank you for the opportunity to provide testimony.



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 9, 2017

TO: The Honorable Senator Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Senator Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Senator Josh Green, Chair
Senate Committee on Human Services

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: SB 716 – RELATING TO A PRE-ARREST DIVERSION PILOT PROJECT

Hearing: Thursday, February 9, 2017, 1:40 p.m.
Conference Room 229, State Capitol

POSITION: The Governor's Coordinator on Homelessness appreciates the intent of this measure, as it aims to divert homeless individuals from the criminal justice system and connect them with shelter and other social services, and provides comments. The State's strategy to address homelessness includes identifying and connecting with other systems that serve as "touch points" for the homeless, such as the criminal justice system, and aligning outreach and other services at particular entry/exit points (e.g. District Court) to divert individuals to housing.

The Coordinator notes that the Executive Budget includes an appropriation to the Department of Health (DOH) to support a Law Enforcement Assisted Diversion (LEAD) pilot program, which is similar to the pre-arrest diversion pilot project, and asks for the Legislature's support of the Executive Budget request.

PURPOSE: The purpose of the bill is to establish a pre-arrest pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony

offenses on state property. The bill also appropriates an unspecified amount of funds to the Office of the Governor to implement the pilot project.

The Coordinator notes that the pre-arrest pilot project is similar to the LEAD program, which originated in Seattle, Washington in 2011. Locally, 20 community organizations – including DOH – have partnered together to form a “LEAD Hui” to develop a LEAD program in Hawaii. To determine the feasibility for a local LEAD pilot, DOH recently conducted a Request for Information (RFI) to seek feedback and determine the level of community interest from social service providers. The Executive Budget includes \$200,000 in the DOH budget to implement a LEAD pilot.

The State has adopted a comprehensive framework to address homelessness, which includes a focus on three primary leverage points – affordable housing, health and human services, and public safety. All three of these leverage points must be addressed to continue forward momentum in addressing the complex issue of homelessness. The Coordinator notes that the proposed LEAD approach addresses the public safety component of the homeless framework.

For many homeless individuals a history of criminal convictions or outstanding bench warrants for unpaid criminal citations can be a major barrier to obtaining housing. The implementation of the LEAD approach will prevent individuals from encountering these barriers by targeting individuals cited or arrested for nonviolent offenses that often result in arrest or bench warrants, and connecting these individuals to shelter and other social services. By providing needed services as an alternative to arrest or citation, the LEAD approach will divert individuals from the criminal justice system and create pathways to permanent housing.

The LEAD approach can work together with other similar efforts, such as the Community Outreach Court pilot and DOH Jail Diversion Program, to divert homeless individuals away from the criminal justice system at different points in the process – pre-arrest, post-arrest, and after adjudication.

While the pre-arrest diversion pilot program would focus on individuals who commit offenses on state property, the LEAD program being developed by the LEAD Hui would have a potentially broader target population. Because there are currently a number of local

community organizations that are working together to develop a LEAD pilot, the Coordinator respectfully requests that legislation support these existing efforts, rather than establish a new but similar program.

The Coordinator defers to DOH and the Department of Public Safety in regard to operational issues. While the Coordinator establishes and coordinates State policy to address homelessness, other Executive Branch agencies are responsible for the direct administration and implementation of homeless and housing programs.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



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

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 716
RELATING TO A PRE-ARREST DIVERSION PILOT PROJECT

by
Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Senate Committee on Human Services
Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

Thursday, February 9, 2017; 1:40 p.m.
State Capitol, Conference Room 229

Chairs Nishihara, Baker, and Green; Vice Chairs Wakai and Chang; and Members of the Committee:

The Department of Public Safety (PSD) offers **comments** regarding Senate Bill (SB) 716 which establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who are alleged to have committed non-violent, non-felony offenses on state property. PSD has the following concerns.

First, the pilot project requires deputy sheriffs to preliminarily determine, based upon reasonable belief, whether the alleged violator “may be a homeless individual with serious and persistent mental health challenges.” The deputy sheriff is then statutorily prohibited from citing or arresting and shall refer the alleged violator to the department of health for assessment. The law enforcement decision to cite or arrest

Testimony on SB 716
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs
Senate Committee on Commerce,
Consumer Protection, and Health
Senate Committee on Human Services
February 9, 2017
Page 2

must be evaluated on a case-by-case basis, specific to the facts and circumstances surrounding the incident. It would not be reasonable to eliminate a deputy sheriff's discretion to determine whether a citation or arrest is warranted. Further, deputy sheriffs routinely, and often, make quick decisions. "Serious and persistent mental health challenges" appears to require a somewhat clinical determination. There may not be sufficient time for the deputy sheriff to observe and evaluate an alleged violator for long enough to preliminarily determine "serious and persistent" mental health challenges.

