

SB 1148

Measure Title:

RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM

Report Title:

Corrections; Offender Reentry

Description:

Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawaii inmates housed in out-of-state prisons; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2010.

LINDA LINGLE
GOVERNOR



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

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 1148
RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM

By
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Thursday, February 12, 2009; 1:15PM
State Capitol, Conference Room 229

Senator Espero, Senator Bunda, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of Senate Bill 1148, which amends several key sections of ACT 8, First Special Session Laws of Hawaii 2007, also known as the Community Safety ACT of 2007 and addresses the wide range of concerns PSD and other Departments have previously expressed to the legislature.

The Department respectfully requests the following amendments to SB 1148:

1. Section 1c (Part 1 - Page 2, Line 18) – Currently reads “Within ninety days of the offender’s conviction, the department of public safety shall develop a comprehensive written reentry plan for each individual entering a correctional facility to assist in the rehabilitation of the offender.”

Requested amendments “Within ninety days of the offender’s felony conviction prison sentencing by the court, the department of public safety shall develop a comprehensive written reentry plan for each individual entering a correctional facility to assist in the rehabilitation of the offender.”

This proposed amendment will allow PSD sufficient time to ensure the offender completes the entire Reception, Assessment, and Diagnostic (RAD) process and for the completion of a comprehensive reentry plan are completed and provided to the Hawaii Paroling Authority (HPA) prior to the minimum sentencing hearing, which is the current practice.

2. Section 1 (Part 4 – Page 7, Line 6) – Currently reads “By January 1, 2010, the maximum number of Hawaii inmates who are housed in out-of-state prisons shall not exceed_____.”

Requested amendments “Delete the entire last sentence that begins on line 6 and ends on line 8.” Any limit placed on the number of Hawaii inmates housed in out-of-state prisons is ill advised.

Given the state’s current economic outlook and the potential for an increase in property crimes, theft cases, motor vehicles break ins, motor vehicle thefts, and unfortunately domestic violence cases, limiting the number of inmates housed in out-of-state prisons would place an even greater burden on our in state correctional facilities. At present there are over 19,000 offenders on probation statewide. On any given day, there are thousands of these probationers facing possible revocation and re-sentencing to jail and/or prison terms. If only 5% of the probation population were re-sentenced to jail and/or prison that would equate to an increase of at least 950 offenders being sent to our jails and prisons, which would overwhelm the correctional system.

In addition, there are over 1,900 convicted felons on parole statewide. On any given day, the Hawaii Paroling Authority (HPA) has an average of 180 to 220 outstanding active warrants to retake parolees that pose an undue risk to the public’s safety. If executed, each warrant requires the arrest and at least temporary re-incarceration of the parolee pending the outcome of his/her parole violation hearing and/or adjustments to the terms and conditions of parole.

Further, restricting the number of inmates that can be housed in out-of-state prisons will lead to even more overcrowding and create inhumane living conditions, which only invites intervention from the U.S. Department of Justice. Hawaii's in-state correctional facilities are already operating at or beyond their designed capacity. In an article reported in the Honolulu Advertiser on Tuesday, February 10, 2009, "A special panel of federal judges tentatively ruled yesterday (Monday, February 9, 2009) that California must release tens of thousands of prison inmates to relieve overcrowding." In part, the federal judges noted that no other solution would improve conditions. Therefore, PSD respectfully requests this section of SB 1148 be deleted.

3. Section 1 (Part 5(b) – Page 8, Line 10) "The legislative oversight committee shall cease to exist on July 1, 2010."

Recommended Amendments "The legislative oversight committee shall cease to exist on July 1, 2009."

The department sees no need for the oversight committee.

At present, the Senate Committee on Public Safety and Military Affairs, the House Committee on Public Safety, any other legislative committee and/or individual legislators already have the ability to request information/documents, seeks reports, requests clarification of departmental policies and procedures, etc. Therefore, PSD sees no need not to cease the existence of the legislative oversight committee effective July 1, 2009, or upon passage of this measure.

Thank you for the opportunity to provide testimony on this matter.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, February 12, 2009

1:15 PM

Room 229

STRONG SUPPORT with Amendment

SB 1148 - Clarifying Act 8

PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 1148 clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawai'i inmates housed in out-of-state prisons; establishes a reentry commission and sunsets the legislative oversight committee on July 1, 2010.

