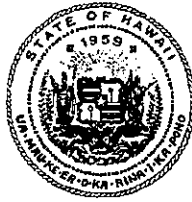


LINDA LINGLE
GOVERNOR



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

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 2685 HD1
RELATING TO PUBLIC SAFETY**

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair

Thursday, March 13, 2008, 2:45 p.m.
State Capitol, Conference Room 225

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

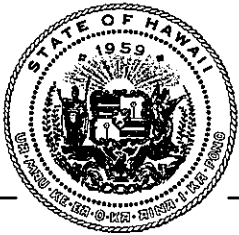
The Department of Public Safety (Department) has serious concerns in regards to House Bill 2685 HD1, which requires the Department to plan, design and find a site for a new minimum security facility.

The present day cost of the Federal Detention Center is estimated to be a minimum of approximately \$122.8 million in FY 2008, 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 HD 1
March 13, 2008
Page 2

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**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
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Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON PUBLIC SAFETY
Thursday, March 13, 2008
2:45 PM
State Capitol, Conference Room 225

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

Chair Espero, Vice Chair Nishihara, and Members of the Senate Committee on Public Safety.

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.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai`i 96817

Phone/E-mail: (808) 533-3454/communityallianceonprisons@hotmail.com



COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Thursday, March 13, 2008

2:45 PM

Room 225

OPPOSITION TO HB 2685 HD1 - NEW MINIMUM SECURITY FACILITY ON O`AHU

Aloha Chair Espero, Vice Chair Nishihara 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 Otter Creek CC), 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.

Before the state invests good money on hard beds, let's see who actually should be incarcerated and who would be better served in a community program that directly affects his/her pathway to crime. Hawai'i needs to look at who is incarcerated, and why, and work on better interventions - intermediate sanctions - for misdemeanants, people who can't make bail, and low level offenders. Incarceration is the most expensive sanction and not always the best practice. We shouldn't be planning anything until we know who we are planning for.

The Criminal Justice Institute's presentation to the legislature included a slide that said, "**Classification Improves Facility Planning and Construction Programs**

Planners will be able to:

- Demonstrate the required beds and/or programs with updated projected custody and needs distributions;
- Identify space for beds and programs; and
- Present facility development strategies to decision-makers for addressing space needs."

When we know who we are building for, we will be able to determine the best option(s) to pursue.

Preliminary results project that

- 53.4% of jailed females should be classified as Community Custody
- 39% of jailed males should be classified as Community Custody

New system identifies low-risk prison inmates for non-residential programming:

- 50% nonviolent women;
- 27% nonviolent men.

This indicates need for community programs such as house arrest and low cost non residential programs for low-risk populations

New system indicates that

- 39 (22%) of our women in Otter Creek, KY are Community Custody; nearly one third are Minimum Custody
- 109 (5.7%) of our men in Arizona are Community Custody; over half of our men in Arizona are Minimum Custody

(Source: Classification - Systematic Approach to Sound Correctional Management-Criminal Justice Institute)

Community Alliance on Prisons suggests instead of a minimum security prison we...

- adequately fund an array of nonprofit programs in the community to help individuals transition from institutional to community life.
- help build strong and vibrant communities by assisting individuals exiting incarceration and
- provide the necessary assistance to help individuals rebuild their lives, restore their families, and revitalize their communities

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

Community Alliance on Prisons asks that you consider the re-classification study currently being undertaken and projected to be completed by the end of 2008 and defer this bill until we have the data to appropriately plan and design what is needed.

Please bear in mind that more than 95% of our incarcerated people will come home one day - let's plan for their successful transition to the community. We believe that our meager resources would be better spent by funding a network of reentry/reintegration programs on all islands instead.

Invest in social capital - fund community programs to strengthen families!

Mahalo for this opportunity to testify.

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO
Gentry Pacific Design Center, Suite 215A
560 N. Nimitz Highway, #50
Honolulu, Hawaii 96817
(808) 524-2249 - FAX (808) 524-6893

March 12, 2008

Honorable Senator Will Espero, Chair
Honorable Senator Clarence K. Nishihara, Vice Chair
Members of the Senate Committee on Public Safety
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: IN SUPPORT OF HB2685, HD1
RELATING TO PUBLIC SAFETY
Hearing: Thursday, March 13, 2008, 2:45 p.m.

Dear Chair Espero, Vice Chair Nishihara and the Senate Committee on Public Safety:

For the Record my name is Buzz Hong the Executive Director for the Hawaii Building & Construction Trades Council, AFL-CIO. Our Council is comprised of 16-construction unions and a membership of 26,000 statewide.

The Council supports the passage of HB2685, HD1, which 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.

Thank you for the opportunity to submit this testimony in support of HB2685, HD1.

Sincerely,

William "Buzz" Hong
Executive Director

WBH/dg

COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Thursday, March 13, 2008

2:45 PM in Room 225

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

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

My name is Carrie Ann Shirota, and I am writing in opposition to HB 2685 HD 1. My experience 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 improve rehabilitation opportunities for individuals to better prepare for their 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 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 reappropriated 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`i
(808) 269-3858

LORENN WALKER, J.D., M.P.H.