Second, the pilot program requires the department of health to determine if the alleged violator has serious and persistent mental health challenges and refer that person to appropriate community mental health services. Law enforcement cannot detain a person for longer than is appropriate while these evaluations and referrals are being made.

Finally, there is a provision for appropriation. PSD would request sufficient monies to "appropriately train" deputy sheriffs in this program.

Thank you for the opportunity to present this testimony.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Sen. Rosalyn Baker, Chair

Sen. Clarence Nishihara, Vice Chair

COMMITTEE ON HUMAN SERVICES

Sen. Josh Green, Chair

Sen. Stanley Chang, Vice Chair

Thursday, February 9, 2017

1:20 pm

Room 229

COMMENTS ON SB 716 – PRE-ARREST DIVERSION PILOT PROJECT

Aloha Chairs Nishihara, Baker, and Green and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that approximately 1,400 of Hawai`i’s imprisoned people 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.

Community Alliance on Prisons offers comments on SB 716. We thank the Legislature for the concerns expressed in the bills calling for diverting lawbreakers who commit non-serious offenses, however, we prefer SB 108, which is based on the real LEAD program that was started in Seattle in 2011. This program has been evaluated and has had proven, evidence-based success in diverting people from incarceration.

The description of the bill “Establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property. Appropriates funds.” is misleading. Many people have read the description and thought it was about the LEAD program. It is not.

SB 716 is about another diversion program that is NOT LEAD. This program runs out of the Governor's office.

In November 2016, Hawai'i News Now reported that of the 16,000 arrests made on Oahu last year, 61% involved people who were severely mentally ill or abusing drugs and 43% of detainees in HPD's central cell block last year were homeless. Of those, 72% had a serious mental illness or substance abuse problem, according to the Honolulu Police Department.

The police already know this population and the police departments are under the counties. It is common sense that a program that has been up and running in Seattle since 2011, has been evaluated and that 35 other jurisdictions are either exploring or already implementing is a better way to go. LEAD is proven and evidence-based. Their numbers are impressive:

- People in LEAD were 60% less likely than people in the control group to be arrested after being in LEAD
- 82% were homeless prior to participation and 40% were housed
- 55% received drug treatment through LEAD

The Governor has put \$200,000 in the budget for the LEAD pilot program in Honolulu.

We anticipate LEAD's Honolulu success since the community and our many partners in the growing LEAD Hawai'i Hui have been working since last summer to build the infrastructure for the pilot program in Honolulu. We have built an evaluation into the program to measure the outcomes.

We hope that the other counties will do what the LEAD Hawai'i Hui is doing to prepare for a LEAD program in their county by gathering their service providers, community organizations, agencies, and policymakers to build the infrastructure to make LEAD a successful program in their communities.

In this time of fiscal constraint, Hawai'i must be prudent in how we allocate our resources. Let's go with a proven, evidence-based program that can help some of the most vulnerable people in our community, reduce our jail population, and offer services with no strings attached to our people facing daily challenges.

So as not to confuse in a session with 2,918 bills, we respectfully request that this bill be held and that SB 108 instead be the vehicle to divert this vulnerable population.

Mahalo for this opportunity to testify.



Hawaii's Voice for Sensible, Compassionate, and Just Drug Policy

TO: SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION & HEALTH & SENATE COMMITTEE ON JUDICIARY, INTERGOVERNMENTAL & MILITARY AFFAIRS

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: February 9, 2017, 1:15 p.m., Room 229

RE: S.B. 716 RELATING TO A PRE-ARREST DIVERSION PILOT PROGRAM – COMMENTS

Good afternoon, Chairs Nishihara, Baker, Green, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawai'i.

We are part of a hui of more than 20 local non-profits and agencies which have been working for months to initiate a version of Seattle's LEAD program in Hawaii. We've all been encouraged by the enthusiastic support it has garnered in many quarters.

