UNLOCKING JUSTICE

Community Protection & Smart Spending

Conference Proceedings

October 17, 2009
Honolulu, Hawai`i
Ching Conference Center
Chaminade University of Honolulu

Conference Co-Sponsors

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This conference would not have been possible without the generous support of

Hawai`i Peoples Fund

Office of Hawaiian Affairs

Hawai`i Community Foundation

The Kind and Generous People of Hawai`i Nei

Criminology & Criminal Justice Department – Chaminade University

The Wallace Alexander Gerbode Foundation and especially Stacie Ma`a

Alpha Phi Sigma, Iota Gamma Chapter – Chaminade University Criminal Justice Honor Society

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Introduction

The current economic crisis presents us with an unprecedented opportunity to improve the quality of justice in Hawai`i with a scientific and data driven approach to policymaking.

The UNLOCKING JUSTICE conference held on Saturday, October 17, 2009 brought together national and local experts who shared current data and research as well as smart strategies currently being implemented in Hawai`i.

The generosity of our funders made it possible for Community Alliance on Prisons to bring in our two guest speakers and grant eight (8) travel scholarships and thirty-two (32) conference scholarships that facilitated the attendance of students, agencies, and community advocates from across the Hawaiian Islands .

Our Keynote Speaker shared her twenty-three years of experience in the field of criminal justice by debunking several myths about prisons in Hawai`i and made recommendations to fix our broken correctional system.

Our first panel of experts spoke about the data available, what's needed, why, and what evidence-based policy looks like.

Newly released research analyzing the social cost of incarcerating parents for drug offenses in Hawai`i was presented and reviewed.

Our second panel of experts outlined successful strategies that are current working in Hawai`i and that show great promise.

The conference presenters emphasized that we can reduce Hawai`i's incarcerated population, enhance community safety, improve the quality of justice, and save money by reinvesting those correctional dollars into a wider range of alternatives to incarceration to lift up all of our communities.

A preliminary reclassification study found that the majority of Hawai`i's incarcerated individuals are nonviolent lawbreakers who are amenable to rehabilitation and projected to be classified as minimum or community custody, the least restrictive custody levels.

This conference validated the fact that with data driven policies, we will build a safer and more just Hawai`i for all our people.

Executive Summary

The purpose of UNLOCKING JUSTICE was to remind the community that we are the key to unlocking justice in Hawai`i. That real change is going to come from the community and not from the government. Therefore, it is incumbent upon each of us to raise our voices in support of a more just society.

The keynote address by Dr. Michele Deitch of the LBJ School of Public Policy at the University of Texas - Austin entitled ***"'There are No Bad Prisons in Paradise' and Other Dangerous Criminal Justice Myths"*** debunked many common myths that surround prisons in general and Hawai`i, in particular. The myths she addressed were:

- *Myth One* "*There are no bad prisons in paradise."*
- *Myth Two* "*We need to be tough on crime by locking people up (and its corollary, we're only locking up dangerous people)."*
- *Myth Three* "*We are safer as a result of all this imprisonment."*
- *Myth Four* "*Private prison companies can provide services better and cheaper."*
- *Myth Five* "*Someone is watching to be sure our prisoners are treated appropriately"*
- *Myth Six* "*We think of the 'front end' of the criminal justice system as adult probation."*
- *Myth Seven* "*Someone else is going to take up the mantle and fix these problems."*

Deitch's twenty-three years of experience provided an important overview of justice and the outside observations of Hawai`i's correctional system provided valuable perspective to the community.

The **SMART ON CRIME IN HAWAI`I** panel had four dynamite speakers who spoke about the data; what we know and what we need to know regarding the impacts of spending such a large portion of public resources on corrections at the expense of education and other social programs. The panelists talked about the impacts of incarceration on Native Hawaiians, the politics of data, the impacts of the drug war on families, the importance of accountability, as well as a model of what evidence-based policy looks like.

New research entitled **"EVERYONE PAYS: *A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai`i"*** was presented by Dr. Thomas Lengyel. Lengyel highlighted a scenario of the first-year social costs of incarcerating 50% of the cohort, the first-year costs of putting the other 50% of the cohort into a residential drug treatment program, and the wide-ranging impacts of incarcerated parents.

The **SMART STRATEGIES** panel gave uplifting examples of innovative programs happening in Hawai`i such as HOPE Probation started by the Judiciary in 2004 to encourage probation compliance, The Path Clinic for substance abusing pregnant women, the power of education to help formerly incarcerated individuals transform their lives, and the importance of culture to assist those who have lost their way find their path back to the community.

Keynote Address
"'There are No Bad Prisons in Paradise' and Other Dangerous Criminal Justice Myths"

Michele Deitch, J.D., M.SC.,
Attorney and Professor, University of Texas

Myth One – "There are no bad prisons in paradise."

Professor Deitch began by debunking the myths that there are no bad prisons in paradise. Deitch comes from Texas, a system infamous for tough justice and considered a leader in executions and private prisons and also a state that is now making improvements in its correctional system. Deitch stated that she was "fascinated by Hawai`i's criminal justice system." She remembered back to her times as a law student interested in issues surrounding prison reform. While working with the ACLU's National Prison Project in 1984 she heard director Al Bronstein, the country's foremost litigator on behalf of prisoners, discuss a recent trip to Hawai`i. Bronstein discussed his tours of the prisons here and said they were "the worst prisons he had ever seen." She learned then how bad the prison conditions in Hawai`i really were.

Deitch noted Bronstein's description, including the observation that there were "inmates sleeping on the floors next to overflowing toilets, while the Attorney General claimed that sleeping on the floor was part of Hawaiian culture. She noted Bronstein's discussion of 300 pound prison guards administering beatings to inmates and saying this was how children were taught in Samoan culture; of staff physically attacking Justice Department experts in the prison parking lots when they sought to investigate conditions in the facilities. She realized that you can "never assume you know what's going on inside a prison based on your positive impressions of the surrounding area."

Prisons are closed institutions and, as such, people are often unable to imagine the terrible secrets they can hold, at least until you get inside them. She then reminded the audience that the prisons here in Hawai`i were under the Federal government's watch for more than a decade after the previously mentioned issues were made public. The intervention of the Department of Justice was needed to ensure that constitutional rights were not violated. Although this situation

was over a decade ago, we still struggle with prison reform issues and we must find a way to fix the system.

Deitch then went on to explain how and why we allow these types of issues to continue. She noted that it is because "[we] operate based on myth[s]." These assumptions and myths keep the majority of people from ever looking into these problems. She spoke of how we needed to learn to look beneath the surface of things and find the truth and "question our assumptions." The many myths that we do believe in to allow us to push forth the criminal justice policies around the country and they influence the public's attitude towards prison.

Myth Two – "We need to be tough on crime by locking people up (and its corollary, we're only locking up dangerous people."

If there is one myth out there that we would all like to believe, it is that we have to be tough on crime. The belief is that criminals should be imprisoned, that we are allowing criminals to cheat the system if we do not lock them up. Many believe, according to Deitch, that avoiding prison allows criminals to "thumb their nose at the law."

> I've heard it said that America has a love affair with prisons. And it's true. The U.S. has BY FAR the largest prison population in the world, with 2.3 million prisoners. China is the only country within shouting distance, with 1.6 million. After that, no country has more than 900,000, and only 12 countries break the 100,000 mark. But more telling than the absolute numbers of prison beds is the RATE at which we lock our citizens up. That's a measure of how punitive we are, regardless of the size of our country or state—a way of equalizing how we measure the extent of incarceration.

The United States is at the top of the chart for international incarceration with an incarceration rate of 756 per 100,000 citizens.

According to the numbers, Russia, our closest rival, does not even come close to our rates. In Hawai`i, specifically, we imprison our criminals at rates that are 5-10 times higher than those in other industrialized Western nations. Deitch, mentions, "even tough-on-crime countries like Singapore, or dictatorships like Cuba, or countries not known for respecting human rights, like China, don't hold a candle to us in this regard." She also goes on to say:

> While Hawai`i may not yet be in a league with states like Texas, Louisiana, and Mississippi in terms of its incarceration rates, consider this disturbing fact: If Hawai`i were a separate country, it would be virtually tied for the fourth highest incarceration rate in the world. Only the U.S. as a whole, Russia, and Cuba, lock up its citizens at a higher rate than Hawai`i, and Hawai`i is in a virtual tie with South Africa.

She believes that we need to get rid of the idea that sending people to prison is right because it is the only way to deal with them. Our rates, nationally, are so high because we send too many people to prison and we also impose longer sentences than anywhere else in the world. There are alternatives to prison that are both efficient and will promote public safety. Further, alternatives will keep individuals in the community such that they are able to maintain their relationships with their families.

World Incarceration Rates
(per 100,000 of the national population)
A Comparison of Selected Countries—2009

Country	Incarceration Rate	Victimization Rate[#] (where available)
United States	756	21%
Russia	629	
Cuba	c.531	
South Africa	334	
HAWAI`I	332[!]	
Taiwan	277	
Singapore	267	
Iran	222	
Mexico	207	
UK: England and Wales	152	26%
Turkey	142	
Saudi Arabia	132	
Australia	129	30%
China	119	
Canada	116	24%
Netherlands	100	25%
France	96	
Sweden	74	25%
Japan	63	15%

[#] Source: Van Kesteren, J., Mayhew, P., & Nieuwbeerta, P. (2000), *Criminal Victimization in Seventeen Industrialized Countries: Key Findings from the 2000 International Crime Victims Survey* (based on 1999 data).
[!] Heather West and William Sabol, Bureau of Justice Statistics, Prison Inmates at Midyear 2008—Statistical Tables, NCJ #225619, Table 10 (March 2009). Available: http://www.ojp.usdoj.gov/bjs/pub/pdf/pim08st.pdf.

We need programs that will put offenders to work on much needed community service projects, programs that will provide them with the necessary substance abuse treatment services and programs that will ensure that offenders pay restitution to those whom they have harmed through their criminal behavior. Policy-makers around the country are beginning to invest more in these forms of programs simply because "they have improved results in terms of recidivism and rehabilitation, and because they are so much more cost-effective." Statistics demonstrate that, contrary to popular myths, most of the men and women are nonviolent offenders.

"When you can't afford to keep your inmates in-state, it's a pretty good indication that there's over-reaching going on, and that it's time to re-examine those policies."

We have been operating under the assumption that we cannot have people running the nation who are "soft on crime." It seems that people want and vote for those who utilize the "tough on crime" slogan. Instead, we need to be smart on crime, not tough, and we need to look for other solutions that will be more effective as well as cost-effective. The country generally and Hawai`i specifically cannot continue to spend millions on 'tough on crime' policies – policies that do not even demonstrate positive outcomes. The state of Hawai`i can no longer support the policies we have chosen. As a result, Hawai`i has been exporting our prisoners to the mainland to be housed in other prisons, mainly because we cannot to house them in-state. Deitch stated, "When you can't afford to keep your inmates in-state, it's a pretty good indication that there's over-reaching going on, and that it's time to re-examine those policies."

Countries and states all over the world are beginning to rethink their criminal justice policies due to our current economic crisis. Instead of locking up people we are angry at, we need to be smart and lock up those whom we are afraid of and that are dangers to our communities. We need to begin to develop effective alternatives, especially drug treatment programs, since drug addiction does seem to be at the root of so much crime in Hawai`i.

Myth Three – "We are safer as a result of all this imprisonment."

Many people would like to argue that prisons are worth the tremendous expense because they are effective. People believe that if a person is locked up then society is safer because

people are unable to commit any more crimes. Currently things are safer because crime rates are down around the country, especially violent crimes. The question that needs to be asked is could the decrease in crime rates have been achieved in cheaper and less punitive ways.

