

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE BILL 2858, SENATE DRAFT 2
RELATING TO PUBLIC SAFETY
AND
SENATE BILL 2861, SENATE DRAFT 2
RELATING TO PUBLIC SAFETY
by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gate, Vice Chair

Thursday, March 15, 2018; 10:30 a.m.
State Capitol, Conference Room 312

Chair Takayama, Vice Chair Gates, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2858, Senate Draft (SD) 2 and Senate Bill (SB) 2861, Senate Draft (SD) 2 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 program, aimed at returning inmates to our communities to be law-abiding, productive citizens, to be its most important program area and has concentrated additional resources and efforts into increasing its success. 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 program duties and would like to request that funds be appropriated to hire staff to take on the additional data and reporting functions.

Thank you for the opportunity to present this testimony.

SB-2861-SD-2

Submitted on: 3/13/2018 9:31:06 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

We continue to STRONGLY SUPPORT this bill. Mahalo.



COMMITTEE ON PUBLIC SAFETY
Rep. Gregg Takayama, Chair
Rep. Cedric Asuega Gates, Vice Chair
Thursday, March 15, 2018
10:30 AM in Conference Room 312

RE: SUPPORT SB 2861, SD 2 PUBLIC SAFETY PERFORMANCE
INDICATORS

Dear Chair Takayama, Vice Chair Gates 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 SD2 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 SB2858, SD2!

Sincerely,

Carrie Ann Shirota, JD
Hawai'i Justice Coalition
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COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, March 15, 2018

10:30 am

Room 312

SB 2861 SD2 - PERFORMANCE INDICATORS, PROGRAMS REPORTING - SUPPORT

Aloha Chair Takayama, Vice Chair Gates 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 requires the Department of Public Safety to establish performance indicators. Requires semi-annual reports of the established performance indicators, criminal offender treatment programs, and programs established pursuant to the Community Safety Act.

Community Alliance on Prisons is in 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 at the University of Hawai'i to evaluate all DPS programs. 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 the interest of democracy, transparency and open 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

SB-2861-SD-2

Submitted on: 3/14/2018 10:12:07 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

Good morning, 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**, relating to DPS; Inmate Rehabilitation; Reentry System; and Reporting Requirements.

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

SB2861 SD2 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. Requires semi-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** requires the Department of Public Safety to establish performance indicators. Requires semi-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 Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

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

LATE



Committee: House Committee on Public Safety
Hearing Date/Time: Thursday, March 15, 2018, 10:30 a.m.
Place: Conference Room 312
Re: *Testimony of the ACLU of Hawai'i in support of S.B. 2861, S.D. 2, Relating to Establishing Key Performance Indicators*

Dear Chair Takayama, Vice Chair Gates, and Committee Members:

The American Civil Liberties Union of Hawai'i writes in **strong support** of S.B. 2861, S.D. 2, 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, also requires that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, 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, 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, should be amended to add the following language in red:

§353H- Semi-annual reporting requirements.
(a) For each program established pursuant to this chapter, the department shall submit a report to the legislature no later than the first day of June and first day of December each year, beginning with the period ending on November 30, 2018. Each report shall reference **and report on all** key performance indicators **provided for under this chapter and** that track rehabilitation and reentry efforts for individuals being prepared to exit the correctional system.

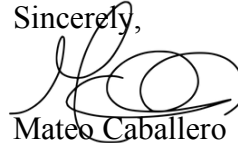
This data will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawaii's correctional system as we all weigh important decisions about the future of such system in Hawai'i.

American Civil Liberties Union of Hawai'i
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March 15, 2018
Page 2 of 2

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mateo Caballero', written in a cursive style.

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 over 50 years.

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SB-2861-SD-2

Submitted on: 3/13/2018 9:19:12 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

In STRONG SUPPORT.

SB-2861-SD-2

Submitted on: 3/14/2018 7:42:00 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	No

Comments:

SB-2861-SD-2

Submitted on: 3/14/2018 9:30:40 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

Chair Takayama, Vice Chair Gates 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-SD-2

Submitted on: 3/14/2018 10:29:32 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

LATE

SB-2861-SD-2

Submitted on: 3/14/2018 1:53:21 PM
Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

LATE

SB-2861-SD-2

Submitted on: 3/14/2018 4:33:37 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

LATE

SB-2861-SD-2

Submitted on: 3/15/2018 12:57:18 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikos Leverenz	Individual	Support	No

Comments:

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SB-2861-SD-2

Submitted on: 3/15/2018 10:59:13 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments: