

SB 213

Measure Title:

RELATING TO PUBLIC SAFETY

Report Title:

Inmate Rehabilitation; Reentry System; Performance Indicators

Description:

Requires the department of public safety to establish performance indicators; requires monthly reports to the legislature, using key performance indicators.

LINDA LINGLE
GOVERNOR



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

CLAYTON A. FRANK
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Deputy Director
Law Enforcement

No. ..

TESTIMONY ON SENATE BILL 213
RELATING TO PUBLIC SAFETY

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

Tuesday, February 3, 2009; 1:15PM
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) does not support Senate Bill 213, which seeks to require PSD to establish key performance indicators or measures, and to submit comprehensive monthly reports related to Act 8, First Special Session Laws of Hawaii 2007, also known as the Community Safety Act of 2007.

Currently, Act 8 and Act 213 of SLH 2007 already requires the Department to submit several reports to the Legislature related to the performance indicators on some of its programs. These reports include performance indicators on inmate transition and reentry into the community; the inmate apprenticeship program; inmate transitional work furlough and substance abuse treatment services; the inmate job development program, and several other required areas. The reporting requirements of ACT 8 are in addition to the approximately twenty-four other various reports the department already provides the legislature.

In addition, the requirement to provide comprehensive reports each month will create a substantial increase in workload, which **cannot** be absorbed by the current

staff. The current staff's ever increasing workload is already burdensome and is compounded by the fact that the department does not have adequate database capacity, or computers for the correctional facilities. In order to comply with the proposed monthly reporting requirement, at least two additional full time staff positions would be required along with funding for additional office equipment. Further, it should also be noted that any marked changes in performance indicators are gradual, taking place over an extended period of time, and cannot be determined with monthly reports.

Further, to ensure the information in the reports is complete, accurate and provided on a timely basis, the Department requires time to establish definitions and measures; develop and test data collection and reporting procedures; and conduct recruitment efforts to fill the new positions that will be required. We also require the time necessary to train the staff .

Finally, thank you for the opportunity to provide testimony and clarify the manpower and cost implications of this unnecessary and burdensome measure.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

ALBERT TUFONO
CHAIR

DANE K. ODA
MEMBER

ROY W. REEBER
MEMBER

MAX OTANI
ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 213
RELATING TO INMATE REHABILITATION;
REENTRY SYSTEM; PERFORMANCE INDICATORS

HAWAII PAROLING AUTHORITY
Albert Tufono, Chair

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

Chair Espero, Vice Chair Bunda and Committee Members:

The Hawaii Paroling Authority cannot support Senate Bill 213, which requires the Department of Public Safety to establish performance indicators and provide reports to the legislature on a monthly basis. While the intent of this bill would provide evidence based data, the Hawaii Paroling Authority currently does not have sufficient staffing and resources to collect the data that is being requested in this bill. Database infrastructure enhancement, additional staff and equipment and training of staff would be required to fulfill the monthly reporting requirement.

Information on parole recidivism that is being sought in this bill is presently being collected by the Interagency Council on Intermediate Sanctions. Although the information is not captured on a monthly basis, the data provides sufficient information to identify trends in the criminal justice population.

Thank you for this opportunity to testify and we ask that this bill be held.



Via E-mail: PSMTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Tuesday, February 3, 2009, 1:15 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of SB 213, Relating to Public Safety

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 strong support of SB 213, which seeks to require the Department of Public Safety to establish performance indicators and requires monthly reports to the Legislature using key performance indicators. Requiring performance indicators will help to ensure that the Department of Public Safety is held accountable for implementing and managing the reentry programs, and will ultimately ensure that Hawaii's inmates are successfully reintegrated into the community.