The program sketched out in this bill, however, does not reflect the principles of the well-researched model we've all been advocating. Rather, SB 716 puts the program into the hands of state officials rather than at the county level, adds the Department of Health as an unnecessary "middle man" and it is lacking a strong evaluation component to gather the data needed to replicate and expand any pilot program.

CHOW is the entity that has spearheaded the effort for a diversion program and we defer to their expertise. We encourage the committees to instead look to SB 108 which has moved out of Senate Judiciary. It better incorporates the principles which the hui is advocating.

Thank you for hearing this measure today and for considering our input. And mahalo for the opportunity to testify.



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

TO: Senate Committees on Public Safety, Intergovernmental and Military Affairs; Commerce, Consumer Protection and Health; Human Services

FROM: Carl Bergquist, Executive Director

HEARING DATE: 9 February 2017, 1:40PM

RE: SB716, Relating to a Pre-Arrest Diversion Pilot Project, **COMMENTS**

Dear Chairs Nishihara, Baker and Green; Vice Chairs Wakai and Chang, Members of the Committees:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports the intent of this measure to bring pre-arrest diversion programs to our state.** Elsewhere, this harm reduction philosophy has best been realized via a specific program, [Law Enforcement Assisted Diversion \(LEAD\)](#). We are members of a 20 plus-organization strong [grass-roots hui, led by the CHOW Project](#), that has been working for many months to bring LEAD to Hawai'i, and as such we welcome the support that this bill provides.

LEAD has been proven to work elsewhere in preventing at-risk individuals from being arrested and instead be diverted to various services including housing, mental health or substance abuse counseling. This approach not only better serves the needs of the impacted individual, but it lessens the burdens and strains placed on our criminal justice system while also fostering greater trust between law enforcement and the communities they are sworn to serve and protect.

It is very exciting to see so many related measures being considered by the legislature this session, which when taken together truly would change the costly and punitive nature of Hawaii's approach to criminal justice. Beginning with front-end solutions like LEAD and back-end ones like the Community Court as proposed in SB718/ HB457, we further advocate changing some of our laws to decriminalize certain offenses, e.g. possession of cannabis (SB16, HB107, HB1463) and drug paraphernalia (SB1248 and HB1501). In identifying the need for a community court and for a diversion program like LEAD, we also recognize that at root, it is our laws that are criminalizing people who deserve better. Updating our laws, by e.g. turning certain criminal offenses into civil violations, breaks the pipeline that feeds our prisons.

So while we support the intent and spirit of this bill, **we respectfully that the legislature at most view it as a complement to a county-level and community service provider pilot program as is the case in successful LEAD jurisdictions** like Seattle, WA; Albany, NY; Santa Fe, NY and elsewhere.

Mahalo for the opportunity to testify.

ON BEHALF OF HARM REDUCTION HAWAII
TESTIMONY

c/o 1658 Liholiho St #205
Honolulu, HI 96822

February 5 2017

RE: SB 716 to be heard Thursday February 9, in Room 229 at 1:40 PM

To the members of the Senate Committee on Public Safety, CCP, and Human Resources

Harm Reduction Hawaii is in **strong support of LEAD**. We urge the state to move forward with this program with as few delays as possible. We hope that this can become the centerpiece of a broad review of our approach to criminal justice and the overuse of the courts, and the prisons, to solve social problems.

Harm Reduction Hawaii is a non-profit organization that works with a large number of local service agencies to improve social services through harm reduction training and education. A list of some of the partners in the recent conference held at the Ala Moana Hotel is noted at the end of this testimony.

Signed:



Tracy Ryan

Conference Partners Included: ACLU • AIDS Education Project • CHOW Project • Community Alliance on Prisons • Drug Policy Forum of HI • Gregory House Programs • Harm Reduction HI • HI Department of Health-Chronic Disease Prevention, Harm Reduction Services, Health Promotion, and Injury Prevention Branches • HI Coalition for Immigrant Rights • HI Island HIV/AIDS Foundation • HPU School of Social Work • HI Youth Services Network • Hep Free HI • HEP Project-Seattle • Hina Mauka • Life Foundation • Malama Pono Health Services • Maui AIDS Foundation • Mental Health America of HI • Orasure • Pacific Gateway Clinic • Papa Ola Lokahi • Tattoo Hawaii • UH Office of Public Health Studies, College of Pharmacy and School of Social Work • Waikiki Health • We Are Oceania •