Deitch notes that examination of the experiences of states that had vast expansions of their prisons system, as well as those states in which the prison population remained stable (or only demonstrated a slight increase), showed that crime went down everywhere during the same time frame.

> Over a several year period, for example, New York experienced a 53% decline in crime while its prison population stayed virtually stable, while Texas, which tripled the size of its prison population in a decade, had a decline of only 34%. Vast prison expansion didn't pay off with a proportional decline in crime. In fact, the two factors are not as obviously correlated as we assumed they were.

Research shows prison expansion is unable to explain between 79% and 96% of the violent crime drop. It does make a difference, but only a small one. If there is so much success within the system Deitch said, it should be leading us to decrease the amount of prison beds instead of expanding them. By doing so, "we are responding to the symptom, not the crime."

"the reality is our country's incarceration policies have made us poorer, not safer."

It is true that, while incarcerated, the prisoners are not committing any crimes. But, Deitch questions: "What about the vast majority of the prisoners that are going to be released soon and returning to the community?" Recidivism rates are high. In essence, incarcerating someone does not solve the problem or stop the criminal behavior beyond a temporary time frame. Prison impacts the lives of prisoners and gives them the label of criminal, which in turn makes it difficult for them to find work. When we do not offer opportunities to those who have been released from prison and continuously turn them away, what can we expect but for them to return to doing what they do best?

Deitch went on to explain what happens to the children of incarcerated parents and how they, too, have high risks of being incarcerated. She believes that by continuing to incarcerate people, we are creating future crime because "incarceration continues the cycle of crime." We end up incarcerating people who do not need to be incarcerated. We do this because they may scare us. But simply punishing with imprisonment may actually make us less safe. The costs associated with expanding prisons leads Deitch to argue that, "the reality is our country's incarceration policies have made us poorer, not safer."

Myth Four – "Private prison companies can provide services better and cheaper."

Prison privatization is not a solution to any state's prison issues. It can instead make those problems worse and deeper rooted. One reason why so many problems have come about is because they instead see prison privatization as a way to make money. In many privatized prisons, for example, the prisoners are viewed as commodities or objects - not people. Many private prisons have issues with human rights violations.

> The facts are that private vendors compromise safety and security to keep down costs. They save money by hiring inexperienced staff at the low-end of the wage scale comparable to local fast food restaurants. This leads to very high turnover rates. One study found a turnover rate in private prisons of 52% vs. 16% in public prisons.

Private prisons do not encourage or provide much in training programs because they have a tight budget. "That same study [mentioned earlier] found 35% fewer training hours in private facilities compared to public prisons." When staff members are not properly trained, and have limited training, private facilities are going to necessarily have to worry about safety and security. They are also understaffed which causes even more issues. "Private vendors often keep staff positions unfilled, so the position is on the books but there are no costs associated with it" noted Deitch.

Making things even worse is that many private facilities are built on the cheap, with poor designs and a lack of maintenance. This contributes to escapes and other security problems. Deitch notes that perhaps it is no surprise that the performance records of private and public correctional institutions are not comparable.

> Private facilities have 49% more assaults on staff and 65% more inmate-on-inmate assaults than public prisons. They've also been found to have higher levels of escapes, disturbances, and drug use. One study did an apples-to-apples comparison of a private prison and a similar public facility, and found that the private facility had higher levels of operational problems and a comparative lack of inmate programs, such as educational, vocational, and counseling programs, which led to inmate idleness and a lack of preparation for re-entry.

Deitch went on to explain that the conditions of private prisons are bad. We recently witnessed the return of several female prisoners from Hawai`i who had been housed in a private facility in Kentucky. At this private prison, Hawai`i state inmates had been sexually assaulted by the staff members.

Research has demonstrated that "the cost savings associated with privatization are at best negligible, and in fact, in some cases cost the state more than public prisons do" noted Deitch.

These types of incidents do not only happen to inmates from Hawai`i. Deitch put together a detailed document of various scandals that had arisen at the private facilities in Texas. The document listed all the incidents that occurred, such as: escapes, physical and sexual abuse, and corruption. There were cases in which young girls were sexually assaulted by a group of the staff members of a private juvenile facility. These types of incidents ended up costing millions. Deitch notes, "there were mass escapes from another private facility, where it turned out that the perimeter security electric fence wasn't working and never had worked and where the guard in charge was only 18 years old. These types of problems have arisen with every private prison company." Incidents like those listed above are not only an issue of human rights violations but also that it costs the states more in the end. Deitch supported this statement with the following, "Long-term hidden costs in the forms of increased liability, increased worker comp costs, increased law enforcement costs (due to escapes), for example, have been estimated to be 20-30% above per diem costs."

In thinking about policy choices, policy makers need to understand that there are hidden costs to consider when choosing a private facility over a public one. Private vendors are known for taking inmates that will be less expensive, such as those without medical problems or disciplinary records. Research has demonstrated that "the cost savings associated with privatization are at best negligible, and in fact, in some cases cost the state more than public prisons do" noted Deitch. Further, and contrary to public perception as well as the assumptions of many law-makers, the states ultimate liability for constitutional violations in private facilities cannot be waived through contracting.

Hawai`i is the country's third largest consumer of private prison services with 34% of Hawai`i state inmates in private prisons. New Mexico and Montana are the only two states that have a greater percentage of their prisoners in private facilities. It is hard for states to demand improvement in the facilities if there are great numbers of people in the beds at private prisons.

Deitch stated, “the greater the percentage of beds that are privatized, the less leverage the state has to demand improved conditions in facilities, to pull out its prisoners when conditions deteriorate, or to step in and take back a contracted facility.” There are too many prisoners with nowhere to house them and not enough staff.

“private facilities that house out-of-state prisoners operate almost entirely without external oversight.”

Myth Five – “Someone is watching to be sure our prisoners are treated appropriately.”

This tends not to be the case. There needs to be an oversight system so public officials and citizens are informed about what is happening in these correctional institutions. Someone who is non-biased and has a fresh set of eyes needs to be inspecting these facilities to report the conditions. “The oversight body needs to have golden key access with the ability to enter a facility and any part of a facility and at any time without prior notice, to talk confidentially with any prisoner or staff member, and to review any file” noted Deitch.

The United States is without a formal independent oversight system to inspect the private facilities. The point of these routine monitor checks would be to ensure the safety and well being of the prisoners. Having someone inspect the prisons could prove to be a form of deterrence for “abuse or poor conditions, and provides an informal kind of social control over staff behavior,” Deitch said. Inspections will allow prisoners who are a part of the vulnerable populations to voice their concerns and speak with the monitors so they do not feel forgotten. The prisoners that are housed out-of-state represent the most vulnerable population, mainly because we have no idea what is happening with them or whether they are being taken care of. Onsite monitors at each facility would enable constant monitoring of the inmates. However, there is the risk that constant monitoring will eventually lead to staff becoming colleagues/friends with the monitor and they may no longer question what is occurring with the inmates. Deitch stated that “private facilities that house out-of-state prisoners operate almost entirely without external oversight.”

Myth Six – "We think of the 'front end' of the criminal justice system as adult probation."

Deitch noted that this was more of a problematic way of thinking rather than a myth per se. What Deitch meant here is that we need to prevent crimes from happening. We want to keep people from entering into the system. This means investing in at-risk populations. We know who these individuals are; we also know that the children of incarcerated parents are at extreme risk of becoming offenders themselves. We need to develop programs to work with them. Deitch stated that the things we need are education for our students to keep them in school and to ensure that our juvenile justice systems are effective. Further, we need to provide services for the mentally ill and ensure that there are adequate substance abuse programs. The current system is inefficient and ineffective, yet we continually put offenders in prison.

Myth Seven: "Someone else is going to take up the mantle and fix these problems."

Basically, the answer to whether someone else is going to take up the mantle and fix these problems is 'No'. The only way to fix these issues is for us to take a stand and participate in making a change and bring up these issues.

Deitch's address underscored the need for alternatives to incarceration, the importance of independent oversight of correctional facilities, and accountability and transparency because the current system isn't working. Instead it is costing Hawai`i lots of money while continuing to deliver a high rate of recidivism.

The community does not want their tax dollars used to send Hawai`i's people to U.S. prisons to be warehoused. Private prisons are in business to make a profit for their shareholders and the evidence shows that they do little to rehabilitate individuals.

The community does want independent oversight of the prisons in Hawai`i as well as the private contract prisons housing Hawai`i's incarcerated individuals.

Finally, we need to invest in education so that we can prevent future offenders. If we do our part and make the necessary changes we will prevent myths like these from continuing, improve the conditions of confinement in the prisons and jails housing our people, and rely on science-based and data driven solutions to address the root cause of much of the crime in Hawai`i instead of dealing only with the symptoms of crime.

Smart on Crime in Hawai`i:
What We Know, What We Need to Know

Moderator: Pamela Lichty

Panelists: Meda Chesney-Lind, Ph.D.
RaeDeen Karasuda, Ph.D.
Geri Marullo, Dr. PH
Marilyn Brown, Ph.D.

Ann & Me
Meda Chesney-Lind

Dr. Chesney Lind opened by saying that she received a world class education at UH Manoa. She spoke about a student she knew named Ann, the young mother of a small son. That woman was Stanley Ann Dunham, the mother of President Barack Obama.

Chesney-Lind highlighted the importance of education and reminded us that in the 1970's the prison population in Hawai`i numbered roughly 300. However, 39 years later, there are more than 6,000 incarcerated individuals in Hawai`i – many of these are housed in the U.S. away from their family and friends. This is because there is no space to house them in Hawai`i. She stated that this is an issue of "chronic overcrowding."

Chesney-Lind further stated that 60% of the incarcerated population is comprised of people of color. Native Hawaiians are greatly overrepresented in the prison system. Hawai`i's prison population increased by 20% - at a time of the nation's lowest crime rate. Even with a decrease in the crime rate, though, the state's focus was on incarceration. Part of this can be explained by who we incarcerate. In Hawai`i we mainly incarcerate low-level drug offenders, especially female offenders. Ultimately, overcrowding leads to stories of prison abuse.

Chesney-Lind then posed the following question: "How are we paying for all of this?" Her answer: we are taking funds from higher education. The corrections system ultimately takes money from higher education and uses it for incarceration by building cells instead of classrooms. This is the easiest place from which to take money. Chesney-Lind noted that, for example, the University of Hawai`i at Manoa witnessed the nation's highest tuition increase. She stated, "when people sign those tuition checks, we are funding the prison system." In

essence, Dr. Chesney-Lind asserted that when students at the University of Hawai`i pay tuition they are really funding cells with their tuition.

Overrepresentation of Native Hawaiians & the Politics of Data
RaeDeen Karasuda, Ph.D.

Dr. Karasuda began her presentation asking why Native Hawaiians commit crimes. She stated that common assumptions are that they must be poor or have had bad childhoods. She stated that there is an over-representation of Native Hawaiians in the criminal justice system. As such, she asserts that it is not important to find out why Native Hawaiians are criminals but to ask "why Native Hawaiians are being criminalized at disproportionate rates."

Dr. Karasuda then discussed a 2003 symposium in which she listened to a graduate student speak about his experience as a Halawa inmate. This student mentioned that it took prison guards 15 minutes to call all the last names that began with the letter K during roll calls. A vast number of Native Hawaiian last names start with K. This was a poignant reminder of the high incarceration rates of Native Hawaiians.

She noted the impact of this experience on her educational direction, and she then decided to do her dissertation on the incarceration rates of Native Hawaiians. She said that she assumed she would find shelves of information at the University of Hawai`i at Manoa library. She found surprisingly few documents about Native Hawaiians in prison.