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,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
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LORENN WALKER, J.D., M.P.H.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Honorable Senator Will Espero, Chair
Honorable Senator Robert Bunda, Vice Chair
Tuesday, February 3, 2009
1:15 PM
Room 229

STRONG SUPPORT with Amendment
SB 213 – Performance Indicators for Act 8 – Hawai`i’s Reentry Law
Sent to: PSMTestimony@capitol.hawaii.gov

I STRONGLY support SB 213, which would require the Department of Public Safety to establish performance indicators and make monthly reports to the legislature on progress toward meeting those specified indicators.

I also respectfully ask that the committee consider adding the following amendment to the bill:

On page 3, line 16 under (6) add:

(a) Record the recidivism rates of those incarcerated individuals who have participated as principals in the Restorative Circle process.

Without any state funding, there have been forty-one Restorative Circles held to date since the program began in 2005. The program has gained of some of the most respected corrections experts in the world. Unsurprisingly, research shows that restorative interventions are more effective at reducing recidivism than current approaches.

The state of Vermont has been implementing restorative interventions in its corrections system for over ten years. A study of the outcomes of its restorative interventions, *Reparative versus Standard Probation: Community Justice Outcomes*, by professors John Humphrey, Gale Burford, and Meredith P. Huey, confirms the restorative measures are more effective at preventing recidivism than current approaches.

In addition to supporting rehabilitation, Restorative Circles are healing for loved ones, most often victims, who have been harmed by the incarcerated person’s crime and imprisonment. Over 250 people, including children and prison staff, have participated in Restorative Circles to date and 100% of them reported the process was positive.

I am a public health educator working in violence prevention. Since 1997 I have conducted and evaluated restorative programs in a variety of areas including prisons, courts, law enforcement, schools, and public housing communities. I was a state deputy attorney general for ten years and represented the Department of Public Safety in lawsuits. Based on my experience and research I believe that restorative interventions are more beneficial to the community’s safety, and lead to better prison management, than current state practices. It would be far more difficult more for an individual to track recidivism than it would be for the state.

Mahalo!

Call if any problems please.

Loren Walker, J.D., M.P.H.
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"Each individual has a universal responsibility to shape institutions to serve human needs." His Holiness the Dalai Lama

**Hepatitis Prevention, Education, Treatment & Support Network of
Hawai'i**

Prisoner Reintegration and Family Reunification Program

1286 Queen Emma Street

Honolulu, Hawaii 96813

www.idlinks.com

Andy Botts, Director

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808-942-4276

February 3, 2009

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair

Senator Robert Bunda, Vice-chair

Tuesday, February 3, 2009

1:15 p.m.

Conference room 229

SB 213

Relating to Public Safety

SUPPORT

Reentry is the most important stage for all offenders, and I support this bill as it ensures that we are making progress in the development and implementation of programs that assist the individuals prior to their inevitable release from custody.

Thank you for the opportunity to testify in this matter, it is of great importance to consider.

Andy Botts, Director
Prisoner reintegration program

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday February 3 2009
1:15 PM
Room 229
SB213
Strong support

Hello Chair Espero, Vice Chair Bunda and members of the Committee

My name is Cathy Tilley and I am a member of the Community Alliance on Prisons and I have a son who is an inmate at Saguaro Correctional Facility in Arizona.

I strongly support SB213 requiring the department of public safety to establish performance indicators and require monthly reports to the legislature using key performance indicators that have been introduced.

This is the best way to tell if the programs are working and at what success rate. From these reports it will be easier to make improvements in the courses and programs to make them more successful. If programs aren't working they need to be changed and right now there is no accountability so for all we know the programs don't work at all and we keep doing the same thing anyway because no one is aware of the faults in the programs.

Sincerely,
Cathy Tilley
621 Pauku St
Kailua, HI 96734
808 261 6274

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday, February 3, 2009
Room 229 at 1:15pm

SUPPORT: SB 213 Relating to the Public Safety
Establish Performance Indicators to Ensure Compliance with the Community Safety Act

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

My name is Carrie Ann Shirota, and I am writing in strong support of SB 213. My experiences as a former Public Defender and Civil Rights Enforcement Attorney, past staff member of a reentry program on Maui and member of Community Alliance on Prisons have shaped my advocacy efforts to promote rehabilitation, accountability and transparency within our correctional system, and focus on alternatives to prisons.

