



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

SENATE BILL 2861, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 3, 2018; 1:30 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2861, Senate Draft (SD) 2, House Draft (HD) 1 and offers the following comments.

The Department notes that this measure augments the annual reporting required under Act 8 of 2007 – the Community Safety Act – to include program indicators for the Comprehensive Offender Reentry System, established under Act 8, and offers the following comments.

As PSD is fully committed to the goal of successfully returning inmates to our communities to be law-abiding, productive citizens, the Department has gone through a massive overhaul over the past two years, in keeping with the goals of the Justice Reinvestment Initiative and National best practices. This included, but was not limited to: fully staffing the RCO, which works intensively in building 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 these recent developments, PSD suggests that scrutinizing the RCO with a battery of performance indicators may be premature at this time. 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.

Further, PSD notes that Lines 3 and 6 on Page 3 and Lines 1 to 7 on Page 4 relate to the Hawaii Paroling Authority. Also, indicators relating to pretrial detainees and assessments are not the province of the Department, but are the responsibility of the Judiciary.

Finally, the Department appreciates the amendments of the House Committee on Public Safety in maintaining the annual reporting schedule, as the semi-annual or quarterly reporting required under previous drafts of SB 2861 would have overwhelmed our small staff and detracted from the necessary responsibilities of implementing program objectives.

Thank you for the opportunity to present this testimony.



Hawai'i

Committee: House Committee on Finance
Hearing Date/Time: Tuesday April 3, 2018, 1:30 p.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawai'i in **Support** of S.B. 2861, S.D. 2 H.D. 1, Relating to Public Safety

Dear Chair Luke, Vice Chair Cullen, and Committee Members:

The American Civil Liberties Union of Hawai'i writes *in strong support of* S.B. 2861, S.D. 2 H.D. 1, which requires the Department of Public Safety ("**DPS**") to, among other things, develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies. We support these measures, because clear performance metrics are important not only to public safety but also to transparency, efficiency, and accountability.

S.B. 2861, S.D. 2 H.D. 1, also requires that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, pretrial detention, length of stay, etc. One of the barriers to meaningful and evidence-based criminal and correctional reform in Hawai'i is lack of relevant data. Therefore, we request that your Committee amend S.B. 2861, S.D. 2 H.D. 1, so that there is no doubt that DPS is required to annually report on all key performance indicator referenced in the bill. Specifically, Section 2 of S.B. 2861, S.D. 2 H.D. 1, should be amended to add the following language in **red**:

§353H- Annual reporting requirements.

. . .

(b) The Department shall also submit a report to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018, including all of the key performance indicators provided under this chapter.

(c) The department shall also post the reports electronically on the department's website in a timely manner.

This data will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawaii's correctional system as we all weigh important decisions about the future of such system in Hawai'i.

With this amendment, we respectfully request that your Committee pass this bill. Thank you for the opportunity to testify.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
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Sincerely,



Mateo Caballero
Legal Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Tuesday, April 3, 2018

1:30 pm

Room 308

SUPPORT for SB 2861 SD2, HD1 - PERFORMANCE INDICATORS

Aloha Chair Luke, Vice Chair Cullen, 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 in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY. and the approximately 5,500 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 1,600 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 Kanaka Maoli, far, far from their ancestral lands.

SB 2861 SD2, HD1 requires DPS to establish performance indicators. Requires annual reports of the established performance indicators, criminal offender treatment programs, and programs established pursuant to the Community Safety Act. (SB2861 HD1)

Community Alliance on Prisons is in strong support of this measure. Data collection is vital for analysis as the state currently has two groups working on ways to reform our broken correctional system. There is an ongoing project to evaluate all DPS programs currently at the University of Hawai'i. This project is in its third year and yet NO DATA HAS BEEN MADE AVAILABLE TO THE PUBLIC to date. It is sad that this publicly-funded information has been hidden from the public. This kind of secrecy is what fuels distrust in government and wastes millions of dollars.