Karasuda then described her efforts to obtain data on Native Hawaiians from to the Department of Public Safety (PSD). PSD had always said that Hawaiians are 40% of the prison population and 20% of the general population. She asked for files or reports to substantiate these numbers. However, the Department of Public Safety informed her that they do not keep a centralized system of records dealing with ethnicity or race. Dr. Karasuda asserted that a "lack of transparency, an unwillingness to provide something that should be provided to the public" is a real problem. Ultimately, we need to push back against the system and demand that they do what they are paid to do, she urged.

a "lack of transparency, an unwillingness to provide something that should be provided to the public" is a real problem

Karasuda still wanted to get at the root of Hawaiians as a criminalized population versus Hawaiians as criminals. This moved her to take another direction and she began her

research looking into the background of Queen Lili`uokalani, who had been in prison. She said something was missing, something did not feel right. "The Queen was part of the story, but not the root, I needed to find the root, where's the root?" She discovered that Queen Lili`uokalani's grandfather was publicly hanged in 1840. This story soon ignited Karasuda's research. She noted that "12 years after the missionaries, they influenced King Kamehameha to sign the first written Hawaiian constitution…14 days later, under that written constitution, Chief Kamanawa (Lili`uokalani and Kalakaua's grandfather) was publicly hanged in front of 800 people who were forced, under arms, to watch."

American newspapers falsified the story, stating that Chief Kamanawa and a friend were accused of murdering Kamanawa's wife. Media accounts indicated that they had a fair trial and were convicted by a jury of peers. "Kalakaua was taken by the same missionaries who influenced him to sign the constitution, the same missionaries who were his missionary teachers, to watch the hanging" Karasuda stated.

"With certainty, not only in historical times, but in contemporary times, the incarceration of Native Hawaiians is tied to political dispositions, tied to land displacement, tied to the break-up of not only entire families, but our *lahui* (nation)."

She continued by stressing that "we (society) need to put incarceration of Hawaiians in a historical context…without it we are just going to slap it on like a band-aid." Karasuda argued that it is not just about Native Hawaiians filling our prisons; it is about looking at patterns that Native Hawaiians experienced. Karasuda stated, "With certainty, not only in historical times, but in contemporary times, the incarceration of Native Hawaiians are tied to political dispositions, tied to land displacement, tied to the break-up of not only entire families, but our *lahui* (nation)."

In the end, Dr. Karasuda stated that society needs to develop a better system of accountability and she would like to see the Department of Public Safety become more transparent and allow more data to be viewable by the public. Dr. Karasuda concluded with the following – "people must go in with fresh new eyes, we must do what we have to do to stop this pattern. One person can make a difference…we must be like a constant drip on a jagged rock, eventually the rock smoothes out and disappears."

Impacts of Incarceration and the Drug War on Families
Geri Marullo, Dr.PH

Dr. Marullo spoke about the impact of incarceration and the drug war on families. Marullo noted that it was President Richard Nixon who coined the term "war on drugs" back in 1969. Since that time our 'war on drug' policies have involved billions in taxpayer money to eliminate drugs in America. During the Nixon administration, Operation Interrupt of Mexico, Operation Just Cause in Panama, and Planet Columbia were implemented. Strategies continued to follow with new administrations. During the Bush term, for example, the Merida Initiative served to attack drug violence in Mexico.

Obama, however, is calling the war on drugs counterproductive. The Director of the Office of National Drug Control Policy under the Obama administration favors treatment over incarceration. Dr. Marullo noted that the wars in Afghanistan, Iran, and Iraq correlate with the drug smuggling business that finances the war in the Middle East. Obama's administration is trying to stay away from the 'war on drugs' policies.

According to Marullo, "no more than ½ of 1% is spent on studying the impact on families." To get the best data, society must look at the number of children with incarcerated families. She stated that, "prisoners are a researcher's dream – they want to talk to people about their families." However, she went on to say that Hawai`i can only estimate the number of children with incarcerated parents.

Criminologists know the negative effects of children who have incarcerated parents. Marullo noted that "parent efficacy is weakened, parent-child relationship is weakened, children have insecure attachment, have diminished cognitive ability, have weak relationships with peers, all resulting in anti-social behavior." This doubles the chance that the child will end up in the criminal justice system. Marullo added that there are two types of changes encountered by children of incarcerated parents – they are more likely to have lived in impoverished households and to have been exposed to family violence and substance abuse. Dr. Marullo went on to stress the importance of the relationship between parent and child. She noted that "children want to be with their parents no matter how bad their parents are." Yet, the state is in desperate need of funding in this area, there are not enough resources to serve the public.

Marullo told a story about a prison in the Philippines where a child, age seven, was put in prison with adults. After that a law was passed where a child under the age of twelve could not

be put into adult prison. After the boy was released, he was returned to a hut to live with his parents. Unfortunately, his parents were always drunk and he desperately wanted some attention from them. He had not been home for two years, he was just longing for his parents. Marullo also mentioned a documentary detailing how kids want their parents in any way, shape, or form. Not much was done until recently, but more could have been done.

Dr. Marullo offered a solution, "during this economic crisis, I propose that all Intermediary Programs merge as one program." The State Legislature, the foundations, corporations in Hawai`i and the unions should help fund the Intermediary programs and organizations. The Hawai`i government needs more concrete data and information to create proper policies. She concluded by suggesting that "this is the type of body Hawai`i has to be aggressive about, CEOs, advocates, must take egos off the table, sit together, and figure out a way to merge into one unit to provide for the state of Hawai`i."

Making Hawai`i Accountable: What Evidence Based Policy Looks Like
Marilyn Brown, Ph.D

Dr. Brown argued that in Hawai`i we do not really know what works or how to spend our money better – at least in relation to the criminal justice system. Brown notes that Hawai`i has, "Failed to rationalize the system." We need to apply rules of logic and reason in terms of mass incarceration to find solutions that are relatively uninfluenced by negative passions that lead to policies such as mass incarceration. Hawai`i's prison population has grown, but not our knowledge. Brown notes that our system lacks coordination and accountability. We do not systematically explore the impact of policy decisions on the prison population. No one is governing which unit collects, analyzes, or uses data to make policy decisions. We do very little in the way of program evaluations and even less cost-benefit analysis in corrections. Sound evaluations can demonstrate programs that can both save money and reduce incarceration. A failure to do so contributes to our failure to fix problems, such as the methamphetamine problem. Brown noted that, "the War on Ice in Hawai`i has caused suffering." Data that have been collected do not seem to heavily influence policy on drug offenses. Ultimately a lack of leadership in this area allows for the politicization of policy.

Brown offered a solution stemming from a model presentation from the International Community Corrections Association meeting. A panel from the Washington State Department of Corrections developed a system - *The Government Management Accountability & Performance System (GMAP)***.** "Applied with corrections, this system includes state agencies measuring and improving their performance by producing performance-based reports and using performance-based indicators such as recidivism rates," noted Brown. For example, if recidivism rates demonstrate an increase in a certain area, the Governor and his/her policy makers are able to move resources to areas where they may be needed. Governors and legislatures utilize the data in a continuous process of feedback and improvement.

> "we have to let go of the policies and practices that make people feel good, that feeling does not really contribute to public safety."

As for Washington, Brown stated, "they're looking at a system of policies & programs that will reduce crime, build less prisons, and save money. This can happen when society works on an ongoing system of evaluation and feedback of the data into the decision-making process." Washington State transferred funds from initiatives that were not effective to programs of demonstrated efficacy. Brown noted that this served to create an integrated system of prevention in juvenile justice and adult system reforms. There are many examples of effective programs, in terms of reduced recidivism and cost savings. For example, Functional Family Therapy (for juveniles on probation) can reduce recidivism by 15.9% with a savings of $31,821 per youth net present value (savings over the long term – less the cost of the program).

Hawai`i has instituted certain practices that hold the promise of more effective and accountable policies. For example, a study based upon the risk and needs classification indicated that Hawai`i does not need to incarcerate individuals who pose minimal threat or danger to the community. The Interagency Council for Intermediate Sanctions does extraordinary work yet they are over-worked and under-funded. We could use sentencing simulation to examine the impact of policy on various correctional populations. In the end, though, very few programs in Hawai`i are ever evaluated.

This, in part, leads Brown to push us to think harder about accountability in our delivery of programs. Brown noted that what we can do is put most of the State's prevention and funding into proven programs, avoid spending money on programs where there is little evidence of

program effectiveness, evaluate currently funded programs to determine if benefits exceed costs, stay informed about research from other jurisdictions, and pay attention to program fidelity. When the public finds an effective program, do not let the Legislature cut funding to save money. Brown closed with the following, “we have to let go of the policies and practices that make people feel good but do not really contribute to public safety.”

New Research:

EVERYONE PAYS:

A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai`i

Tom Lengyel, Ph.D.
Scholar-in-Residence at the University of Denver School of Social Work

Dr. Lengyel begins with a basic concept, namely that anything that decreases or increases total social welfare has a social cost or a social benefit. Lengyel's study focused on a cohort of 197 drug offenders who were released from prisons in Hawai'i in the fiscal year 2006. Since Dr. Lengyel was conducting a social costs and benefits analysis of incarcerating parents, he looked not only at the offenders, but also at the costs and benefits to the offenders' families as well as to the state. Dr. Lengyel first provided a definition of *social cost* is as it pertains to his study: any resource-using activity which reduces the net well-being or welfare in a society. Lengyel noted that 'downstream costs' of certain actions would pose burdens on society. This includes instances when resources are destroyed; additional needs are required due to an action, and benefits that could have been experienced had an action not occurred. The bottom line of social costs and benefits, said Lengyel, is that they are viewed from a society-wide perspective, over the lifetime of their effects.

The method of calculating costs consisted of several parts. Some of the issues that must be considered in these calculations include power (allows very unequal outcomes to be compared in dollar terms), transparency (sometimes elaborate conceptual machinery is required to arrive at dollar comparisons), sensitivity (results are highly determined by choice of variable and by assumed values for certain variables), and values (external/internal cost distinction is founded on unexamined values about responsibility).

In calculating the costs of crimes for Hawai`i, Lengyel decided to choose a representative and well defined cohort. He looked at crimes committed in the five years prior to admission to prison. Lengyel then examined arrest records, and applied cost of crime numbers commonly found in literature to the appropriate type of offenses. While the types of offenses ranged from failure to pay a moped tax to murder, the majority of crimes committed by the cohort were not violent or personal crimes. Dr. Lengyel found that the "average drug offender" was booked for 30 felonies and/or misdemeanors per year in the five years preceding admission. He discovered

the following for the cohort of drug offenders (based on a database of 7,867 charges for 283 crimes in fiscal year 2006):

- 62.1% – Drug Offenses – Primarily Possession
- 19.0% – Non-Violent, Non-Personal Property Crime
- 6.3% – Traffic Offenses
- 6.1% – Weapons Possession
- 3.6% – Offenses Against Public Order
- 2.4% – Violent Crime (mostly for domestic violence)

So what does this all cost?

In further analysis of these Hawai'i crime data, Lengyel was able to assign costs to each crime. He did this using a systematic method drawing from the cost of crime literature. Following are some of his more salient findings:

- Crimes committed by drug offenders in Hawai'i cost the community (including victims) about $850 on average.
    - Note: Some cost close to zero, others have enormous costs.
- The community bears costs of about $27,000 in the first year from the crimes of the average drug offender who is on the street.
- The cost savings of these crimes per offender over the average length of stay (39 months) is about $85,000 and approximately $16.8 million for the full cohort.