The Sentencing Project, a national non-profit organization engaged in research and advocacy on criminal justice policy issues, recently issued a report The State of Sentencing 2007: Developments in Policy and Practice. The Report highlights state legislative efforts to "address prison overcrowding, reform parole and probation supervision, expand drug sentencing diversion and establish reentry assistance" and most effectively allocate resources to maximum public safety. Significantly, the Sentencing Project noted that Hawaii enacted key criminal justice policy reforms in 2007 with the enactment of the Community Safety Act.

In order to promote accountability, SB 213 directs the Department of Public Safety to establish key performance indicators to be incorporated in reports that evaluate the outcomes of program components outlined under Act 8. Rather than reinventing the wheel, the Department of Public Safety should seek guidance from other correctional departments in establishing other performance indicators.

For example, Washington's State Department of Corrections developed The DOC Re-entry Initiative Smart on Crime Plan in 2006 as a means to protect the public from crime. The WA DOC contributes to this effort in two ways: 1) provides a human way to sanction wrongdoers by confining them in safe and secure prisons, and by supervising them in the community; and 2) provides rehabilitative program that reduce the likelihood offenders will repeat their past mistakes. As part of its Strategic Plan, the Washington DOC will "develop and evaluate measures that focus on maximizing staff preparedness, improving offender readiness and increasing community capacity to support successful offender re-entry."

Borrowing principles from WA's DOC, performance measures will support Hawaii's reentry legislation under Act 8 in the following ways:

Strengthen organizational communication
Demonstrate a cultural change as staff will see how their work impacts the successful reentry of offenders and offenders will understand why treatment and programs are required
Informed decision-making to target and reallocate resources to "what works" and to solve operational challenges
Increase offender and Department of Public Safety accountability

See Washington State Department of Corrections at "<http://www.doc.wa.gov/>"
|e<http://www.doc.wa.gov/>

As the title of last year's article in The Honolulu Advertiser aptly described, there is "Room for Improvement" within our corrections system, as well as our sentencing structure that has contributed to the explosion in incarceration rates.

SB213 Performance Indicators 2-3-09 CAS Testimony.txt

Just as the Washington Department of Corrections recognizes, a successful re-entry focused correctional system requires partnership. The Department of Public Safety cannot, and should not do it alone. Each of us has kuleana to ensure that the Department of Public Safety and any entity that PSD contracts with to house prisoners operates safe and humane prisons, and provides rehabilitation opportunities proven effective in helping individuals acquire the training and support to become law-abiding, contributing members of their `ohana and our community.

In summary, the proposed legislation would help to ensure that the Department of Public Safety is accountable to the people of Hawai`i for delivering results that improves public safety by reducing crimes.

Mahalo for this opportunity to submit testimony in strong support of SB 213.

Sincerely,

Carrie Ann Shirota, Esq.
Kahului, Hawai`i

From: Jyoti Mau [mailto:light@jyotimau.com]
Sent: Monday, February 02, 2009 1:54 PM
To: PSM Testimony
Subject: SB213 Support

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

SB213

SUPPORT

To the Legislatures of the State of Hawaii,

I am writing in support of SB213.

Thank you,

Jyoti Mau

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Buda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

Bill # SB213, Relating to Public Safety

SUPPORT

Every organization, whether private, public or governmental gauge their employees in their performance. Even God gauges His people. Why then is it a problem for the Public Safety Department to set up some criteria so we can evaluate and make corrections/changes instead of continuing in an outdated system with no gauges to make improvements on? The State cannot just "let things happen" with the tremendous growth of our inmate population. As President Obama says: "we MUST change."

To change, we must have statistical data for you, as well as researchers, to have to make decisions for the betterment of our community.

Thank you for your consideration.

With warm regards,

Elaine Funakoshi

455-9136