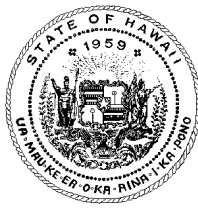


DAVID Y. IGE
GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 2858, SENATE DRAFT 1
RELATING TO PUBLIC SAFETY
AND
SENATE BILL 2861, SENATE DRAFT 1
RELATING TO PUBLIC SAFETY
by
Nolan P. Espinda, Director
Department of Public Safety

LATE

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, February 23, 2018; 10:00 a.m.
State Capitol, Conference Room 211

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2858, Senate Draft (SD) 1 and Senate Bill (SB) 2861, Senate Draft (SD) 1 and offers the following comments.

The Department notes that because of the similarities between the two bills, the Committee may wish to combine and streamline the two measures to eliminate the substantial overlap.

The bills' main area of concern appears to be PSD's Reentry program. The Department fully recognizes this concern and agrees, as it is the most important program area aimed at successfully returning inmates to our communities to be law-abiding, productive citizens. In response to the Justice Reinvestment Initiative and learning from national best practices, PSD's Reentry Coordination Office (RCO) has gone through a massive overhaul over the past two years. After staffing up, it has been working intensively to build upon existing

programs to develop a comprehensive program that energizes facilities' staff to effectively deliver the necessary support and services to inmates as they transition back to our communities.

Given the current circumstances, scrutinizing the RCO with a battery of performance indicators may be premature at this time. There is simply insufficient data to be studied. The Department cannot agree more with the value of program evaluation, but believes it would be more effective if it is used as a diagnostic tool, with the goal of enhancing programs for the benefit of those it serves. PSD respectfully recommends that the Department's annual reporting to the Legislature include a more robust report on the Reentry program which describes program elements and presents performance indicators specific to each element, together with a section of recommended program enhancements, all towards the goal of continual improvement to benefit inmates and our communities.

PSD would also be interested in exploring the idea of consolidating, wherever possible, its reports to the Legislature. However, this would be a large internal undertaking involving many staff and data collection protocols. The Department also notes that the time required for extensive data collection takes staff away from performing their regular duties and would like to request that funds be appropriated to hire staff for the data and reporting functions.

Thank you for the opportunity to present this testimony.



LATE

SB2858 SD1
RELATING TO PUBLIC SAFETY
Senate Committee on Ways and Means

February 23, 2018

10:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2858 SD1, which would require the Department of Public Safety (PSD) to collect, aggregate, and publicly report data relating to key enumerated performance indicators. **This measure would promote important legislative and community oversight, and provide information that may be critical to the enactment of much-needed reforms to our criminal justice system.**

Decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent, between 1977 and today, our incarcerated population increased by 1,400 percent.¹ The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our prison population today.² Moreover, this overrepresentation of Native Hawaiians in the criminal justice system indicates larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.³ **Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that can improve public safety, effectively rehabilitate pa‘ahao, reduce recidivism, and save taxpayer dollars.**⁴

¹THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36.

³ OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." (at pg. 10) Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

⁴ The NHJTF recommended several options to address systemic issues resulting in overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua and bolstering reintegration programs and services to better prevent recidivism. *Id.* at 27-30.

The Native Hawaiian Justice Task Force, in its 2012 report, found that data collection, integration, and infrastructure needed to be improved at various levels of the criminal justice system.⁵ The Task Force noted that an analysis of additional control variables “would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system.”⁶ Consistent with the Task Force’s report, this measure will help to provide robust and comprehensive data, which can inform the exploration, development, and implementation of policies and programs that meaningfully address the costly and growing impacts of our criminal justice system on Native Hawaiians and the larger community.

Therefore, OHA respectfully requests that the Committee **PASS** SB2858 SD1. Mahalo for the opportunity to testify on this measure.

⁵ OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012) at 8, *available at* http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

⁶ *Id.*



Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Friday, February 23, 2018
10:00 A.M. in Room 211

LATE

RE: Support SB 2858, SD 1 Relating to Public Safety (Performance Measures)

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Committee Members:

Hawai'i Justice Coalition is a grassroots education and advocacy coalition comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. We believe that comprehensive criminal justice reform makes fiscal sense, and builds safe and healthy communities.

When analyzing proposed criminal justice legislation, we implore policy makers to evaluate each bill from a systems thinking approach with two overarching principles in mind:

- Criminal justice policies, NOT crime rates, are the prime drivers of changes in jail and prison population.
- Other states have proven that it is possible to substantially reduce the incarcerated population, and save money, without compromising public safety.

States that have successfully reduced its incarcerated population consistently review data analysis and then discuss policy options. SB 2858 would require the Department of Public Safety to establish key performance indicators for the inmate reentry system. In addition, this bill would requires reports, using key performance indicators, to be provided to the legislature.

Hawai'i Justice Coalition supports this bill as it would increase two important oversight goals: increasing transparency and accountability within the Department of Public Safety. For these reasons, please pass SB2858, SD1!

Sincerely,
Carrie Ann Shirota, JD
Hawai'i Justice Coalition
www.hi.justice.org
cashirota808@gmail.com

LATE

SB-2858-SD-1

Submitted on: 2/22/2018 2:56:07 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'imi Nicholson	Testifying for Aloha Light Team	Support	No

Comments:

It's vital to have data on program outcomes in order to design systems that best heal our troubled citizens & protect public safety. Mahalo for supporting rational & caring services for the well-being of all!

LATE

SB-2858-SD-1

Submitted on: 2/22/2018 5:29:03 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Individual	Support	No

Comments:

LATE

SB-2858-SD-1

Submitted on: 2/22/2018 12:38:17 PM
Testimony for WAM on 2/23/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

I support rehabilitation and checking methods to improve the process

SB-2858-SD-1

Submitted on: 2/22/2018 7:12:51 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-2858-SD-1

Submitted on: 2/22/2018 11:04:50 PM

Testimony for WAM on 2/23/2018 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Mendoza	Testifying for 808RAN	Support	No

Comments:

I support this Bill; accountability is critical to our success! Our efforts to accomplish true reform must be documented, analyzed, researched and updated consistently.

Sophia Mendoza

LATE



Aloha Chair Dela Cruz and members of the Senate Ways and Means Committee,

The members of the Young Progressives Demanding Action – Hawai‘i **strongly support** both SB 2858 & SB 2861. Both of these bills are steps toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

The overall direction this committee is leading the State of Hawai‘i when it comes to criminal justice reform is good. Many of the bills that have been introduced this session give us hope. In particular, bills aimed at assessing and reforming pretrial and effective incarceration practices must be supported. However, without specific data, task forces currently looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this committee to act on.

Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai‘i should join this “smart justice” approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

Will Caron

Social Justice Action Committee Chair
Young Progressives Demanding Action – Hawai‘i