While $16.8 million in averted crimes savings sounds profitable for the state and community-at-large, Dr. Lengyel points out that the cost of prison in Hawai'i itself well exceeds the savings it provides as a by-product of housing drug offenders. There are several costs of prison to consider: criminal justice system costs; cost of prison bed space; family support of inmates (such as monetary, calls, and visits); lost of productivity (wages and benefits); lost taxes on lost wages; pain and suffering of prisoners and their families (quality of life costs); and depleted neighborhood economic strength and quality of living.

Over the average 39 month length of stay, the price per offender to have a prison bed is $123,000. The following chart provides a clearer picture of the estimated social costs of incarceration and who pays:

Social Cost Type	State cost	Family cost	Offender cost	Total Social Cost
CJS Processing: Arrest to conviction	$4,716	$0	$0	$4,716
Prison bed	$122,919	$0	$0	$122,919
Family support of prisoner		n.d.		$0
Lost productivity and benefits		$31,731	$50,579	$82,310
Lost taxes on lost wages	$12,959			$12,959
Pain and suffering: Prisoner			$94,356	$94,356
Pain and suffering: Family		$243,724		$243,724
Depleted neighborhood strength	n.d.			$0

n.d. = no data

When adding in the various social costs, Lengyel discovered an additional $600,000 in social costs. The net cost for the state to incarcerate the entire cohort would total $15.6 million, and with offender costs of $46.1 million and the offender's extended family costs of $40.1 million added in, the final total is then $102 million.

Social Benefits of Prison

Along with the $85,000 in estimated costs savings per incarcerated drug offender through averted crimes, Lengyel discussed theoretical social benefits of incarcerating offenders. They include deterrence, incapacitation and retribution. With deterrence, the commission of a crime is averted because the potential perpetrator fears the consequence. The effect is largest with property crimes that have low social costs. With incapacitation, the commission of a crime is averted because the potential perpetrator is unable to commit crime. The benefit here is greatest with violent crimes. As for retribution, Lengyel notes that it is hard to place a 'dollar' value on this.

Lengyel notes that the currency used is the public welfare, and this price is indeed a heavy one. Yet there are also social benefits to prison. He notes the following as social benefits: averted crime, reduced cost of insurance, increased value of property, increased economic activity, lowered cost of personal security, removal of harmful influence from the home, removal

of harmful role model in neighborhood, and improvements in offender health and human capital. These costs must also be considered in calculating the costs of imprisonment.

Social Benefit Type	State cost	Family cost	Offender cost	Total Social Cost
Averted crime	$85,407			$85,407
Reduced cost of insurance	n.d.			$0
Lowered cost of personal security	n.d.			$0
Removal of harmful influence: home		n.d.		$0
Removal of harmful role model: neighborhood	n.d.			$0
Improvements in offender health				$0

* n.d. = no data

According to Lengyel, the most (socially) costly crimes are murder, rape, assault, robbery, child abuse and neglect, while the least costly crimes are drug offenses, public order offenses, burglary, auto theft, and larceny.

Alternatives to Prison: Residential Treatment

Community-based residential drug treatment has been found to be effective for drug offenders. However, while there are programs available in Hawai'i, there are not enough programs available in the community or in Hawai`i's correctional facilities. Further, community-based residential drug treatment programs are insufficiently funded and receive little community support. The costs of residential drug treatment per offender were provided as:

- $12,200 base residential treatment cost for 18 weeks (at Hina Mauka).
- $4,610 for Integrated Case Management for 34 weeks.
- $14,810 total drug treatment costs for one year.

Lengyel highlighted a scenario of the first-year social costs of incarcerating 50% of the cohort and the first-year costs of putting the other 50% of the cohort into a residential drug treatment program.

Community-based residential drug treatment has been found to be effective for drug offenders.

In doing so, the State's savings can be broken down as follows:

Cohort Sub-group	State Savings
Per Parent	$42,179
Per Non-parent	$41,893
50% of parents	$2,476,161
50% of non-parents	$1,667,097
50% of Total Cohort	$4,143,258

Case Study Findings and Recommendations

- Putting a person in prison scatters costs across a wide range of actors and institutions.
    - Practice selective non-incarceration, shifting from incarceration to community supervision. Invest savings in programs such as drug abuse treatment and education, job training, and economic opportunity.

- The family of the prisoner and the prisoner bear very heavy costs that persist over time.
    - Initiate supports for family and extended family, including respite care, housing assistance, parenting support, and material support.

- Alternatives to prison would likely be cost-effective for all but the most violent offenders.
    - Parent prisoners should be placed on the basis of the "best interest of the family".

- Further work is required to complete the profile of both costs and benefits.
    - Presentence investigations should include an estimate of the social costs of the recommended prison term based on the parameters documented in this study, as well as the cost of the best reasonable alternative. Judges should acknowledge in court the weight given to them.

Smart Strategies

Moderator: Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai`i

Panelists: Judge Steven Alm, First Circuit Court
Renee Schuetter, The Path Clinic
Lisa Haan and Jackie Bissen
Carrie Ann Shirota, J.D. & 2009 Soros Justice Fellow

HOPE Probation
Judge Steven Alm

Judge Alm began with a discussion of an alternative program he created in Hawai`i - HOPE probation (Hawai`i's Opportunity Probation with Enforcement). Alm stated that about 8,277 offenders are on felony probation or deferral in O`ahu. The probation officers on O`ahu have very high caseloads to contend with given caseloads of up to 180 probationers. Further, most of the offenders that they deal with have other problems, including drug addiction, and this serves to contribute to the workload. In most cases, those who need the most help are not getting it and, thus, face a higher risk of violating their probation. With this comes the problem of (re)incarceration. This is where HOPE Probation comes into play.

The target population for this program is high risk probationers. This includes ex-offenders, offenders who fail probation on a regular basis and are headed for revocation of probation, and domestic violence offenders. HOPE implements immediate consequences for offenders who violate any terms of their probation terms. HOPE probation begins by first giving offenders a warning that if they violate the rules of their community supervision, they will go to jail. Probationers are required to call a hotline each weekday morning to find out if they must take a drug test that day. Random drug testing is done at least once a week for the first two months. Warrants for arrests will be issued for probationers who test positive. They are arrested immediately if they test positive, fail to appear for a drug test, or violate any other terms of probation. It is important to note the jail terms range from several days to a few weeks, depending on which rule was broken. Long term incarceration is not used as a sanction. Alm stated that a lot of people can get off of drugs on their own and the ones that cannot do it on their own will receive help to get into treatment.

The random drug testing via the hotline is considered an integral part of HOPE – it encourages probationers to be successful. HOPE Probation has been able to be successful in reducing positive drug testing by 86%, missed probation appointments by 80%, revocations of probation by more than 50% and the reduction of new crimes by more than 50% since the program was started in October of 2004.

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The Path Clinic – Giving Birth to Hope
Renee Schuetter, RN

Renee Schuetter discussed the Path Clinic, a clinic that provides prenatal care and other help to substance-using pregnant women. This is the only prenatal addiction clinic in Hawai`i. It is designed to eliminate the barriers substance-addicted women encounter in finding care while pregnant. The clinic provides transportation to and from the center before and after the baby's birth, counseling for their addiction, and social service support. Schuetter notes that the clinic provides essential services without judgment for women who generally do not seek these services.

There are several reasons why these women do not often seek treatment. First, they are primarily afraid that they will lose their baby. But, they are also afraid of the criminal justice system (many of these women have a history of incarceration) as well as the negative judgment they receive from healthcare providers. Schuetter mentioned that healthcare is one of the biggest obstacles because healthcare workers oftentimes judge these women the most and feel as if they have a right to do so. The Path Clinic works to help the women feel comfortable by creating a safe and supportive environment and gains their trust so that they feel that they are not being judged and are in a place in which people really do want to help them. Further, women who have addictions do not handle bureaucracy very well.

The Path Clinic was created in April 2007 and has served over 165 women to date. 55% of them are part-Hawaiian; about half have a history of incarceration. Further, 99% of the women are on Medicaid or Quest. Schuetter stated that among the goals of the program are that healthy babies be born and that the women are able to care for the babies. Whether a baby is healthy is determined by length of the pregnancy (e.g., do the women make it to full term) and by birth weight. This can be hard to achieve with the population served by the Path Clinic, many of whom are addicted to methamphetamine.

Since the clinic opened in 2007, 61 of 65 deliveries were full-term and the clinic's preterm birthrate (6.2%) is much better than the national average of 12.7% and 12.2% for Hawai`i.

However, the clinic is doing just as well as private practice when it comes to birth weight. Since the clinic opened in 2007, 61 of 65 deliveries were full-term and the clinic's pre-term birthrate (6.2%) is much better than the national average of 12.7% and 12.2% for Hawai`i. Low birth weights are also about half of the national percentage. The cost of 50 births was about $250,000 per year at the clinic - premature babies cost ten times as much. However, since the majority of these women deliver at full-term and have normal weight babies, the program is able save approximately $550,000 per year. Thus, this is a cost-effective clinic and program. Additionally, most of the women (61 out of 65) tested clean at the time of delivery.

The program has also been successful in helping these women keep custody of their children. Most of the women who are in the program have lost custody of a child in the past, to foster care or other, and they really do not want to lose custody of their babies. Most of the women involved with the Path Clinic, are able to retain custody of their children – 95% of the women have custody of their babies that delivered with help from the Path Clinic. It also motivates them to find a job to help support themselves and their child. Schuetter notes that the most amazing part of this is that these women really do care about their babies, their care, and their health - contrary to popular belief. Beyond the birth of the babies, though, it is also important to note that 87% of the women demonstrated a decrease in the use of drugs and 80% of these women become abstinent from substance abuse. Many of the women want to continue treatment – they feel they need more treatment after the program to continue living a better life.

The Transformative Power of Education
Lisa Haan and Jackie Bissen

Lisa Haan and Jackie Bissen are both single mothers who have similar histories of incarceration but who nonetheless found different ways to achieve their goals of successful reintegration. Both of the women have histories of drug use and incarceration. Both also spoke about the years of struggle they encountered and, ultimately, the power of education in transforming their lives.

Bissen finished high school but took time off from college. She came from a middle class background and is one who seemingly had it all. She graduated from Punahou but got into drugs when her partner at the time sold drugs; she ultimately began using as well. She had a great job at the Bank of Hawai`i but she lost that job due to her addiction to drugs. She went on to describe a dysfunctional life and how, ultimately, the transformative power of education changed her life for the better. She received her AAS in diesel mechanics, prompted to do so after taking educational opportunities offered to her while she was incarcerated. She is now a CDL driver for Pomaikai Transport Services and has also worked at Keiki O Ka `Aina, a program that assists children of incarcerated parents.

Haan, on the other hand, dropped out of high school and came from a family that did not have much. She later earned her GED and is currently pursuing a B.A. degree, where she is on the Dean's list. Due to opportunities while on furlough, Lisa became interested in and involved with research. She is currently a research analyst and manager at SMS Research, where she received three promotions in her first few years.

Things were not always so good for these women. By their thirties both of these women found themselves in prison. Both had abused drugs, and one got pregnant as a teen and the other after being released. However, they both got to a point in their lives where they knew they had to change for the better or else they would end up back in prison.

They both found a passion that kept them occupied and focused. These women work in diesel mechanics and research – earning them a decent income. They also stated that women who exit incarceration should leave with job skills that help them to support their families.

Haan and Bissen demonstrated that education can provide a better future and opportunity for people, even those with past histories of offending and drug use. They counter the mindset of many Americans who think 'once a criminal, always a criminal' and that these types of individuals are unable to make positive and substantial life changes. Indeed, both Haan and Bissen mentioned that theirs was not an easy road; yet, they stuck to their respective programs and now feel that anything and everything is possible. What matters most was that through all of their respective struggles and past problems they both ultimately made decisions, coupled with available opportunities, to change their futures for the better.