Community Alliance on Prisons is in strong support of this measure and respectfully asks for an amendment to SECTION 1. 6(b) by changing the language in (5), which has been stricken to read: *The Hawai'i Paroling Authority shall retain discretion over contact between individuals formerly incarcerated and those currently incarcerated.* CAP asks for this amendment on behalf of individuals we have met who have been incarcerated for a long time. Long-time incarceration puts a huge stressor on families and sometimes a person is released from incarceration knowing only those with whom he/she has served time.

Several years ago, the Hawai'i Paroling Authority was handling this kind of contact on a case-by-case basis. We hope that this is still the case. If so, this amendment merely asks that HPA continue this practice.

Community Alliance on Prisons wholeheartedly supports putting a cap on the number of incarcerated individuals we send abroad. CAP believes that with the millions of dollars spent each year to ship individuals around like chess pieces, we could build the community infrastructure in Hawai'i to have reentry programs on all islands with a complement of treatment and social service programs that help families reunify, where appropriate, and assist individuals in restoring their lives and becoming contributing members of their communities.

The majority of nonviolent incarcerated people would be better served in community-based programs that directly address their pathways to crime, where prison appears to enhance one's criminal thinking.

The Reentry Commission is an important piece in the reentry system since the community's attitude is a vital part of an individual's successful reentry. We have suggestions for additions to the Reentry Commission that the committee might want to consider:

- Business interests - since employment is one of the crucial anchors in successful reentry
- Researchers who can bring the latest data and even do research designated by the Commission
- A formerly incarcerated person who can bring authenticity to the discussion

These hard economic times demand that we find more cost-effective ways to deal with non-violent lawbreakers. Our prison population is bursting at the seams with nonviolent lawbreakers. Prisons should be reserved for those that harm others and need to be separated from society. Hawai'i should not be using the most costly sanction to address a public health problem when we know that sanctions do not work for drug offenders - incentives do.

Strong reentry programs, addressing an array of needs, throughout the community will enhance public safety. Strong reentry programs help individuals rebuild their lives, restore their families, and revitalize their communities. The MEO BEST Reintegration Program is a great example of this, as they work shoulder to shoulder with the community on a number of projects to build community pride. Every island could use programs like this to help those who have lost their way, find their path to redemption.

Community Alliance on Prisons urges passes of SB 1148 and respectfully asks the committee to consider our amendment and suggestions.

Mahalo nui for this opportunity to testify.

SB1148 RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM
Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawaii inmates housed in out-of-state prisons; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2010.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

DATE: Thursday, February 12, 2009
TIME: 1:15 p.m.
PLACE: Conference Room 229

Hawaii Substance Abuse Coalition (HSAC)

Aloha, Chair Espero, Vice Chair Bunda and distinguished members. My name is Alan Johnson, Chairperson of the Hawaii Substance Abuse Coalition, which is a hui of 22 treatment agencies throughout the state.

HSAC supports SB1148

HSAC applauds the Legislature for recognizing that huge cost savings could be realized by diverting low risk, non-violent drug addicts into treatment.

Essential will be a partnership among community-based providers and Public Safety to include the use of proper assessment tools to ensure there is minimal risk and to ensure that the reentry systems have treatment for criminality as well as continuity of care for treatment for addiction.

Cost Saving Ideas

Communications, cooperative planning, the use of peers, volunteers, and mentors, and other creative strategies need not be expensive and can be effective ways to fill the service gaps.

An excerpt from SAMHSA TAP 24 "Specific Treatment Approaches for Women Offenders, pg. 35 follows:

Recommendations

- 1 The local consortium or network needs to tie together the pivotal points of referral and supervision in the courts or community supervision agencies (probation and parole agencies) with the appropriate State and local agencies responsible for offender treatment services.
- 2 The services provided through the consortium should include addiction treatment, public health, primary health care, mental health services, supervision/testing by courts and corrections agencies, and child welfare services.
- 3 The consortium should create a new infrastructure or enhance existing components for a comprehensive criminal justice network by incorporating and integrating existing Federal, State, and locally funded projects. The consortium should identify and work with projects that serve specific target populations involved with the criminal justice system.
- 4 The model developed by the consortium needs to include a centralized intake point of entry where offenders referred by the courts and criminal justice system can be comprehensively assessed and referred to treatment. The model needs to include intake screening, assessment, and the provision of a continuum of care that includes case management, primary health and mental health care, and other services for eligible substance-abusing women offenders.
- 5 The consortium should integrate culturally sensitive services as appropriate for ethnic and other minority groups in terms of both program planning and implementation.
- 6 A core element of the network services should be a case management system that provides appropriate supervision and tracking. This case management is expected to include assisting clients with referrals, tracking clients, frequent case review, frequently scheduled random urine testing, a schedule of regular and frequent communication with community treatment providers, and frequent reporting of client progress to the referring criminal justice agencies.
- 7 Case managers may be situated at numerous points within the system. These case managers should be individuals knowledgeable about the criminal justice process, offender clients, substance abuse treatment, and child welfare and other women-specific services.
- 8 A system of intermediate sanctions and positive rewards should be implemented as a structure for client behavioral guidelines.
- 9 Comprehensive, women-specific treatment should be provided for women offenders with AOD abuse. This treatment should address the clinical issues related to women's substance abuse, including primary and specialty health care for infectious diseases and other physical disorders, mental health services, violence reduction and intervention, family counseling and job placement, services for victims of physical or sexual abuse, and services for families and children.
- 10 The public health component of the treatment regimen should involve local and/or State agencies that engage in screening and counseling for infectious diseases, as well as coordination with treatment providers. The infectious diseases of concern include HIV/AIDS, tuberculosis (TB), sexually transmitted diseases, and hepatitis B.
- 11 The consortium should develop an automated management information system (MIS) for rapid communication across agencies and to allow for rapid tracking and referral of clients for maximum system-wide utilization of treatment capacity. This MIS will be designed so that it continues to protect client confidentiality.
- 12 A goal for the system should be to expand service delivery and increase access to substance abuse, mental health, and primary care treatment for women offenders who need these services. A longer term goal should be to provide improved treatment outcomes by means of more effective treatment and recovery services. These improved outcomes can be measured through reduced drug usage and associated problems, lower criminal justice system recidivism, and improved health and social functioning.

CSAT's Recommended Approaches for Establishing Networks

Excerpt from SAMHSA TAP 24 "Specific Treatment Approaches for Women Offenders, pg. 35:

Recommendations

1 *Each woman should receive a thorough assessment of her needs that is female-specific and culturally relevant. Very few instruments exist that are specific for women or even women-focused. The important issue is to be aware that the assessment needs to be comprehensive and to include domains that are particularly relevant to women. Appropriate instruments, as woman-focused as possible, should be used to obtain a complete criminal history; medical history; history of substance abuse; physical, emotional, and sexual abuse history; psychological history; and educational level.*

2 *While the woman is incarcerated, a treatment team should do an in-depth assessment to identify the range of her medical, substance abuse, criminal justice, and psychosocial problems and develop an individualized treatment plan. That plan should address all the needs identified in the assessment, including homelessness. Treatment services should begin in the institution.*

3 *Each woman should be tested for HIV/AIDS and be provided with pre- and post-test counseling as appropriate to State law, regulations, and administrative guidelines. In prison and jail programs for women, HIV testing should be available. The women need to be educated about HIV and encouraged to undergo HIV/AIDS testing. Counseling should be provided for all women tested for HIV/AIDS.*

4 *Medical care should be provided for the woman through formal arrangements with community-based health care facilities. This care should include screening and treatment for infectious diseases, including sexually transmitted diseases and hepatitis, and immunizations. It should also include obstetrical and gynecological care, including prenatal obstetrical services for pregnant clients.*

5 *Substance abuse education and counseling, psychological counseling (where appropriate), and other women-specific and culturally appropriate therapeutic activities should be provided throughout the continuum of care. Services should be offered in the context of family and*

other interpersonal relationships, including individual, group, and family counseling. Counseling based on individualized treatment plans should be provided for women who have experienced physical, sexual, psychological, and emotional abuse and trauma. Counseling based on the individualized treatment plan should also be provided for relapse prevention.

