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GOVERNOR



STATE OF HAWAII
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No. _____

TESTIMONY ON HOUSE BILL NO. 2685, HD1
RELATING TO PUBLIC SAFETY

by
Clayton A. Frank, Director
Department of Public Safety

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Tuesday, February 26, 2008, 2:15 p.m.
State Capitol, Conference Room 309

Representative Oshiro, Representative Lee, and Members of the Committee:

The Department of Public Safety supports the intent of House Bill 2685, HD1, but is concerned as the costs of this measure were not planned for and could require other planned expenses or projects to be delayed in consideration of the Governor's Executive Budget.

The present day cost of the Federal Detention Center is estimated to be a minimum of approximately \$122.8 million in FY 2008 dollars, nearly double its original \$63.0 million cost to construct in the late 1990's. In addition, while a high rise detention facility close to the courthouses would significantly enhance the security and ease of operation, the cost of high rise construction is substantially more than that of low rise construction.

House Bill 2685, HD1
February 26, 2008
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As a result, the Department is concerned that this measure would have a negative impact on the Governor's Executive Budget as well as the Department's other planned projects and expenses.

Thank you for the opportunity to testify on this bill.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON FINANCE

Tuesday, February 26, 2008
2:15 PM

State Capitol, Conference Room 308

in consideration of
HB 2685, HD1
RELATING TO PUBLIC SAFETY.

Chair Oshiro, Vice Chair Lee, and Members of the House Committee on Finance.

HB 2685, HD1, Relating to Public Safety, directs the Department of Public Safety and the Office of Planning (OP) to plan and design the construction and operation of a new minimum security correctional facility at the 16-acre site of the existing Oahu Community Correctional Center.

OP defers to the Department of Public Safety regarding efforts to construct a minimum security facility similar to the Federal Bureau of Prisons Detention Center situated at 351 Elliot Street, on the west side of the Honolulu International Airport, with a capacity of 670 beds on five levels of a seven-floor, 325,000 square foot facility.

OP previously testified that it does not have the appropriate personnel with expertise to plan, design, construct, and operate such a facility, and therefore our office should not be designated in this bill.

Thank you for the opportunity to testify.


OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

**HB 2763 RELATING TO THE CHILDREN OF INCARCERATED PARENTS TASK
FORCE**

House Committee on Finance

February 26, 2008
Room 308

2:15 p.m.

The Office of Hawaiian Affairs supports HB 2763. Our interest in this legislation is primarily based on our concern that 45% of men and women incarcerated in both in-state and out-of-state correctional facilities are Native Hawaiian.

OHA support for this bill is primarily based on growing evidence that children whose parents are incarcerated are more apt to encounter socialization problems in school and the community and exhibit deviant behavior as they grow older. In addition, familial bonds are severely strained when offenders are incarcerated for long periods of time, making it very difficult for them to reconnect and reintegrate with their children once released.

OHA has participated as a representative on the Task Force and believes the State would be wise to continue its life in order to look at creative ways to address and bring more focus to the needs of these children. Otherwise, the cycle of incarceration will likely continue with these children.

The health, safety, and welfare of these children are of utmost importance to OHA, and we would welcome the opportunity to continue participating and working closely with the task force.

Mahalo nui loa for the opportunity to present testimony.



**HB 2763 RELATING TO THE CHILDREN OF INCARCERATED PARENTS TASK
FORCE**

House Committee on Finance

February 26, 2008
Room 308

2:15 p.m.

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Mahalo nui loa for the opportunity to present testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair
Tuesday, February 26, 2008
2:15 PM
Room 308

OPPOSITION TO HB 2685 HD1 – NEW MINIMUM SECURITY FACILITY ON O'AHU

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai'i for a decade. I respectfully offer our testimony, always being mindful that Hawai'i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

HB 2685 HD1 directs the Department of Public Safety and the Office of Planning to plan and design the construction and operation of a new minimum-security facility at a site with appropriate access to courts, public transportation, and other support services, and plan for additional community-custody beds at Oahu Community Correctional Center.

Community Alliance on Prisons opposes this measure because the department is currently undergoing a re-classification of all inmates, which consultant Camille Camp of Criminal Justice Institute reported would be completed by the end of the year.

In a presentation before the House and Senate Public Safety Committees last month Ms. Camp reported that in the 2400 files (of 6,010 inmates) they reviewed, it is clear that Hawai'i is over-classifying individuals and holding them at higher custody levels than recommended by best correctional practices.

She reported that there would be more individuals classified as Minimum or Community Custody.

Currently, 62.4% of the women are classified as Minimum (there is no Community Custody in OCCC), and the consultants project that 20.3% of the women would be classified as Minimum and 53.4% would be classified as Community Custody. As of 10.31.07, there were 171 women at OCCC, meaning approximately 91 women could be Community Custody.

As of 10.31.07 there were 1,292 men at OCCC. Currently, 64.5% of the men are classified as Minimum and the consultants project that 25.2% of the men would be classified as Minimum and 38.7% would be classified as Community Custody (approximately 500 men). A recent Honolulu Advertiser news article said that 150 Hawai'i individuals currently on the U.S. continent are Community Custody, as well.

Community Alliance on Prisons, therefore, asserts that before we consider more bricks and mortar, we should wait until the re-classification of all Hawai'i inmates is done to determine what is needed. If, indeed, we have 1,000 individuals incarcerated, who are classified as Community Custody, we should NOT be planning hard beds for these folks. Hawai'i should instead be funding community reentry programs to help these individuals successfully reenter the community, find meaningful work, and reunite with their families, where appropriate.

We can reduce our prison population and reduce recidivism, by building the infrastructure in the community to help individuals successfully transition from institutional to community life.