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

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Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of
Hawaii

Bobby Benson Center

Central Oahu Youth Services
Association

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Student Television

Ho`o

Hui Malama Learning Center

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together
(PACT)

Planned Parenthood of the
Great Northwest and
Hawaiian Islands

Salvation Army Family
Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community
Center

The Catalyst Group

Uhane Pohaku Na Moku

O Hawai'i

Waikiki Health

February 4, 2017

Senator Clarence Nishihara , Chair

And members of the Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Roslyn Baker, Chair

And members of the Committee on Commerce, Consumer Protection, and Health

Senator Josh Green, Chair

And members of the Committee on Human Services

Testimony in Support of SB 716 Relating to a Pre-Arrest Diversion Pilot Project

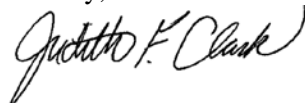
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 716 Relating to a Pre-Arrest Diversion Pilot Project.

Hawaii Youth Services Network recommends an amendment to the bill to allow the pilot project to include minors who have mental health or substance abuse challenges. Nearly half of Hawaii's juvenile arrests are for status offenses such as running away from home, being truant from school, or curfew violations. Some of these offenses and other non-violent misdemeanors committed by minors take place on state property. We recommend the following amendment:

Section 4 (b) – “The responsible state officer shall work with the department of public safety, department of health, department of human services, **Office of Youth Services**, and governor's homelessness coordinator to establish the protocols and processes for operation of the pilot project. (New language in bold and underline)

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



SB 716 Pre-Arrest Diversion Pilot: Establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property. Appropriates funds.

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS:

- Senator Clarence Nishihara, Chair; Senator Glenn Wakai, Vice Chair

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

- Senator Rosalyn Baker, Chair; Senator Clarence Nishihara Vice Chair
- Thursday, Feb. 9, 2017: 1:40 p.m.
- Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION (HSAC) Supports SB 716 with Recommendations for language changes:

GOOD MORNING CHAIRS NISHIHARA, BAKER; VICE CHAIRS WAKAI, NISHIHARA AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of over 30 non-profit alcohol and drug treatment and prevention agencies.

HSAC recommends edits to the language to address substance use disorder treatment programs.

HSAC supports the implementation and statewide expansion of jail diversion programs that addresses mental illness and substance use disorders in order to better treat individuals involved in the justice system. This pilot project is a great opportunity to develop and evolve diversion programs as well as follow the federal strategic initiatives on treatment and justice.

We know that many people in the justice system have lives that have been repeatedly affected by mental illness and substance abuse as well as heightened by trauma. When we recognize and treat the harmful effects of untreated mental illness and substance use disorders through an integrated care network, we will move these individuals into recovery and hopeful futures.

1. Recommended language:

SECTION 2. The purpose of the pilot project shall be to refer individuals with mental health or substance abuse challenges who commit nonviolent, non-felony offenses on state property to appropriate community

mental health, co-occurring or substance use disorders services instead of arresting or citing them.

SECTION 5 (5) (B). If the assessment is in the affirmative, and the alleged violator voluntarily agrees to participate in the pilot project, the department of health shall:

(A) Accept the individual with mental health or substance abuse challenges into the pilot project; and

(B) Refer the individual with mental health or substance abuse challenges to appropriate community mental health, co-occurring or substance use disorder services;

SECTION 6. Community mental health, co-occurring or substance use disorder services of by department of health. The department of health shall provide for the community mental health services of the pilot project under the authority of chapter 334, Hawaii Revised Statutes, and any other applicable law. The department of health may contract with any qualified person or agencies to provide the community mental health, co-occurring or substance use disorder services.

HSAC would join with efforts to implement a diversion program in a pilot community and expand successful efforts to additional communities in the state. We appreciate the opportunity to provide testimony and are available for questions.



**TESTIMONY IN SUPPORT OF THE INTENT OF SB 716: RELATING TO A PRE-
ARREST DIVERSION PILOT
WRITTEN TESTIMONY ONLY**

TO: Sen. Clarence K. Nishihara, Chair, Committee on Public Safety, Intergovernmental, and Military Affairs;
Sen. Rosalyn H. Baker, Chair, Committee on Commerce, Consumer Protection, and Health;
Sen. Josh Green, Chair, Committee on Human Services

FROM: Jan Harada, President & CEO, Helping Hands Hawaii

Hearing: Thursday, February 9, 2017 at 1:40 PM in Conference Room 229

Dear Chairs, Vice Chairs, and members of the committees:

Thank you for the opportunity to provide testimony for SB 716.

For many years Helping Hands Hawaii has been involved in providing behavioral health services (jail diversion, case management, psychiatric services, representative payee services, crisis management, housing stabilization) to vulnerable adults who are struggling with severe mental illness and/or addiction, and whom also struggle with poverty and homelessness.

Helping Hands Hawaii (HHH) supports the intent of SB 716 and commends the legislature for its attempt to divert individuals with mental health and/or substance use issues to community services. HHH also commends the initiative of the State to create an innovative, harm-reduction based approach to working with individuals who commit nonviolent, non-felony offenses.

We feel SB 716 could be an effective complement to county-level Law Enforcement Assisted Diversion (LEAD) projects. HHH has been participating in a Hawaii LEAD Hui started and coordinated by the CHOW Project, that includes a group of 23 agencies dedicated to implementing a LEAD pilot in Hawaii based on the Seattle model (<http://leadkingcounty.org>) which has effectively diverted low-level offenders from arrest to non-punitive programs that allow the individual to receive appropriate support from the community. LEAD has five years of data showing effectiveness:

- LEAD participants were 58% less likely to be re-arrested
- LEAD participants accessed services (49% mental health treatment, 55% drug treatment)

In order to replicate these outcomes in Hawaii, we must also replicate the core components that evaluation found to be effective for LEAD, including:

- Harm-reduction based intensive case management with a warm hand off from law enforcement (and only an intake mandated to participate)

- On-going case coordination between law enforcement and community-based case managers
- Coordinating committee comprised of law enforcement, prosecutor's office, public safety and community members such as the LEAD hui
- Comprehensive data collection and program evaluation to identify elements of effectiveness

In line with the ongoing Hawaii LEAD Hui efforts, HHH supports the intent of SB716 and makes the following recommendations for changes to the current SB716:

- 1) Recommend that a pilot program be instituted at the county level (such as suggested by SB 108 or as included in the Governor's budget) in addition to the State level. The majority of offenses that may be LEAD-eligible will be handled by county police departments and SB 718 could complement these efforts but should not be a stand-alone effort.
- 2) The efficacy of LEAD has been shown to be the "warm hand off" of a LEAD participant from law enforcement to a community-based case manager. The inclusion of the Department of Health as the first referral will make this implementation difficult and put an unnecessary step and lag into the process. The Community-based case manager can link back to DOH services, but the first linkage should be with a community-based provider.
- 3) A strong evaluation component should be included to determine what elements of these pilot diversion programs are most effective and therefore should be replicated.

Thank you for the opportunity to provide written testimony on SB716.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 3:17 AM
To: PSMTestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/9/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill. We need more alternatives to incarceration like this. Mahalo.

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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DOING THE MOST GOOD

Founded in 1865

William Booth
Founder

Andre Cox
General

Kenneth Hodder
Territorial Commander

John Chamness
Lani Chamness
Divisional Leaders

Melanie Boehm
Executive Director

The Salvation Army

Addiction Treatment Services and Family Treatment Services

2-8-17

SB 716 RELATING TO A PRE-ARREST DIVERSION PILOT PROJECT

Establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property. Appropriates funds.

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

- Senator Clarence Nishihara, Chair; Senator Glenn Wakai, Vice Chair
- Tuesday, Feb. 9th, 2017: 1:40 p.m.
- Conference Room 229

COMMERCE AND CONSUMER PROTECTION AND HEALTH

- Senator Rosalyn H. Baker, Chair; Senator Clarence Nishihara, Vice Chair

COMMITTEE ON HUMAN SERVICES:

- Senator Josh Green, Chair; Senator Stanley Chang, Vice Chair

The Salvation Army Addiction Treatment Services (ATS) and Family Treatment Services (FTS) supports SB716 (Pilot project for pre-arrest diversion) with comments:

- This bill is not related to SB108 Law Enforcement Assisted Diversion (LEAD) approach bill; however, we are not opposed to multiple opportunities for diversion efforts in Hawaii as long as the approach is evidence based.
- It would be most beneficial if SB716 efforts did not stand alone but rather be in alignment with or complementary to the current evidence based practices for pre-arrest diversion of low level offenses.
- Current evidence based practices for pre-arrest diversion of low level offenses follows the county-level LEAD project approach which includes the following components:
 1. Harm-reduction based intensive case management with a warm hand off from law enforcement (and only an intake mandated to participate)
 2. On-going case coordination between law enforcement and community-based case managers
 3. Coordinating committee comprised of law enforcement, prosecutor's office, public safety and community members such as the LEAD hui
 4. Comprehensive data collection and program evaluation to identify elements of effectiveness

Participating Agency



Aloha United Way

Addiction Treatment Services

3624 Waokanaka Street ♦ Honolulu, Hawai'i 96817 ♦Tel: (808) 595-6371 ♦Fax: (808) 595-8250

Family Treatment Services

845 22nd Avenue ♦ Honolulu, Hawai'i 96816 ♦Tel: (808) 732-2802 ♦Fax: (808) 734-7470

Visit us at: www.SalvationArmyHawaii.org



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MOST GOOD

Founded in 1865

William Booth
Founder

Andre Cox
General

Kenneth Hodder
Territorial Commander

John Chamness
Lani Chamness
Divisional Leaders

Melanie Boehm
Executive Director

The Salvation Army

Addiction Treatment Services and Family Treatment Services

The Salvation Army will continue to join efforts with the LEAD Hawaii hui toward the successful implementation of evidence based diversion efforts specifically in the area of providing substance abuse assessment and treatment services to this target population

Thank you for the opportunity to provide written testimony on this important bill.

Sincerely,

Melanie T. Boehm MA, LMHC, CSAC
Executive Director ATS-FTS

Participating Agency



Addiction Treatment Services

3624 Waokanaka Street ♦ Honolulu, Hawai'i 96817 ♦Tel: (808) 595-6371 ♦Fax: (808) 595-8250

Family Treatment Services

845 22nd Avenue ♦ Honolulu, Hawai'i 96816 ♦Tel: (808) 732-2802 ♦Fax: (808) 734-7470

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 9:11 AM
To: PSMTestimony
Cc: tediousmonkey@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/8/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Comments Only	No

Comments: TESTIMONY FOR SB 716: RELATING TO A PRE-ARREST DIVERSION PILOT - COMMENTS TO: Sen. Clarence K. Nishihara, Chair, Committee on Public Safety, Intergovernmental, and Military Affairs; Sen. Rosalyn H. Baker, Chair, Committee on Commerce, Consumer Protection, and Health; Sen. Josh Green, Chair, Committee on Human Services Hearing: Thursday, February 9, 2017 at 1:40 PM in Conference Room 229 Dear Chairs, Vice Chairs, and members of the committees: I am writing in support of the intent of SB 716 to divert individuals with mental health and/or substance use issues from arrests to community services. I also commend the Legislature for proposing an innovative harm-reduction based approach to working with individuals who commit nonviolent, non-felony offenses. As a concerned community member and a public health professional in Hawaii for 10 years, I feel SB 716 could be an effective complement to county-level Law Enforcement Assisted Diversion (LEAD) projects. I currently participate in the Hawaii LEAD Hui, a group of 23 agencies dedicated to implementing a LEAD pilot in Hawaii based on the Seattle model (<http://leadkingcounty.org>) which has effectively diverted low-level offenders from arrest to non-punitive programs that allow the individual to receive appropriate support from the community. LEAD has five years of data showing effectiveness: • LEAD participants were 58% less likely to be re-arrested • LEAD participants accessed services (49% mental health treatment, 55% drug treatment) In order to replicate these outcomes in Hawaii, we must also replicate the core components that evaluation found to be effective for LEAD, including: • Harm-reduction based intensive case management with a warm hand off from law enforcement (and only an intake mandated to participate) • On-going case coordination between law enforcement and community-based case managers • Coordinating committee comprised of law enforcement, prosecutor's office, public safety and community members such as the LEAD hui • Comprehensive data collection and program evaluation to identify elements of effectiveness As such, I respectfully make the following recommendations for SB 716 to the committee: 1) I recommend that a pilot program be instituted at the county level (such as suggested by SB 108 or as included in the Gov's budget) in addition to the State level. The majority of offenses that may be LEAD-eligible will be handled by county police departments and SB 718 could complement these efforts but should not be a stand-alone effort. 2) The

efficacy of LEAD has been shown to be the “warm hand off” of a LEAD participant from law enforcement to a community-based case manager. The inclusion of the Department of Health as the first referral will make this implementation difficult and put an unnecessary step and lag into the process. The Community-based case manager can link back to DOH services, but the first linkage should be with a community-based provider. 3) A strong evaluation component should be included to determine what elements of these pilot diversion programs are most effective and therefore should be replicated. I respectfully encourage you to adopt these recommendations if SB 716 moves forward. Thank you for the opportunity to submit testimony.