What matters most was that through all of their respective struggles and past problems they both ultimately made decisions, coupled with available opportunities, to change their futures for the better.

Ho`i hou i ka iwi kuamo`o (Return to the Backbone)
Carrie Ann Shirota, 2007 Soros Justice Fellow

Carrie Ann Shirota began her presentation with an *`Olelo No`eau*, or Native Hawaiian proverb, *"Ho`i hou i ka iwi kuamo`o."* Literally translated, this means to "Return to the Backbone." The kaona, or hidden meaning, is to return home or to your family after being away.

With this `Olelo no`eau as context, Shirota focused on cultural approaches, education and training as a tool for changing one's path, as exemplified by Maui Economic Opportunity's Being Empowered and Safe Together Reintegration Program ("BEST Program"). Shirota discussed a cultural approach to healing and successful reentry. She mentioned that successful reentry should begin inside the prison walls. As such, this program begins with men and women who are behind bars. The program consists of a reintegration program which offers case management support, employment and housing assistance, substance abuse and mental health treatment referrals, cultural renewal training, and various other support services in partnership with the Judiciary (probation) and Department of Public Safety (i.e. MCCC, Maui Intake Services, Parole).

The Cultural Renewal component of BEST has included Hula, theatrical productions, family reunification and the reading circle. Through these programs, participants learn values that are empowering and counter the "culture of prison," that often breeds negativity, violence,

lack of responsibility and bitterness. In contrast, culturally based programs emphasize values, practices, and cultural identity that facilitate their reconnection with their *`ohana* (family), *`aina* (land) and communities. Culture is empowering because it promotes the creation of informal "positive peer" support groups, helps formerly incarcerated persons transform their self-image, and acknowledge their gifts and *kuleana* (responsibility). The Hula Halau fulfills participants' desire to learn more Hawaiian culture in the form of *oli* (chants) and *mele* (songs). In turn, this perpetuates the life of the Native Hawaiian culture.

the BEST program also saves thousands of dollars - from $13,643 to $7,998 per client at one year. It is also an effective program. Approximately 24% of BEST clients compared to 42.3% of a control group were convicted of a new offense during the study period and only 41% of the clients versus 56.4% of the control group were rearrested.

These culturally competent programs teach valuable skills to incarcerated and formerly incarcerated men and women. Participants learn patience, discipline, hard work, respect, working together to accomplish a shared goal, and how to use their time wisely. Through hula, one learns about aloha, doing what is *pono* (righteous), and the interconnection of *Ke Akua* (Creator), *na kupuna* (ancestors), *`ohana* and *`aina*.

The holistic and comprehensive approach to the BEST Programs helps men and women return to their families and communities as "transformed" individuals. Many of those who are released from prison still stay in the program and bring their families to learn Hawaiian culture. This helps men and women focus on hula, something that is positive in their life while incarcerated, as well as when they return to their communities. In effect, cultural education programs facilitate healing – within the person and within families.

Shirota also noted that the BEST program is cost effective, saving tax payers thousands of dollars. Citing a third party evaluation report by Dr. Marilyn Brown, Dr. Joe Allen and Dr. Janet Davidson, Shirota emphasized that BEST saves from $13,643 to $7,998 per client at one year. In addition, the report concluded that approximately 24% of BEST clients compared to 42.3% of a control group were convicted of a new offense during the study period and only 41% of the clients versus 56.4% of the "high risk" control group were rearrested.

In the end, Shirota recommends that we recognize the value in and support cultural programs – both those inside the prison walls and within the community. Although cultural training and education has worked for centuries, Shirota acknowledged the modern day importance of evaluating and validating these programs to gain recognition as a "best practice." Additionally, she emphasized the importance of ensuring that incarcerated persons earn credit for participating in these types of programs. These programs can and should serve as alternatives to incarceration for many individuals entangled in the criminal justice system.

Finally, Shirota concluded that cultural education programs should be viewed as part of the solution to returning incarcerated men and women from Hawai`i that have been transferred to private for profit prisons in the continental United States. The restoration and strengthening of familial relationships requires a return to cultural values and practices, and close contact with families and the `aina.

The National Progressive Agenda

Janet T. Davidson, Ph.D.
Chaminade University of Honolulu

This conference offered a number of smart solutions and research-based alternatives to our current model of 'tough' justice. There are indeed options to the now traditional method of processing offenders through the system in ever tough and restrictive ways. Indeed, the national progressive agenda offers alternatives to achieving justice – ones that are both smarter and serve to enhance public safety. What follows draws heavily from the Justice Policy Institute, a leader in promoting evidence-based alternatives to 'doing' justice.

Eric Holder's remarks at Vera's Annual Justice Address provide a guiding impetus for us to get smarter with regard to crime by, first and foremost, using data to guide our practices, to move beyond partisanship, and to move beyond rhetoric and ideology. These remarks, by our current U.S. Attorney General, really are at the root of the National Progressive Agenda. But, how do we move forward wisely and, too, in a way that serves to enhance public safety?

Luckily the most important response here is that we can move forward responsibly and safely, in ways that do serve to save money and make our communities safer. We know there is, at best, only a minimal connection between incarceration and crime rates. Importantly, we also know that many states that reduced their incarceration rates have also demonstrated greater reductions in crime than those who have increased their rates. Incarceration as an answer to crime is simply too reductionist.

So what can we do differently? What else should be on the crime-control agenda? Outlined below is a list of progressive alternatives. This is certainly not an exhaustive list. Rather, the list represents what can be considered a top 5 list of data-driven recommendations to improve public safety and simultaneously save money. These recommendations are doable and could be implemented in the short term yet also have the possibility of very significant long-term benefits. But first, an overriding mantra of the National Progressive Agenda is this:

- Increase public safety via evidence-based approaches.

This should also be the mantra of policy makers everywhere. Science should trump rhetoric in this area. As such, there are many ways to increase public safety – but building and spending more money on prisons is not one of these approaches. Improving public safety and saving money are not mutually exclusive categories – they actually go together. Research can and should lead the way. The following 'top 5' list thus stems from the premise that evidenced-based approaches should be the basis of most major reforms.

<u>Number One</u>: Re-examine policies that drive incarceration rates - such as incarceration based on technical violations of parole conditions (rather than new crimes) and the incarceration of non-violent offenders.

Community-based alternatives should be explored. Increasing the availability of parole could save government agencies millions of dollars. For example, releasing just 10% of the prison population (based on 2007 numbers) could save the state and federal governments roughly $3 billion dollars.

Keeping technical violators of parole in the community rather than sending them back to prison can save money. Technical violators of parole (and probation) are those who violate some condition of their supervised release. But it should be stressed that technical violations are not new criminal violations. The Justice Policy Institute estimates that, based on 2007 data, Hawai`i alone could have saved almost $3 million dollars by keeping its technical violators in the community rather than in prison.

<u>Number Two</u>: Implement policies that can safely increase releases from prison through parole and other community-based programs.

We can safely accomplish this with the use of actuarial based risk and need assessment instruments to help guide release, supervision, and the most effective treatment services for individual offenders. Many jurisdictions have embraced the use of risk and needs assessment instruments (including Hawai`i), yet these instruments need to be fully utilized in order to completely realize this goal. Namely, the results from risk and need assessments should guide the

provision of programs that match the offenders' needs. The latter implies that we must also invest in programs, and programs that work, to rehabilitate offenders.

We can also look at both helping offenders who are in the community (on probation, parole, or other) become successful. This implies that we must challenge our assumptions about offenders and what reentry really means. The community is an important component of successful offender reentry and reintegration.

The National Institute of Correction provides a good model of change via its 8 principles of effective intervention. Following are those 8 principles (http://www.nicic.org/ThePrinciplesofEffectiveInterventions):

- Assess offenders' risks and needs with actuarial risk/need instruments;
- Effectively enhance motivation for initiating and maintaining behavior changes via motivational interviewing techniques rather than traditional persuasion tactics;
- Target interventions: prioritize services to high risk offenders, match programs with needs; be responsive to offender's learning, gender, and cultural backgrounds; and integrate treatment with sentence requirements;
- Provide evidence-based programming that delivers cognitive-behavioral strategies by well trained staff;
- Increase positive reinforcement;
- Engage ongoing support in the communities to which offenders come from or will return;
- Measure relevant processes and practices; and
- Provide measurement feedback.

In response to NIC's 8 principles, coupled with corresponding reductions in recidivism elsewhere, Hawai`i has been working to implement these principles. Specifically, Hawai`i formed the Interagency Council on Intermediate Sanctions (ICIS) to implement these principles.

Finally, we know that we can develop effective systems of graduated responses to violations of community supervision. Review the section in these proceedings about HOPE here in Hawai`i. This is Judge Alm's project that is demonstrating success via a reduction in arrests, positive drug tests, and missed appointments. Importantly, HOPE sanctions are swift and certain, but specifically serve to avoid long-term incarceration for most offenders.

<u>Number Three</u>: Closing prisons realizes the largest financial savings, so policymakers should look at reforms that close a facility or portion of a facility.

This does not imply a need to target institutions without specific goals. Institutions that provide needed treatment for offenders, ones who may not be safely supervised in the community, are not likely good targets for closure. Rather, institutions that house largely non-violent and low risk offenders should receive priority for closure.

<u>Number Four</u>: Money saved from closing prisons should be redirected to community-based services that have been proven to improve both public safety and the life outcomes of individuals.

Community-based programs, in general, are both cost effective and serve to improve public safety. We know that we have a lot of substance abusers in prison, yet prison (with or without treatment) simply comes at high monetary and social costs. Substance abuse treatment in the community costs significantly less than prison.

The Washington State Institute for Public Policy (WSIPP) conducted meta-analyses of quality program evaluations. In one of these meta-analytic studies, WSIPP found that spending $1 dollar on drug treatment in prison yields nearly $6 dollars in savings in terms of increased public safety. However, that same $1 dollar invested in community-based drug treatment yields over $18 dollars in cost savings. WSIPP also found that intensive-supervision oriented programs net a 16.7% reduction in recidivism, while drug treatment in prison nets a 5.7% reduction. The bottom line – we can save more money and demonstrate a greater increase in public safety via community rather than prison based treatment.

One more item deserves mention here. We must do a better job with our mentally ill offenders. Jails and prisons cannot nor should they remain de-facto mental health institutions. This process has served to be simply expensive and ineffective.

<u>Number Five</u>: To achieve long-term public safety gains, money saved on incarceration should be invested in social institutions that build strong communities, including education, employment training, housing, and treatment.

Money spent on incarceration could be reinvested in other social institutions, such as education, including vocational, mental and physical health fields, treatment, and housing. We know about programs that simply help to prevent crime from occurring in the first place, but these are investments. Early education provides a good example. Education in general is a known deterrent to crime and is an effective means to reduce recidivism. Yet, according to a report by the Pew Center for Public Policy, our spending on education has risen 21% between 1987 and 2007 while spending on corrections increased by 127%.

The logic is simple – spend less – and increase public safety via the use of data, evidence-based programs, and investment in our communities and our people. These recommendations stem from transparent data. The challenge is to view what is available – such as these recommendations from the Justice Policy Institute, the Vera Institute of Justice, and the Washington State Public Policy Institute. We need to use sound evidence to guide our future choices with regard to crime prevention, public safety, and the use of jails and prisons.

It is important to reiterate that we did not become the world's leader in incarceration because of our exceptionally higher crime rates. Rather, we became the world's leader in incarceration because of our choices. We can simply no longer afford the choices of the past few decades. We now know that there are better choices to be made both nationally and locally, and these choices can be justified through evidence – the best, most scientifically based justification of all.

The Hawai`i Progressive Agenda

Kat Brady, Coordinator
Community Alliance on Prisons

As highlighted by the Smart Strategies panel, Hawai`i has begun implementing some progressive methods for addressing crime and wrongdoing in our communities. HOPE Probation's recent evaluation shows real promise for the high risk, non-compliant probationers in the program. The percentage of HOPE probationers, compared with control group probationers, found that the missed appointments were only 9% compared to 23% for the control group, positive urine tests were 13% compared to 46% for the control group, new arrests were 21% compared to 47% for the control group, the revocation rate was 7% compared to 15% for the control group, and incarceration for HOPE probationers were calculated at 138 days compared to 267 days for the control group. In regards to the persistence of the HOPE effect, the evaluation states, *"At the time this evaluation was conducted, it was not possible to assess long term effects as the number of probationers who had completed their probation term was too small to support a rigorous statistical analysis. Probationers placed on HOPE when HOPE was first implemented are beginning to complete their terms. In the near future there will be a sufficient number of HOPE probationers who have completed their probation term to permit an assessment of whether the effects of HOPE persist."* The ongoing evaluations of innovative programs like HOPE Probation are a crucial for policymakers to consider the best way to expend public resources.

The outcomes of the Path Clinic, another innovative program to help pregnant substance abusing women, clearly indicate that supportive, non-judgmental, and excellent medical care can have a significant impact on Hawai`i's children, families, and communities. The majority of deliveries were full term and while 87% of the women demonstrated a decrease in the use of drugs, 80% of these women become abstinent. The Path clinic delivers healthy babies, supports healthy mothers, and builds stronger families for Hawai`i.

The transformative power of education was clearly demonstrated by two formerly incarcerated women who have returned to their communities as success stories and, more importantly, symbols of hope for others struggling in similar situations. Their paths were not easy, but their commitment to create better lives through higher education for themselves and

their families helped them stay focused. The success of these two amazing women is shared by the community and illustrates how important it is for policymakers to establish mentoring programs and fund educational resources as pathways out of crime for Hawai`i's lawbreakers. Research demonstrates that higher education is one of the most effective means of transforming an individual's life and reducing recidivism. A standout among such reports was the Three State Recidivism Study. The 2001 study, headed by Stephen Steurer, examined more than 3,600 former inmates who had been released for at least three years from prisons in Maryland, Minnesota and Ohio. The study found that "simply attending school behind bars reduces the likelihood of re-incarceration by 29 percent." Further, the study reported fiscal savings, "Translated into savings, every dollar spent on education returns more than two dollars to the citizens in reduced prison costs." A preliminary report by consultants hired by the Department of Public Safety found that the majority of Hawai`i's incarcerated population is comprised of nonviolent individuals with more than two-thirds of the women and more than half of the men projected to be classified at the minimum and community custody levels, the least restrictive levels of incarceration. Access to education, therefore, is a crucial component to community revitalization.

Since Hawai`i incarcerates a disproportionate number of Native Hawaiians, using culture as a basis for reintegrating individuals returning home is powerfully illustrated in the outcomes of Maui Economic Opportunity's Being Empowered and Safe Together Reintegration Program ("BEST Program"). Approximately 24% of BEST clients compared to 42.3% of a control group were convicted of a new offense during the study period and only 41% of the clients versus 56.4% of the control group were rearrested. Culture is empowering because it promotes the creation of informal "positive peer" support groups, helps formerly incarcerated persons transform their self-image, and acknowledge their gifts and *kuleana* (responsibility). These are the values that rebuild lives, restore `ohana and revitalize communities. Hawai`i has a unique opportunity to not only repair the harms caused by incarceration, but to prevent wrongdoing by using cultural concepts to connect individuals and their communities. Culturally competent programs teach valuable skills to incarcerated and formerly incarcerated men and women and should be employed on all islands as a successful strategy for reintegration and for strengthening communities.

There is still more we can do more to shift our priorities from punishment to restoration in order to rebuild lives, restore `ohana, and revitalize our communities.

1. Use Science and Data to Create Smart Policies

Policies based on fear and worst case scenarios are partly responsible for Hawai`i's economic woes and have done little to protect public safety. Public policies must be science and data driven. Programs must include outcome evaluations so that policymakers can assess their efficacy. Hawai`i has many world-class researchers that can assist in policymakers in utilizing data to formulate policies that make sense while using our resources wisely to achieve successful outcomes.

2. Implement Phase 2 of the Successful RDAP (Residential Drug Abuse Program)

Hawai`i uses the Bureau of Prisons' RDAP treatment program (Phase 1) in its facilities, as well as in the private Corrections Corporation of America prisons. However Phase 2 has never been implemented by Hawai`i. A formerly incarcerated person describes RDAP Phase 1 as 'the drivers' manual' where one learns the rules of the road and Phase 2 as 'getting behind the wheel' and employing all those skills learned in Phase 1. The literature about after-care is very clear that a continuum of care is absolutely necessary to help an individual successfully transition to the community.

3. Create a Comprehensive Reentry/Reintegration System

Hawai`i has a few reentry/reintegration programs, but no real reentry system to address the needs of a formerly incarcerated individual. Creating a comprehensive reentry/reintegration system will reduce recidivism and revitalize communities. Funds currently used to incarcerate community custody individuals should be reallocated to create an effective reentry/reintegration system with a diverse array of evidence-based practices.

4. Improve Probation and Parole

Improving probation and parole services and supports could save states millions of dollars. Approximately 26 percent of people on parole in 2007 returned to prison for a technical violation. By shifting the modality of supervision to one of support and service, states could send fewer people back to prison for technical violations. [1] In Hawai`i 1 in 48 individuals is under some form of community supervision (1 in 53 on probation and 1 in 531 on parole).[2]

5. Mandate Accountability and Transparency

Policymakers must demand accountability and transparency from the Department of Public Safety to accurately assess the efficacy of their policies. They need the flexibility to shift resources to areas where they are needed in order to address the changing needs of our incarcerated population. Contracts, research, program evaluations, criteria for transfers, monitors' reports, etc. should be made easily accessible on a website available to the public.

6. Establish Independent Community Oversight Boards

One effective way of achieving accountability and transparency is by establishing an Independent Community Oversight Board that has golden key access to all Hawai`i institutions as well as those private contract facilities housing Hawai`i individuals. These boards would be mandated to file reports on the conditions of confinement, the management of facilities, and the rehabilitation opportunities available to Hawai`i's incarcerated individuals.

7. Address the Needs of Children of Incarcerated Parents

The data show that children of incarcerated parents are six to seven times more likely to end up incarcerated themselves. This is a clarion call to policymakers that if we are to stem the flow of individuals into our prisons and jails, we must address the needs of these children and

[1] Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety, Justice Policy Institute, May 2009.
[2] *Probation and Parole in the United States, 2008* can be found at http://www.ojp.usdoj.gov/bjs/abstract/ppus08.htm.

youth. Hawai`i currently has a task force but alas no funding to implement programs to help the thousands of children and youth with an incarcerated parent.

8. Reform Sentencing Laws

Repealing mandatory sentencing laws for nonviolent law violators would dramatically reduce Hawai`i's incarcerated population. Since the majority of Hawai`i individuals are incarcerated for nonviolent crimes, as shown by the preliminary classification report released by the Department of Public Safety, wasting precious resources on long prison sentences and sending our people thousands of miles from home has been counter-productive. The data show that longer sentences only make it more difficult for individuals to successfully reintegrate and reconnect with their families. Hence, it makes both common and economic sense to restore judicial discretion and allow the court to assess the appropriate sanctions for lawbreakers.

9. Increase Community-Based Substance Abuse Treatment

Substance abuse treatment provided in the community is more cost-effective than imprisonment. Individuals with substance abuse histories compose the majority of Hawai`i's prison population. Substance use/abuse plays a role in the commission of certain crimes. "As of October 2003 the Department of Public Safety reported that 2,690 males (54% of 2003 ADP[3]) and 347 females (52% of 2003 ADP[4]) were identified as being in need of substance abuse treatment." The Report also made reference to the 1991 Plan which noted that "75% of a sample of inmates admitted drug use."[5] Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes. For every $1 spent on drug treatment in the community, approximately $18 can be saved.[6]

[3] ADP Males – include male sentenced (felons, probation felons, and misdemeanors), pretrial (felons and misdemeanors), other jurisdiction inmates, and probation/parole violators.
[4] ADP Females – include female sentenced (felons, probation felons, and misdemeanors), pretrial (felons and misdemeanors), other jurisdiction inmates, and probation/parole violators.
[5] 10 Year Corrections Master Plan Update 2003, http://www.hawaii.gov/psd/documents/10yrrpt/2003%20Master%20Plan%20Update%20Final%20Report.pdf
[6] Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. The comparative costs and benefits of programs to reduce crime. Olympia: Washington State Institute for Public Policy.

10. Institute Community-Based Alternatives to Incarceration

Community-based programs are cost effective and improve public safety. Community-based alternatives to prison can ensure that people stay in the community with educational and employment opportunities, family, and other support systems. For youth, especially, there are a growing number of evidence-based alternatives that cost less and are more effective than incarceration, such as Multisystemic Therapy.

11. Increase Community Programs for the Mentally Ill

Incarcerating people with mental illnesses is expensive and ineffective. Approximately 17% of Hawai`i's incarcerated population suffers from mentally illness. Prisons and jails make poor treatment facilities for people with a mental illness. Increasing investments in community-based treatment, improving diversion from prison and jail, and ensuring that those leaving these facilities have adequate care, all will reduce the financial burden of imprisoning people with a mental illness.

12. Implement Policies for Justice Reinvestment

Justice Reinvestment is a grant program to help reduce spending on corrections, control growth in the prison and jail populations, and increase public safety. It calls for enacting policy changes to effectively lower the corrections budget and reinvesting a portion of those savings in strategies that will reduce crime and strengthen communities. Reinvesting money now spent on incarceration in other social institutions will improve public safety in the long term. Making smart investments in communities and social institutions is the most effective way of improving public safety and supporting communities. Investments in housing also correlate with lower incarceration rates. Making budgetary cuts in services that increase opportunities and strengthen communities could result in increases in crime - and its resultant costs – in the future. Some states have already started to reduce their prison populations to save money. In order to keep out communities safe, government agencies should take cues from states like Texas, Nevada, New

York, New Jersey and Georgia, who have significantly reduced prison populations through increased use of release mechanisms like parole and investments in communities and are realizing a decreasing crime rate.

The Strategy

Justice reinvestment staff, with the help of expert consultants, work closely with state policymakers to advance fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer.

To assist state policymakers, justice reinvestment staff is providing technical assistance to a limited number of states that demonstrate a bipartisan interest in the strategy:

- Step 1: Analyze the prison population and spending in the communities to which people in prison often return.
- Step 2: Provide policymakers with options to generate savings and increase public safety.
- Step 3: Quantify savings and reinvest in select high-stakes communities.
- Step 4: Measure the impact and enhance accountability.

Work in the States

The Council of State Governments Justice Center is working with a handful of states to implement justice reinvestment strategies. These states are designing policies to manage the growth of the corrections system, improve the accountability and integration of resources concentrated in particular communities, and reinvest a portion of the savings generated from these efforts to make communities receiving the majority of people released from prison safer, stronger, and healthier. This section is intended for state policymakers, criminal justice practitioners, and other stakeholders responsible for determining corrections and sentencing policies.

The justice reinvestment project is in the process of identifying other states to add to the select number of jurisdictions receiving technical assistance to pursue justice reinvestment strategies.