6 *Family planning counseling should be provided. This needs to include information on prenatal care, birth control options, adoption, and education on perinatal transmission of HIV.*

7 *Training in parenting skills should directly involve the mother-child dyad and, whenever possible, involve other family members. Women in treatment should be permitted and encouraged to participate in programs for their children, such as Head Start and Parent and Child Centers that incorporate parent participation.*

8 *Interagency agreements should be developed with relevant child welfare agencies to address the needs of the children whose mothers are in local correctional facilities and to help make possible regular visits from children to the mothers who do not have custody of their children.*

9 *Formal linkages should be established with community providers for provision of all necessary services. The services should include basic needs of food, clothing, housing, finances; assistance in legal matters, family planning, and vocational/educational needs; transportation; health care; mental health services; and support services.*

10 *Specialized services should be provided for the children of female offenders. Children and other family members should be included in all levels of the service delivery network—in the continuum of prevention, treatment, and recovery. The program should provide therapeutic child care and child development services, including supervision of children while their mothers are engaged in treatment and other rehabilitative activities in the community.*

Community-based Systems Models that are available resources to help PSD Systems

1 Treatment Accountability for Safer Communities (TASC) TASC,

begun during the 1970s by the Bureau of Justice Assistance, is now a widely used model for bridging the gap between criminal justice agencies (courts and probation) and the treatment providers.

2 Integrated Management Information Systems CSAT, through its Target

Cities initiative, provides discretionary funding to develop infrastructure planning in major metropolitan areas. The approach of the CSAT Target Cities program is to develop an infrastructure that will support coordination, communications, and information sharing across the network. The projects focus on developing such integrating mechanisms as centralized intake units (CIUs) and management information systems.

3 Community Networks Late in 1995, CSAT awarded eight cooperative

agreements to develop and implement a sophisticated new concept— criminal justice treatment networks. This demonstration program involves consortia led by a local court or community corrections agency, which also include substance abuse treatment agencies and a range of health and mental health organizations. This holistic approach represents an intensive effort to build and strengthen networks made up of diverse organizations and systems that have conflicting goals, varied management and operating philosophies, and differing realities. Each network is developing an automated management information tracking system to document the progress of both programs and individual offenders. The most effective models—those that expand services in a cost-effective way and show enhanced treatment outcomes in reduced drug use, lower recidivism, and improved social functioning—will be appropriate for replication. The models selected for replication will include intake screening and assessment and will provide a continuum of care that includes case management, primary health and mental health care, and other supportive services.

We appreciate the opportunity to provide information and are available for questions, if needed.



Via E-mail: PSMTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Thursday, February 12, 2009, 1:15 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of S.B. 1148, Relating to the Comprehensive Offender Reentry System

Dear Chair Espero and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 1148.

The ACLU of Hawaii supports every effort to develop a comprehensive reentry system. In general, reentry programs are far more cost-effective – and far more effective at reducing recidivism – than incarceration. Every effort should be made to provide Hawaii’s inmates with the support and services they need to become productive and responsible community members. Reorganizing the Department of Public Safety to ensure a clear focus on reentry and reintegration is a tangible step towards that goal.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



the
**Drug Policy
Forum**

February 12, 2009

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
And Members of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

RE: SB 1148 Relating to Offender Reentry System
Hearing: February 12, 2009, 1:15 p.m., Room 229

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in support of SB 1148 which amends and clarifies the comprehensive offender reentry system.

This measure establishes limits on the number of Hawai'i inmates housed in out-of-state prisons. With this limit established, the Department of Public Safety would need to ensure that effective programs are implemented, that recidivism is reduced, that persons with community level status are placed in community-based programs, and that reentry programs are fully implemented. These alternatives save money.

DPFH supports the Reentry Commission which provides input from the community, law enforcement and a formerly incarcerated person.

Difficult economic times behoove policymakers and state agencies to implement programs that are cost-effective and beneficial. Placing non-violent drug offenders into treatment programs costs less than medium-security incarceration and provide for better outcomes. We cannot continue to house drug offenders and not provide them with needed treatment.

In 2004, a report by the Department of Health to the Joint House-Senate Ice Taskforce reported that less than 7% of those under the jurisdiction of Hawai'i's criminal justice system received the drug treatment that they needed. Focus must be placed on the right programs so that incarcerated men and women can return successfully into society.

Strong reentry programs help individuals rebuild their lives, restore their families, and revitalize their communities. We urge passage of SB 1148.

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P.O. Box 61233
Honolulu, HI 96839

Phone: (808)-988-4386
Fax: (808) 373-7064

Email: info@dpfhi.org
Website: www.dpfhi.org

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Thursday, February 12, 2009
1:15 PM
Room 229
STRONG SUPPORT

SB 1148 - Clarifying Act 8
PSMTestimony@capitol.hawaii.gov

Chair Hanohano, Vice Chair Aquino and Committee Members:

I am writing in strong support for SB 1148, which clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawai'i inmates housed in out-of-state prisons; establishes a reentry commission and sunsets the legislative oversight committee on July 1, 2010.