Former U.S. Supreme Court Justice Sandra Day O'Connor said: *"A fundamental premise of American democratic theory is that government exists to serve the people. ... Public records are one portal through which the people observe their government, ensuring its accountability, integrity, and equity while minimizing sovereign mischief and malfeasance."*

In your own interest, this bill is vital to sound policymaking; you need good data on which to base the public policies you pass. In the interest of democracy, transparency and open access to government, we urge the committee to pass this important bill. Mahalo for this opportunity to testify.

"Power corrupts, and there is nothing more corrupting than power exercised in secret."

Daniel Schorr

LATE

SB-2861-HD-1

Submitted on: 4/2/2018 8:25:17 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:



House Committee on Finance
Chair Sylvia Luke, Vice Chair Ty Cullen

04/03/2018 1:30 PM Room 308
SB2861 SD2 HD1 – Relating to Public Safety

TESTIMONY / SUPPORT
Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Luke, Vice Chair Cullen, and members of the committee:

Common Cause Hawaii supports SB2861 SD2 HD1 which would require the Department of Public Safety to develop performance measures to evaluate the outcomes of the programs on which it reports, to report on an annual basis data relevant to program participation, and to post the reports on the DPS website.

Currently, tax money supports the Department, but the public has little knowledge or understanding of its programs, record of success, or degree of participation of inmates in programs. Regular reporting of this information, both to the legislature and on the DPS website will give the public a greater understanding of the activities of DPS.

Thank you for the opportunity to testify in support of **SB2861 SD2 HD1**.

SB-2861-HD-1

Submitted on: 4/2/2018 12:46:09 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice-Chair, and Members of the Committee on Finance:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2861 SD2 HD1**, relating to DPS; Inmate Rehabilitation; Reentry System; and Reporting Requirements.

The OCC Legislative Priorities Committee is in favor of **SB2861 SD2 HD1** and supports its passage.

SB2861 SD2 HD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the Department of Public Safety to establish performance indicators, and requires annual reports of the established performance indicators, criminal offender treatment programs, and programs established pursuant to the Community Safety Act.

The DPH Platform states that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited." (Platform of the DPH, P. 5, Lines 273-278 (2016)).

Given that **SB2861 SD2 HD1** requires the Department of Public Safety to establish performance indicators, and requires annual reports of the established performance indicators, criminal offender treatment programs, and programs

established pursuant to the Community Safety Act, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889



LATE

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair
Tuesday, April 3, 2018
1:30 P.M.
Conference Room 308

Re: SUPPORT SB 2861, SD2, HD1 Relating to Public Safety

Dear Chair Luke, Vice Chair Cullen and Members of the Committee:

Hawai'i Justice Coalition supports SB 2861, SD2, HD1 RELATING TO PUBLIC SAFETY. We are a 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.

This bill would require the Department of Public Safety to establish key performance indicators for the inmate reentry system. In addition, this bill would require 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 this measure.

Sincerely,

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

LATE

SB-2861-HD-1

Submitted on: 4/2/2018 3:38:59 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Drug Policy Forum of Hawaii	Support	No

Comments:



COMMITTEE ON FINANCE

Representative Sylvia Luke, Chari
Representative Ty J.K. Cullen, Vice Chair

DATE: Thursday, April 2, 2018
TIME: 1:30 AM
PLACE: Conference Room 308

Dear Honorable Committee Members,

SB 2861 SD2 HD1: Strong support– Relating to Public Safety

The department of public safety (PSD) needs to specify its correctional goals and report on the outcomes of its efforts.

Please vote in favor of this bill to bring more accountability to a department with a \$300+ million annual budget that can increase confidence in our government and improve outcomes.

Hawai'i Friends of Restorative Justice is a 30+ year old non-profit dedicated to improving our justice system. We have worked with imprisoned people since 2004. Numerous articles about our work including assisting imprisoned people reenter the community have been published and disseminated. We are frequently contacted by others nationally and internationally for assistance with evidence based reentry programs and policies.

Mahalo for your public service.

Please contact me at (808) 218-3712 and lorenn@hawaiiifriends.org for any questions about our testimony and our work.

Aloha, Lorenn Walker, JD, MPH
Director, Hawai'i Friends of Restorative Justice

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J. R. Cullen

Hearing

DATE: Tuesday, April 3, 2018

TIME: 1:30 PM

PLACE: Conference Room 308

State Capitol

415 South Beretania Street

SB2861, SD2, HD1 (HSCR1256-18)

Good afternoon Chairwoman Sylvia Luke, Vice Chair Ty J. R. Cullen, and members of the Committee. My name is Michelle J. Corpuz, and I am a student at the University of Hawaii at Manoa's Myron B. Thompson School of Social Work. I am testifying in support of SB2861, SD2, HD1 (HSCR1256-18), and I thank you for including SB2861, SD2, HD1 (HSCR1256-18). I support this bill, because this bill seeks to compile annual data on prisoner rehabilitation, set performance indicators, have complete lists of drug and other rehabilitation programs, and other valuable data. Hawaii has a high rate of people in the prison population, and a high rate of recidivism among those people. I have personally known many individuals and families who were affected by the criminal justice system, and I believe that increased data, increased reporting, and a greater ease into rehabilitation programs, will greatly reduce recidivism rates. I believe that this program will bring much needed help and hope to the people of Hawaii. I believe that this is an important bill, and it is one that I fully support. I am testifying in the hope

that this bill gets passed. Thank you again for the opportunity to testify in favor of SB2861, SD2, HD1 (HSCR1256-18).

Michelle J. Corpuz

Student at the University of Hawaii at Manoa's Myron B. Thompson School of Social Work

SB-2861-HD-1

Submitted on: 4/1/2018 12:26:39 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

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

Comments:

SB-2861-HD-1

Submitted on: 4/1/2018 10:52:29 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Support	No

Comments:

-We continue to invest a tremendous amount of money in the corrections system without the statistics necessary to tell us whether that money is actually reducing crime, improving fairness or lessening recidivism.

-This bill would develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies.

-Clear performance metrics are important not only to public safety but also to increase transparency, efficiency, and accountability.

SB-2861-HD-1

Submitted on: 4/2/2018 8:50:21 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

Chair Luke, Vice Chair Cullen and Committee Members:

I stongly support SB2816 SD2. Unfortunately, the public has not been paying much attention to the effectiveness of the criminal justice system, so the Department of Public Safety has been operating without scrutiny, while taxpayers pay for, then ignore, its operations. This bill will allow the public and the legislature to have a better idea of how the system is operating to protect our safety and help reintegrate inmates safely into the community. The performance indicators will also be of great benefit to DPS and its units in improving the effectiveness of their efforts. I applaud the list of performance indicators in the bill, which, when posted on-line will provide an excellent overview of our jails and prisons.

I encourage you to pass SB2861 SD2. Thank you for this opportunity to testify IN SUPPORT OF SB2861 SD2.

SB-2861-HD-1

Submitted on: 4/2/2018 12:38:39 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

STRONG SUPPORT. With this data/info, it will show the weakness of any area that needs to be corrected/improved, and thereby saving the state money spent blindly.

SB-2861-HD-1

Submitted on: 4/3/2018 8:07:58 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

To the House Of Representatives Committee On Finance-

I am submitting testimony in Strong SUPPORT of SB2861 SD2 HD1 relating to Public Safety (Performance Indicators, Annual reports of Performance Indicators, Criminal Offendor Treatment Programs, and programs established pursuant to the Community Safety Act). Huge amounts of taxpayer funds are utilized for the Department Of Public Safety without adequate data as to whether department programs are successful or can be improved. This information is important to improve the lives impacted by this department and to insure transparency and accountability to the public. Please pass this measure.

Thank you-

Raelyn Reyno Yeomans