COMMITTEE ON JUDICIARY AND LABOR

Honorable Senator Will Espero, Chair and Senator Clarence Nishihara, Vice Chair
Thursday • March 13, 2008 • 2:45 PM • Room 225

Testimony Regarding HB 2685, HD1 RELATING TO NEW MINIMUM SECURITY
FACILITY

I STRONGLY OPPOSE this measure to build another prison in Hawai'i.

Building a new prison is the same bad answer to crime that has not worked for the last 30 years, except to support a massive corrections industry, which is quickly gaining on higher education and now sadly imprisons one out of every 100 Americans.

Our dismal recidivism rate, with about 50% of all the people our state incarcerates returning to prison only two years later, is striking evidence that prison does not prevent criminal behavior.

Most people who commit crimes naturally desist from it eventually. Today it is acknowledged by criminal justice researchers that most people simply quit committing crimes regardless of prison. This is known as the phenomenon of *desistance*. Knowledgeable corrections professionals know that the most important factor that influences desistance is relationships with law abiding people.

Instead of building a new prison, the state should be supporting programs that promote desistance and assist incarcerated people in developing relationships with conventional people. Senate Bill 932, which provides for *Restorative Circles* for incarcerated people and their loved ones, and other positive reentry measures, was passed last summer over the Governor's veto. Restorative Circles effectively promote good relationships and desistance.

While our state has failed to implement SB 932, the Restorative Circle program is getting a lot of international attention:

Belgium is piloting it; Professor Shadd Maruna from Queen's University, Belfast, Ireland, and author of *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, says that Restorative Circles and *Modified Restorative Circles* (the later of which our prison system administrators do not want) promote desistance and are "based on a very solid foundation of empirical and theoretical work in psychology and criminology;" finally, Professor Gabrielle Maxwell, a highly respected psychologist and criminologist from Victoria University, Wellington, Aotearoa, New Zealand, has invited me to present on the Circles there next month.

I am willing to work with anyone in state who wants to adopt proactive, solution-focused and restorative approaches to disciplinary, crime and corrections problems.

Please vote against this bill to stop the cycle of creating more criminals and furthering our faulty prison system, which risks the community's safety, wastes scarce resources, and damages people's lives.

Andy Botts
Poi Dog Publishers
1920 Ala Moana Blvd. #1104
Honolulu, Hawaii 96815
March 13, 2008

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair
Thursday, March 13, 2008
2:45 p.m.
Conference Room 225
Hawaii State Capitol
HB 2685, HD1
Relating to Public Safety

My name is Andy Botts, author of *Nightmare In Bangkok*. Part of my story reveals an unusual insight into the history of OCCC, where I spent time when it opened in 1980, and the problems that incurred there.

Building new prisons doesn't and hasn't alleviated overcrowding in the past, so I oppose building another maximum security facility, under the guise of a minimum facility, anywhere. However, I support the plan for additional community-custody beds at OCCC. In fact, I strongly support a plan to turn OCCC into a Community Correctional Center, as was the original intention when the Legislature funded the construction of that facility over 30 years ago. It would be advantageous in regards to costs, as it's cheaper to keep inmates on furlough. In fact, most inmates in furlough programs (state and federal) pay 25% of their gross (not net) wages earned, and still pay taxes like the rest of us. As a taxpayer, I'd like to see a pay-off in my investment somehow, instead of reading about how much is thrown away on studies, new facilities, and exportation of over \$50 million dollars a year of my investment to out-of state coffers.

Additionally, this approach could be implemented immediately; as the facility is presently designed to be a work furlough center (Modules 13 and 19 have exit/entrance doors that lead directly to the street). This would complement and satisfy the requirements of the re-entry bill, and immediately provide badly needed bed space for those with community status. The benefits are too numerous to mention, but the time to act is long overdue, and building new facilities is not the answer.

Aloha, Andy Botts

testimony

From: Joe Allen [joseph.allen@chaminade.edu]
Sent: Saturday, March 08, 2008 2:34 PM
To: testimony
Subject: Testimony: HB 2685, HD1

Chair Espero, Vice-Chair Nishihara, and Committee Members:

Thank you for taking the time to consider my testimony on HB 2685, HD1 – NEW MINIMUM SECURITY FACILITY.

I am **OPPOSED** to this proposed legislation primarily for the following reason(s):

1. I believe that we need more research on our projected corrections needs (in terms of populations) before committing to building this facility.
2. In terms of facility investment, the building of a minimum security facility may be 'overkill' and unnecessary. Through increased resources directed at ramping up community supervision resources, we may be able to accomplish the same result, but at a markedly decreased price tag. This then would allow the State to explore possible, more pressing corrections needs (e.g., higher security level facilities).

If you have any questions about my testimony, please feel free to contact me.

Thank you very much,

Joe Allen

Joe Allen, Ph.D.
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3/10/2008