By establishing a Reentry Commission, successful state of the art policies and programs could be implemented to increase the rate of inmates' successful reentry into their communities. Please pass SB 1148 to enhance public safety and reduce recidivism.

Thank you for this opportunity to testify on this important issue.

Sincerely,

Diana Bethel
1441 Victoria St.
Honolulu, Hawaii 96822

TO: COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

FROM: Carmael Kamealoha Stagner, private citizen & spouse of inmate incarcerated
at Saguaro Correctional Facility

DATE: February 11, 2009

SUBJECT: TESTIMONY IN FAVOR OF 1058

DATE: Thursday, February 12, 2009

TIME: 1:15 p.m.

PLACE: Conference Room 229

PSMTestimony@Capitol.hawaii.gov .

SB 1148

RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; establishes limits on the maximum number of Hawaii inmates housed in out-of-state prisons; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2010.

Honorable committee chairpersons Senator Will Espero and Senator Robert Bunda,

This testimony is in favor of an offender comprehensive re entry system with amendments.

Considering that previous bills note that for every consumer dollar spent by an inmate's family warehoused in an out-of-state prison, is THREE DOLLARS, we could use to stimulate the economy in Hawaii, please note that the maximum amount deposited into an inmate's account at Saguaro Correctional Facility (SCF) is \$500 per month.

At Halawa Correctional Facility (HCF) it is \$200.

2,000 inmates at \$500 per body is \$1,000,000 per month in the Correctional Corporation of America (CCA) trust account.

The commissary at SCF is used by inmates to purchase phone time, at a rate of \$2.99 to connect the call, and \$0.25 per call, not to exceed 20 minutes per phone call. This is an average of \$8/ per call. One call

per day averages about \$240 per month. At HCF, phone calls are collect at \$1.85 per call, averaging about \$60 per month.

This is just the beginning.

Please tell me that Hawaiian families have more value than that.

This testimony is in favor of an offender comprehensive re entry system with the following amendments:

Following page 2, part (4), line c: “ and culturally supportive.”

Following page 2, part c, line 22: “Parole Officers shall receive documentation from the re entry staff to support the offender on parolee status to maintain goals and objectives identified in the re entry plan. Revisions shall occur with each parolee contact.”

Page 2, part (d): “Parole violators shall also complete a re entry plan within 90 days of their return to custody, which includes the re classification instruments, and referrals for community re integration.”

Following page 4, line 2: after and “ to include contact visits.”

Following page 4, line 18: after feasible “ to include contact visits.”

Following page 5, line 2: add “Parent inmates shall not be considered for transfer to out-of-state prisons.”

Following page 5, line 2: add “ Parent inmates currently warehoused in mainland facilities shall be returned to Hawaii forthwith.”

Following page 6, line 13: delete from “provided,” through line 16, “return.”

page 6, line 16: add “offenders with addiction needs may be considered for community custody, and released to community-based programs for substance abuse and dependence with supervision of the parole officer.

Substance Abuse programs shall be considered for all parole violators following the administration and interpretation of the current department of public safety classification instruments.”

Following page 7, line 3: add “.” after prisons, removing the “and” ;

Page 7, line 3: Start new sentence on line 3 by adding “parent inmates, ” ;

Page 7, line 3: after the amended *inmates*, and before *prisoners*, add “ inmates accepted into appropriate substance abuse treatment programs in the community,” ; and then the final clause originally written at the end of line 3, and sequencing to line 4 “prisoners. . .” .

Page 7, line 8: shall not exceed “500, with the balance to be returned forthwith.”

Page 7, line 21: delete from “provided,” through line 16, “return.”

Following page 8, line 11: change “2010” to “2012.”

Begininng on page 10: Are not parts 6, 7, 8 and 9, included in a parole officer’s job description?

On page 11: A duty of the education division during intake to determine re entry programming? To be followed up with a case manager in preparation for release, and upon an inmate’s release by the parole officer when re entering the community?

Following page 15, line 7: change the word “establishing,” to “establish.”

Please consider passing this bill with the following amendments to support the return and re entry efforts of Hawaiian inmates, of which there is no price.

Hawaiians are worth much more than the Million dollars per month their families pump into the private prison system that keeps them captive.

Thank You.