Evaluations

The evaluation form asked eleven questions about the conference. The responses were overwhelmingly positive and convinced the Planning Committee that the community is hungry for accurate information about Hawai`i's correctional policies and that they want more gathering like this with more time for questions and answers and networking. The planning committee has already started working on UNLOCKING JUSTICE 2010 and will build in more time for these specific areas.

1. *The conference increased my understanding of issues related to criminal justice data*
   71.7% Strongly Agree; 28.3% Agree

2. *I appreciated the richness of perspectives offered by the speakers and panelists*
   76.1% Strongly Agree; 23.9% Agree

3. *I will integrate things learned at the conference in my work*
   63.0% Strongly Agree; 21.7% Agree; 6.5% Neutral; 6.5% Not Applicable;
   2.2% No Response

4. *The conference raised my awareness about justice issues*
   65.2% Strongly Agree; 23.9% Agree; 6.5% Neutral; 4.4% Not Applicable

5. *I have a greater understanding of alternative strategies*
   58.7% Strongly Agree; 34.8% Agree; 6.5% Neutral

6. *The quality of presentations was excellent*
   82.6% Strongly Agree; 15.5% Agree; 2.2% Neutral

7. *There was adequate time during presentations to discuss ideas and ask questions*
   37.8% Strongly Agree; 33.3% Agree; 13.3% Neutral; 8.9% Disagree; 2.2% Strongly Disagree;
   4.4% Not Applicable

8. *The conference provided sufficient resources, networking opportunities, and program information*
   69.6% Strongly Agree; 21.7% Agree; 4.3% Neutral; 4.4% Disagree

9. *Presenters and speakers were available for those who wished to contact them for more information*
   58.7% Strongly Agree; 26.0% Agree; 8.7% Neutral; 2.2% Not Applicable; 4.4% No Response

10. *Overall, I learned a great deal from this conference*
    76.1% Strongly Agree; 19.6% Agree; 4.4% Neutral

11. *Based on my experience, I would attend another conference like this in the future*
    76.1% Strongly Agree; 21.7% Agree; 2.2% Not Applicable

Appendices

Program:* UNLOCKING JUSTICE, Saturday, October 17, 2009, Chaminade University*

8:00 - 8:30 REGISTRATION AND NETWORKING

8:30 - 8:45 WELCOME

8:45 – 8:55 REMARKS FROM STATE LEGISLATIVE PUBLIC SAFETY CHAIRS
Senator Will Espero
Representative Faye Hanohano

8:55 - 9:00 INTRODUCTION OF KEYNOTE - MICHELE DEITCH, J.D., M.SC.
Attorney and Professor at the University of Texas—LBJ School of Public Affairs

9:00 – 9:45 KEYNOTE ADDRESS
"'There are No Bad Prisons in Paradise' and Other Dangerous Criminal Justice Myths"

9:45 –10:00 Q & A WITH KEYNOTE

10:00 – 10:20 ***BREAK***

10:20 - 11:30 SMART ON CRIME IN HAWAI`I: ***What We Know, What We Need to Know***
PANELISTS:
Meda Chesney-Lind – *Ann & Me*
Rae Deen Karasuda, Ph.D. – *Overrepresentation of Native Hawaiians & the Politics of Data*
Geri Marullo – *Impacts of Incarceration and the Drug War on Families*
Marilyn Brown, Ph.D. – *Making Hawai`i Accountable: What Evidenced Based Policy Looks Like*
MODERATOR: **Robert Perkinson**

11:30 – 11:50 Q&A WITH PANEL #1

11:50 – 1:10 ***LUNCH & NETWORKING***

1:10 - 1:15 INTRODUCTION OF DR. THOMAS LENGYEL
Scholar-in-Residence at the University of Denver School of Social Work

1:15 – 2:00 DR. THOMAS LENGYEL
EVERYONE PAYS
A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai`i

2:00 – 2:20 Q&A WITH DR. TOM LENGYEL

2:20 – 2:40 ***BREAK***

2:40 – 3:50 SMART STRATEGIES
PANELISTS:
Judge Steven Alm – *HOPE Probation*
Renee Schuetter – *The Path Clinic – Giving Birth to Hope*
Lisa Haan and Jackie Bissen - *The Transformative Power of Education*
Carrie Ann Shirota – *Ho`i hou i ka iwi kuamo`o (Return to the Backbone)*
MODERATOR: Jeanne Ohta

3:50 – 4:10 Q&A WITH PANEL #2

4:10 – 4:30 CALL TO ACTION
The National Progressive Agenda
Hawai`i's Progressive Agenda

4:30 – 4:45 CLOSING & MAHALO

Biographies of Presenters:

STEVEN S. ALM (***HOPE Probation***) was sworn in as a First Circuit judge on May 14, 2001. He is currently assigned to the felony Criminal Division. Judge Alm currently chairs the Corrections Population Management Commission, appointed by the governor to establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility and is co-chair of the Interagency Council on Intermediate Sanctions, whose vision is the reduction of recidivism and the prevention of future victimization by adult offenders.

Prior to his judicial appointment, Judge Alm served as the United States Attorney for the District of Hawai`i from November 1994 until April 2001. From 1985 to 1994, Judge Alm served as Deputy Prosecuting Attorney for the City and County of Honolulu. During that time, he served as a Felony Team Supervisor and as Director of the District and Family Court division and personally handled complex homicide cases. Judge Alm worked as a Westlaw Editor for West Publishing Company from 1983-1985. Judge Alm received his law degree from the University of the Pacific's McGeorge School of Law in 1983 and his Master's degree in Education from the University of Oregon in 1979.

In 2004, Judge Alm brought together stakeholders to design and implement HOPE Probation (Hawai`i's Opportunity Probation with Enforcement). The program, the first and only of its kind in the nation, relies on high-intensity supervision to reduce probation violations by drug offenders and others at high risk of recidivism.

JACKIE BISSEN ***(The Transformative Power of Education)*** was born and raised in Kaneohe, and is the single mother of one energetic 8 year old boy. She graduated from Punahou in 1986 but did not go to college until later. Jackie has experienced the transformative power of education, having earned her AAS in diesel mechanics and taking advantage of educational opportunities while incarcerated [for drug related charges] and continuing her education in the community. Jackie has worked for Keiki o Ka `Aina, has earned her Commercial Driver's License (CDL) and is currently employed as a driver for Pomaikai Transport Services.

KAT BRADY ***(The Hawai`i Progressive Agenda)*** is a long-time Justice Advocate and Coordinator of Community Alliance on Prisons, a community initiative working to improve the conditions of confinement for Hawai`i's 6,000 incarcerated individuals, enhance community safety, and promote smart justice policies. She is also Assistant Executive Director of Life of the Land, a 40-year old local environmental and community action group, Chair of the Honolulu County Committee on the Status of Women, the Prisoner Advocate on the University of Hawai`i's Institutional Review Board, Vice President of the Drug Policy Forum of Hawai`i, Secretary of the Drug Policy Action Group, and an active member of Ka Lei Maile Ali`i Hawaiian Civic Club and the Hawai`i Women's Coalition. Kat is a frequent guest lecturer at universities and community groups. Her work for justice includes educating communities on important social issues and encouraging public participation to inform and reform public policy.

Kat was the recipient of the 2009 Hawai`i Friends of Civil Rights Martin Luther King, Jr. Friends Award, recognized as the 2005 Friend of Social Work, recipient of the 2005 Hawai`i Senate Certificate of Recognition for Social Justice Advocacy, 2004 recipient of The Interfaith Alliance of Hawai`i Community Mobilization Award, and the 2003 recipient of the Kako`o o Kalaniana`ole Award as the 2003 Outstanding Non-Hawaiian for Service to the Hawaiian Community awarded by the National Association of Hawaiian Civic Clubs.

MARILYN BROWN (***Making Hawai`i Accountable: What Evidence Based Policy Looks Like)*** is Associate Professor of Sociology at the University of Hawai`i at Hilo where she teaches courses in criminology, corrections, gender and crime, and juvenile delinquency. Her research targets local justice-related policy issues including parenting women on parole, children of incarcerated parents, evaluation, and reentry.

Marilyn has participated in a number of workshops and panels to educate the community on issues such as three strikes (Hawai`i passed a three strikes law in 2006), reentry, and the impact of parental incarceration on children. She continues to been an important community resource and collaborator. Her research and participation in advocacy, education of policy makers, and outreach on justice issues to the general public have all been very important to our local justice reform efforts. Because of her excellent work, she has been appointed by the Legislature to a number of justice advisory groups on issues such as children of incarcerated parents and reentry. Marilyn's work has been cited in a number of bills that are now law including equality for female offenders (Act 258, 2006), children of incarcerated parents (Act 256, 2006), and reentry for individuals exiting incarceration (Act 8 2007). These successes have been realized not only through the hard work of a relatively small cohort of justice advocates, but through the studies conducted by a similarly small number of criminology researchers. Fortunately, Marilyn Brown has made herself available to work closely with us in formulating evidenced-based policies that can promote justice in Hawai`i. She has also leveraged the resources of the University to educate the public in general about justice issues through events such as a conference on issues related to female offenders, three strikes laws, and other important justice topics. Marilyn has also been an invited speaker at the Hawai`i County League of Women Voters gathering to share her dissertation research entitled Motherhood on the Margins as well as at the 2009 Fertile Grounds for Reproductive Justice Conference sponsored by The Women's Fund of Hawai`i. She is the author of a number of book chapters, technical reports, and articles in the field of criminology

Meda Chesney-Lind ***(Ann & Me)*** is Professor of Women's Studies at the University of Hawaii at Manoa. Nationally recognized for her work on women and crime, the author of seven books, she has just finished two books on trends in girls' violence, entitled Beyond Bad Girls: Gender, Violence and Hype written with Katherine Irwin and Fighting for Girls co-edited with Nikki Jones. She received the Bruce Smith, Sr. Award "for outstanding contributions to Criminal Justice" from the Academy of Criminal Justice Sciences in April, 2001. She was named a fellow of the American Society of Criminology in 1996 and has also received the Herbert Block Award for service to the society and the profession from the American Society of Criminology. She has also received the Donald Cressey Award from the National Council on Crime and Delinquency for "outstanding contributions to the field of criminology," the Founders award of the Western Society of Criminology for "significant improvement of the quality of justice," and the University of Hawaii Board of Regent's Medal for "Excellence in Research."

Finally, Chesney-Lind has recently joined a group studying trends in youth gangs organized by the National Institute of Justice, and she was among the scholars working with the Office of Juvenile Justice and Delinquency Prevention's Girls Study Group. In Hawaii, she has worked with the Family Court, First Circuit advising them on the recently formed Girls Court as well as helping improve the situation of girls in detention with the recent JDAI Initiative.

JANET T. DAVIDSON ***(The National Progressive Agenda)*** is Assistant Professor of Criminology & Criminal Justice at Chaminade University. Dr. Davidson has a Ph.D. in Sociology with a specific focus on crime, law and deviance. She also earned an M.A. and B.A. in sociology. Her research interests include institutional and community corrections, recidivism, and issues related to gender and crime. She has published numerous peer viewed and applied research publications, most recently, as the author of Female Offenders and Risk Assessment: Hidden in Plain Sight (2009, LFB Scholarly Publications).

Dr. Davidson teaches Introduction to Criminal Justice Systems, Criminology, Corrections: Prisons and Community Alternatives, Ethics in Criminal Justice, and Women and Crime at the undergraduate level. She also teaches Research Methods & Statistics at the graduate level. Further, she advises both undergraduate and graduate students regarding their programs of study. She has been at Chaminade University full time since the 2005 academic year. Prior to CUH, she worked at the Hawaii Department of the Attorney General as a Research Analyst.