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Community Health Outreach Work

677 Ala Moana Blvd., Suite 226
Honolulu, HI 96813
Phone (808) 853-3292 • Fax (808) 853-3274

TESTIMONY FOR SB 716: RELATING TO A PRE-ARREST DIVERSION PILOT - COMMENTS

TO: Sen. Clarence K. Nishihara, Chair, Committee on Public Safety, Intergovernmental, and Military Affairs;
Sen. Rosalyn H. Baker, Chair, Committee on Commerce, Consumer Protection, and Health;
Sen. Josh Green, Chair, Committee on Human Services

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Thursday, February 9, 2017 at 1:40 PM in Conference Room 229

Dear Chairs, Vice Chairs, and members of the committees:

Thank you for the opportunity to provide testimony for SB 716.

The CHOW Project supports the intent of SB 716 and commends the legislature for its attempt to divert individuals with mental health and/or substance use issues to community services. The CHOW Project also commends the initiative of the State to create an innovative, harm-reduction based approach to working with individuals who commit nonviolent, non-felony offenses.

We feel SB 716 could be an effective complement to county-level Law Enforcement Assisted Diversion (LEAD) projects. CHOW started and coordinates the Hawaii LEAD Hui, a group of 23 agencies dedicated to implementing a LEAD pilot in Hawaii based on the Seattle model (<http://leadkingcounty.org>) which has effectively diverted low-level offenders from arrest to non-punitive programs that allow the individual to receive appropriate support from the community. LEAD has five years of data showing effectiveness:

- LEAD participants were 58% less likely to be re-arrested
- LEAD participants accessed services (49% mental health treatment, 55% drug treatment)

In order to replicate these outcomes in Hawaii, we must also replicate the core components that evaluation found to be effective for LEAD, including:

- Harm-reduction based intensive case management with a warm hand off from law enforcement (and only an intake mandated to participate)
- On-going case coordination between law enforcement and community-based case managers
- Coordinating committee comprised of law enforcement, prosecutor's office, public safety and community members such as the LEAD hui
- Comprehensive data collection and program evaluation to identify elements of effectiveness

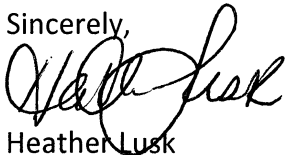
The CHOW Project would like to respectfully make the following recommendations for SB 716 to the committee:

- 1) The CHOW Project recommends that a pilot program be instituted at the county level (such as suggested by SB 108 or as included in the Gov's budget) in addition to the State level. The majority of offenses that may be LEAD-eligible will be handled by county police departments and SB 718 could complement these efforts but should not be a stand-alone effort.
- 2) The efficacy of LEAD has been shown to be the "warm hand off" of a LEAD participant from law enforcement to a community-based case manager. The inclusion of the Department of Health as the first referral will make this implementation difficult and put an unnecessary step and lag into the process. The Community-based case manager can link back to DOH services, but the first linkage should be with a community-based provider.
- 3) A strong evaluation component should be included to determine what elements of these pilot diversion programs are most effective and therefore should be replicated.

The Community Health Outreach Work (CHOW) Project is dedicated to serving individuals, families and communities adversely affected by drug use, especially people who inject drugs, through a participant-centered harm reduction approach. CHOW works to reduce drug-related harms such as but not limited to HIV, hepatitis B/C and overdose. CHOW supports the optimal health and well-being of people affected by drug use throughout the State of Hawaii. CHOW has operated the statewide syringe exchange program for the past twenty years.

Thank you for taking the time to read our testimony and we respectfully hope that these recommendations be adopted by the committee if SB 716 moves forward.