Community Alliance on Prisons thanks Chair Oshiro for introducing this bill and respectfully requests that the committee waits until the re-classification project is completed before planning and designing any facilities with more hard beds. We believe that our meager resources would be better spent by funding a network of reentry/reintegration programs on all islands instead.

Mahalo for this opportunity to testify.

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
Tuesday, February 26, 2008
Room 308 at 2:15 pm

**OPPOSE: HB 2685 HD1 RELATING TO THE PUBLIC SAFETY
Design & Construct New Minimum Prison at OCCC**

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in opposition to HB 2685 HD 1. My experiences as a former Public Defender and Civil Rights Enforcement Attorney, and current staff member of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and improving how individuals are prepared in prison for successful transition into the community. **I oppose HB 2685 HD1 for the following reasons:**

- ***Prison expansion is not prison reform, nor is it the answer to overcrowding.*** Reducing the number of people locked up is the key to reform, and this bill does not address the current sentencing laws and parole revocation rates in Hawai`i that have contributed to the growth of the prison population. See *The State of Sentencing 2007: Developments in Policy and Practice*. The Report highlights state legislative efforts to “address prison overcrowding, reform parole and probation supervision, expand drug sentencing diversion and establish reentry assistance” and most effectively allocate resources to maximum public safety.
- ***History teaches us that “If we build them, we will fill them.”*** Increasing the number of prison beds will only increase the number of people in prison. This has happened throughout the U.S.
- Expansion fails to address the rising number of people in prisons, conditions, public safety and the lack of effective programming, treatment and medical care. ***History has shown us that pennies will be slated for construction but not effective corrections programming.***
- According to PSD Classification Report relating to the new Classification System, females are projected to comprise 44% of the community custody designation, and males are projected to comprise 30.1% community custody. ***We should look to place these individuals in community based programs as a step towards transitioning into the community. For those that pose little risk, individuals should receive early discharge as part of efforts to reduce prison overcrowding.***

Instead of investing in prisons, a costly system that has failed to provide effective public safety, we must reform our sentencing laws, reduce the number of men and women in prisons through reforms to parole, medical release, and EMF and providing more long term care at residential substantial abuse treatment centers. Funds saved from new prison constructions should be reapportioned to community based programs that help individuals address factors that contributed to their crimes, and better prepare individuals to successfully reintegrate into the community.

Mahalo for this opportunity to submit testimony in opposition to HB 2685 HD1.

Sincerely,
Carrie Ann Shirota, Esq.
Kahului, Hawai`
(808) 269-3858

Andy Botts
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February 25, 2008

COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn B. Lee, vice chair
Tuesday February 26, 2008
2:15 pm
Room 308
OPPOSE – HB 2685 HDI
Relating to Public Safety

My name is Andy Botts, author of *Nightmare In Bangkok*. My story reveals an unusual insight into the cycle of crime, drug addiction, and the justice system in Hawaii. Part of my story is based on OCCC, where I spent time when it opened in 1980.

I oppose building a maximum security prison similar to the FDC, under the guise of a minimum security. However, I support creating OCCC into a Community work furlough center.

The projected cost for building a new facility averages \$100,000 per person, according to the FDC figures. This expense is more than double of what we presently spend to send inmates to mainland facilities, which is already a burden to the investors of this state (the taxpayers). Furthermore, every time that we built a new prison in Hawaii, it didn't alleviate overcrowding, it multiplied the prison population. Statistics show that this was the case when OCCC was built. The prison population statewide was 500 in 1979, and 500 in 1900 when Oahu Prison was built. Since then it doubled, tripled.....and is now 12 times of what it has been for the most part of the 20th century.

The average criminal today is a drug addicted offender, primarily ICE. Although they have to be held accountable for their actions, to punish them without treatment doesn't prevent them from returning to that vicious cycle. We have a very serious situation with drug addicts, as there is no cure for drug addictions. Drug addicts are stuck in a cycle of delusion. Similar to temporary insanity, there is simply no logic to their actions. There are solutions, but no cures. Sobriety is

similar to a child learning to walk – they'll fall, but we have to encourage them to get up and try again. On the road to recovery, the average addict relapses three times. Three lapses are three strikes for many addicts, which is why we have such a high recidivism rate today. All habits are programs stored in the memory bank like computer chips. All it takes is a taste, and the habit is recalled. It's similar to a cigarette smoker who quits smoking for ten years. All it takes is one cigarette, and they're re-hooked. If we spend more of our time and money on reversing this cycle, then the rewards will benefit everyone – the taxpayers, the victims, and the addict who needs to learn a better way of life.

A sensible and cost-effective approach would be to revise the existing facility at OCCC into a Community based work furlough facility, as was intended in the original Master Plan of that facility over 30 years ago. This would be a step in the direction of reversing the cycle of drug addiction, recidivism, prison overcrowding, and homelessness. The latter being the result of sending a drug addicted offender back into the community without any type of support. Re-entry was the Legislative intent when it funded the construction of Oahu Community Correctional Center in 1971, yet the program was never implemented. If it had been implemented, then we wouldn't need additional facilities. At this rate, if we build another facility without changing the philosophies of the Paroling Authority and the Corrections Dept, then we can expect the problems we now face to multiply, triple, and so on.

Additionally, this approach could be implemented immediately, as the facility is already designed for such a program. (Modules 13 and 19 have exit doors that lead directly to the street). This approach would complement and satisfy the requirements of the re-entry bill, provide badly needed resources for those with community status, and ultimately save the investors in this state money. Instead of spending money to incarcerate, we will save money by having the offender pay a percentage of their pay while on furlough. This approach will teach the offender how to live a law abiding lifestyle without drugs, and get a lot of families off of assistance programs. The benefits are too numerous to mention, but the time is now to act, and building new facilities is not the answer.