MICHELE DEITCH ***("'There Are No Bad Prisons in Paradise' and Other Dangerous Criminal Justice Myths")*** teaches criminal justice policy at the University of Texas—Lyndon B. Johnson School of Public Affairs. An attorney, she has over 23 years experience working on a variety of criminal justice policy issues and juvenile justice matters with state and local policymakers, corrections, officials, practitioners, and advocates. Her particular areas of expertise and interest include independent prison oversight, prisoners' rights and prison conditions, jail crowding and alternatives to incarceration, prison privatization, sentencing reform, and trying juveniles as adults. Professor Deitch is considered one of the nation's leading experts on the issue of independent prison oversight and was awarded a Soros Senior Justice Fellowship for her work in this area. She has written and testified extensively about the need for effective prison oversight mechanisms, especially when dealing with vulnerable populations. She is also the lead author of the book-length report *"From Time Out to Hard Time: Young Children in the Adult Criminal Justice System,"* (LBJ School of Public Affairs, July 2009). The report has received nationwide media attention, including an endorsement in a lead editorial in the New York Times. Deitch is also a frequent commentator in the media on issues related to prison privatization and prison conditions.

Michele Deitch recently served for three years as the drafter of the American Bar Association's proposed standards on prisoners' rights. In the late 1980s and early 1990s, she served as a full-time court-appointed monitor of conditions in the Texas prison system in the landmark civil rights case of *Ruiz v. Estelle;* as General Counsel to the Texas Senate Criminal Justice Committee; and as the Policy Director for the Texas Punishment Standards Commission, the state's sentencing commission. She has maintained an independent consulting practice since 1993. She holds a J.D. with honors from Harvard Law School, a M.Sc. in psychology from Oxford University and a B.A. with honors from Amherst College.

WILL ESPERO ***(Senate Chair of the Public Safety and Military Affairs Committee)*** represents the 20th District ('Ewa Beach, 'Ewa by Gentry, Ocean Pointe, `Ewa Villages, West Loch, Honouliuli, Lower Waipahu). He has a BA in Business Management and has worked as Community Relations Manager for D.R. Horton, General Manager for `Ewa by Gentry, Property Manager for Chaney Brooks and Company, Operations Manager for Coalition for a Drug Free Hawai`i and Executive Secretary of the Neighborhood Commission for the City and County of Honolulu. Senator Espero has served in leadership positions in numerous community organizations and is Vice Chair of the Special Senate Committee to Consider Approaches to Teacher Furloughs as well as a member of the Commerce and Consumer Protection, Health, Joint Task Force to Conduct a Review of the State Highway Fund, and the Transportation, International and Intergovernmental Affairs Committees.

LISA HAAN ***(The Transformative Power of Education)*** dropped out of high school, but later earned her GED and continues to further her higher education. Currently, she is enrolled at Devry University and has earned recognition on the Dean's List. She is studying to become a Research Analyst and is a current manager at SMS Research, having earned a promotion within 2 years. Lisa is also the mother of a 23 year old son and is grateful for the opportunity to share where she has been and where she is going.

FAYE P. HANOHANO ***(House Chair of the Public Safety Committee)*** is the Assistant Majority Floor Leader in the House where she represents the 4th District (Puna, Pahoa, Hawaiian Acres, Kalapana). She was born and raised in Pahoa, Hawai`i and graduated from Kamehameha Schools. Representative Hanohano holds a BA in Sociology as well as a Masters in Business Administration. She retired after serving as an Adult Correctional Officer and Acting Captain/Administrative Lieutenant at Kulani Correctional Center for 25 years. She was also a Hawaiian Studies Lecturer at Hawai`i Community College and Program Coordinator at Kalani Honua and Honua Hawai`i. Representative Hanohano serves as a member of the Education, Higher Education, Labor & Public Employment, and Transportation Committees.

RAEDEEN KEAHIOLALO-KARASUDA ***(The Impact of Incarceration on Native Hawaiians & the Politics of Data)*** received her PhD in political science from the University of Hawai'i-Mānoa in 2008. Her dissertation, "The Colonial Carceral and Prison Politics in Hawai'i" highlights the fallacy that the majority Hawaiian prison population equates to a group that is more criminally prone than others.

Speaking to the prison as a site of colonial subjugation, RaeDeen's research focuses on historical and contemporary patterns of criminalizing Hawaiians for the purposes of land theft and political usurpation. Her research begins with Chief Kamanawa (the grandfather of Lili'uokalani and Kalākaua) who was publicly hanged before eight hundred natives under arms, including then four-year old Kalākaua who was forced to witness the execution by his missionary teachers. Following this story, RaeDeen moves forward to explain how opium policies and discourses advanced the downfall of the monarchy, how modern drug discourses tend to be deployed in the face of Hawaiian political resistance, and how neocolonialism continues through the current trend of exiling Hawaiians to foreign prisons. In 2007, RaeDeen was awarded a Soros Justice Fellowship from the Open Society Institute where she piloted a political reintegration curriculum that put her dissertation research into practice by increasing political literacy and civic leadership among prisoners. Her curriculum, "E Holomua Me Ka 'Ike Pono: Go Forward with the Correct Knowledge" continues to influence policy and has taught in various venues, including prisons, residential group homes, and treatment facilities.

THOMAS E. LENGYEL ***(EVERYONE PAYS: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai`i)*** Dr. Lengyel's professional work, beginning with academic training and research, dates to 1976, covering a span of 35 years. After several years of teaching in the fields of anthropology and sociology, Dr. Lengyel entered the profession of social work and provided direct services and supervision for 12 years at a public social work agency. He returned to graduate school in 1994 and earned a Master's Degree in social work, complementing his earlier Ph.D. in anthropology. From that point forward he engaged in applied policy research in social work related subjects ranging from program evaluation to fundamental research on poverty, disabilities, behavioral health, health service delivery and corrections. Dr. Lengyel's applied research endeavors began with an internship at the Planning Council for Health and Human Services in Milwaukee in 1994, subsequently joining the regular

staff. He accepted an appointment as Director of Research for the Alliance for Children and Families in 1996, and worked in that post for eleven years. The work products of this period are diverse in terms of subjects and methods, and are available at: http://www.alliance1.org/Research/artsarchives.htm

His most recent work reflects the diversity of his training and expertise. A recently completed study, funded by a foundation, applies novel methods to the cost-benefit analysis of incarceration. A second study, submitted for publication to a peer reviewed journal, proposes a new method for measuring the outcomes of prenatal health care, a health care delivery system that currently lack any outcome indicators. Dr. Lengyel reviews articles for several professional journals, and has served as Senior Editor for the journal *Criminology and Public Policy*. He has authored a substantial number of peer reviewed publications and reports that are available upon request. Lengyel currently holds an appointment as Scholar in Residence at the University of Denver School of Social Work.

PAM LICHTY ***(Moderator, Smart on Crime in Hawai`i)*** is President and Co-Founder of the Drug Policy Forum of Hawai‘i (DPFH), a non-profit organization established in 1993 to encourage discussion and promote public education about current and alternative drug policies and related issues. DPFH advocates approaches such as community- based alternatives to incarceration, treatment on demand, and elimination of mandatory minimums. She has been a board member of the national Drug Policy Alliance, the nation's leading organization working to end the war on drugs, since its founding. She has served on the Board of Directors of the American Civil Liberties Union (ACLU) of Hawai‘i for more than two decades and sits on their Legislative and Executive Committees. She also chairs the state of Hawaii’s Sterile Needle Exchange Oversight Committee. She was instrumental in the start-up of the state's syringe exchange program, the nation’s first statewide program, and in the passage of Hawai`i’s 2000 Medical Marijuana law, the first to be enacted via the legislative process. She has a Masters in Public Health from the University of Hawai`i.

GERI MARULLO ***(The impact of incarceration & the drug war on families)***, Dr. PH, serves the NorthStar Family of Companies as Senior Vice President and Managing Director. Her career spans 35 years leading various large diverse agencies, organizations and foundations in the State of Hawai`i, in Washington, D.C. and throughout the world.

Dr. Marullo originally came to Hawaii to pursue her Master’s Degree in Nursing and went on to become the Executive Director of the Hawaii Nurses’ Association. In 1989, Dr. Marullo was appointed Deputy Director of Health by then Governor John Waihee III, where she provided leadership for the over $100 million community services component of the Dept. of Health, including primary care, public health nursing, school health, developmental disabilities, family health and personal health services. Dr. Marullo went on to head the American Nurses Association in Washington, D. C., where she directed all aspects of services for more than 250,000 member nurses in all 50 States and in two U.S. territories.

She returned to Hawaii as the Director of Child and Family Services, Hawaii’s largest private, non-profit human service agency. After eight years at Child and Family Services, Dr. Marullo joined the Consuelo Foundation-Hawaii where she directed all aspects of the foundation both in Hawaii and abroad, with special emphasis in the Philippines, providing services for children to aid in the prevention of child abuse and neglect. Dr. Marullo was named “Hawaii Nurse of the Year” in 1985, inducted into the Hunter College Hall of Fame in 1992, and was named by *Pacific Business News* as the “Businesswoman of the Year” in 2004.

JEANNE Y. OHTA ***(Moderator – Smart Strategies)*** is currently Executive Director of the Drug Policy Forum of Hawai`i. The Honolulu native was formerly the Interim Executive Director of the Hawai`i State Commission on the Status of Women. In the private sector for more than twenty years, she was formerly Account Executive for the Procter and Gamble Distributing Company, where she held positions in sales and logistics.

She holds a Master of Business Administration degree in Marketing and Bachelor degrees in Economics and Accounting from the University of Hawai`i. She also holds a Certified Public Accountant Certificate.

She is an advocate for social justice issues, many of which are underfunded, unpopular, misunderstood and controversial; and which often involve women, girls, poor people, immigrants, and those society has oppressed and cast aside She is active in the `Aina Haina Community Association, the PATH Clinic, Planned Parenthood, and the Kokua Council.

CARRIE ANN SHIROTA ***(Ho`i hou i ka iwi kuamo`o (Return to the Backbone)*** is one of seventeen individuals selected nationwide as a Soros Justice Fellow by The Open Society Institute in 2009 to work to restore fairness to the United States' deeply flawed criminal justice system. Shirota, an attorney and justice advocate on the island of Maui, will work to mitigate and reduce the transfer of incarcerated men and women from Hawai`i to mainland prisons thousands of miles away. Shirota will collect data relating to out-of-state prisoner transfers and assess strategies employed in other U.S. jurisdictions that have reduced this practice. She will also examine native imprisonment and banishment within the U.S., with particular emphasis on how this problem impacts Native Hawaiians.

Shirota earned her undergraduate degree from Santa Clara University and law degree from the William S. Richardson School of Law at the University of Hawai`i. Previously, Shirota worked as an enforcement attorney for the Hawaii Civil Rights Commission, as a public defender, and as the director of Maui Economic Opportunity's Being Empowered and Safe Reintegration (BEST) Program. She is also an active member of Community Alliance on Prisons.

RENEE SCHUETTER ***(Giving Birth to Hope)*** is the first Executive Director of the Path Clinic, the only comprehensive perinatal addiction clinic in Hawaii. During her 30 years as an RN, professional counselor and Nurse Manager, she has worked in community, outpatient, and acute inpatient healthcare settings; with a focus on maternal/child and behavioral health. She is particularly interested in and committed to creating environments that allow people to find their own way to health.

In 2007, Renee began working with Tricia Wright, M.D. to create The Path Clinic, a cost-effective outpatient clinic that serves pregnant and recently delivered women struggling with addictions. She attributes the excellent outcomes achieved at the clinic to the nonjudgmental, flexible manner in which a woman is supported in finding her unique path to a healthy birth and capable parenting.

Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.

Dr. Martin Luther King, Jr.