Sincerely,



Heather Lusk

Executive Director
CHOW Project

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 3:22 PM
To: PSMTestimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for SB716 on Feb 9, 2017 13:40PM*

SB716

Submitted on: 2/7/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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Sent: Tuesday, February 7, 2017 3:27 AM
To: PSMTestimony
Cc: dsusott@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/7/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
daniel susott, md, mph	Individual	Support	Yes

Comments: Alternatives, to incarceration have worked in California and many other places. Please do the right thing. Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 6:43 PM
To: PSMTestimony
Cc: cchaudron08@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/6/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Camila Chaudron	Individual	Support	No

Comments: Aloha, my name is Camila Chaudron and I am a constituent from the Manoa/Makiki area. I support this bill because I believe that the homelessness problem in Hawaii has gotten out of hand and needs to be addressed in a systematic and comprehensive manner as soon as possible. This pilot program could help to address the problem indirectly, and should be tested to see if it can be successful. Mahalo.

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Sent: Monday, February 6, 2017 5:23 PM
To: PSMTestimony
Cc: naturadoc@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/6/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Marsh	Individual	Support	No

Comments: Please support the pilot project LEAD. Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:04 PM
To: PSMTestimony
Cc: mark.gordon333@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/6/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Gordon	Individual	Support	No

Comments: Aloha I strongly Support SB716 to conduct a pilot pre-arrest diversion program for individuals with mental health or substance abuse challenges who commit non violent, non felony offenses. All prisons, including those in Hawaii are full of non-violent offenders. Up to 51% of these cases are people being detained pre-trial. Programs like LEAD, which has proven successful in Washington give police another option instead of arresting a person or ignoring a situation could be used as a guidance document for the proposed HI Pilot program. Treatment and counseling are needed for such individuals, not locking them up. Elsewhere, LEAD has led to big reductions in recidivism rates and better relations between law enforcement and the communities they serve. Aside from getting people into social services and substance abuse treatment, LEAD can be tailored to help people into housing. Please SUPPORT SB716. Mahalo for allowing me to share my observations and comments. Respectfully, Mark Gordon Waikoloa, HI.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 11:45 PM
To: PSMTestimony
Cc: j.bobich@tcu.edu
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/5/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph A. Bobich	Individual	Support	No

Comments: Please show some compassion in this time of need.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 12:30 PM
To: PSMTestimony
Cc: djf991960@hotmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/3/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Fukuzawa	Individual	Oppose	No

Comments: I am opposed to this proposal as not enough study has been done on this idea for the state of Hawaii. Before you start something like this, you need all affected parties to be present and get buy in before you even propose something like this. As this was just mentioned at the last HARM Reduction Conference in January, I believe it is too new of an idea for us to do at this time.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 10:01 PM
To: PSMTestimony
Cc: wailua@aya.yale.edu
Subject: *Submitted testimony for SB716 on Feb 9, 2017 13:40PM*

SB716

Submitted on: 2/2/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Wailua Brandman	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 6:54 PM
To: PSMTestimony
Cc: aurasaki@hawaiiantel.net
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/2/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments: I support passage of this measure. Mahalo.

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Sent: Thursday, February 2, 2017 1:20 PM
To: PSMTestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for SB716 on Feb 9, 2017 13:40PM

SB716

Submitted on: 2/2/2017

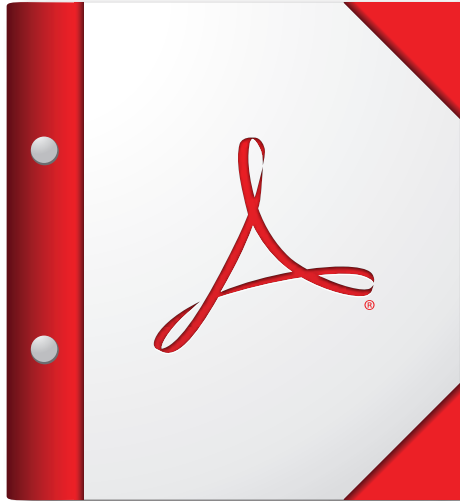
Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments: Good idea. Substance abuse is a form of mental illness. This project might get people help and at the same alleviate the burgeoning prison population.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 10:28 PM
To: PSMTestimony
Cc: erinrutherford815@gmail.com
Subject: *Submitted testimony for SB716 on Feb 9, 2017 13:40PM*

SB716

Submitted on: 2/2/2017

Testimony for PSM/CPH/HMS on Feb 9, 2017 13:40PM in Conference Room 229

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

Comments:

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