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TESTIMONY ON SENATE BILL 2082, SD2, 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

Thursday, March 27, 2008; 2:00 p.m.
State Capitol, Conference Room 308

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

The Department of Public Safety (Department) has budgetary concerns regarding Senate Bill 2082, SD2, HD1, which requires the Department to create a strategic plan to provide services to the State's female prisoners who are currently incarcerated on the mainland.

There are several critically important challenges the Department faces in returning all the women inmates currently housed on the mainland to the State of Hawaii. There is a lack of current and sustained future funding to return, house, and provide treatment and transitional services for all these females. The Department currently lacks the necessary bed space in our Hawaii facilities for such a large increase in this segment of the incarcerated population. Further, the Department

lacks both, sufficient facility and community-based program space for the female prisoners. We also lack community-based housing options for these prisoners.

The Department has been in discussions and planning sessions with the Warden of the Federal Detention Center (FDC) Honolulu regarding housing, program, treatment, and transitional services options for female prisoners if they were transferred to the FDC. However, restrictions required for housing in the FDC will severely reduce the number of women prisoners eligible for transfer to that facility. Some of the restrictions include the offenders' status, length of time remaining on sentence(s), and the level of medical care needed by some prisoners that would exceed the current capabilities of the FDC.

Therefore, the Department must look at available community-based options for the majority of the female prisoners that would be returned to Hawaii, because the Women's Community Correctional Center (WCCC) cannot absorb a large increase in their inmate population.

It should also be noted that at present there are approximately 6,067 female offenders on probation and approximately 360 female offenders on parole throughout the State. At any given time, hundreds of these offenders are in danger of having their probation or parole revoked for repeated noncompliance with the terms and conditions of their probation or parole. Upon revocation, the Department would receive these cases with little to no notice. This adds to the current population and presents an even bigger challenge in finding adequate space to return the women prisoners back to Hawaii.

Senate Bill 2082, SD2, HD1
March 27, 2008
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While the Department understands the need to plan for the return of female offenders and is currently already working with the FDC and other entities to make it possible, the Department is concerned that the cost of creating a strategic plan would adversely impact the Governor's Executive Supplemental Budget.

Thank you for the opportunity to testify on this important matter.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair
Thursday, March 27, 2008
2:00 PM
Room 308

STRONG SUPPORT - SB 2082 SD2, HD1 - BRINGING OUR WOMEN HOME

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

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.

SB 2082 SD2, HD1 appropriates funds to the department of public safety to develop a plan by January 1, 2009, to provide facilities and services to returning female Hawai`i prisoners. The HD1 narrows the study to focus on developing key programs and services that female prisoners will need upon their return to Hawaii from the U.S. prison where they are housed.

This bill responds to the department's testimony in opposition to the measure to bring the women home because they didn't have programs and services in place for them.

The recent incident at Otter Creek where the warden's secretary smuggled a loaded 22 into the prison right past the security checkpoint only increases our concern for the 175 Hawai`i women living there.

WE MUST BRING THE WOMEN HOME. The recent TIME Magazine article about Corrections Corporation of America (CCA) General Counsel, Gus Puryear IV's nomination by President Bush for a lifetime federal district judgeship in Tennessee, reported on a whistleblower's assertion that CCA kept two sets of books. The former CCA Senior Manager said that one set of books was for internal use (reporting the real happenings inside their facilities) and one set for their clients - like the state of Hawai`i that pays them more than \$52 million every year - and for the public.

Our women have died, been raped, physically and sexually assaulted, discriminated against, offered dreadful medical care, and now we hear that we, the taxpayers, were getting a sanitized version of what is going on inside Otter Creek. We had three women rushed to the hospital in one month - one died - Sarah Ah Mau. Still yet, no one knows why Sarah died.

I have personally spoken to women who told me that Warden Arnold actually came to work one day with a shirt that said something like, 'I Can Because I'm The Bitch'. Is this the role model we want our women to emulate?

Recent data from the Classification study show that more than 52% of the women held in Otter Creek are either minimum or community custody. Most of these women would be better served in community programs that supported their reentry and, where appropriate, reunification with their families was incorporated into the programming.

The study data also show that **87% of our women incarcerated abroad are non-violent.**

The Classification study consultants also recommended transitioning more individuals who are classified as minimum or community custody into reentry programs. This is considered best practices in corrections. Traditionally, women have posed little to no risk in community settings and providing support and assistance during this transition is crucial to successful reintegration.

If we do the math, it becomes possible to accomplish the needs of this bill. Take 52% of the minimum and community custody women at Otter Creek (91 women) and multiply that by the day rate.

52% of 175 women = 91 women.

91 women at \$55/day = \$5,005/day; \$150,150/month; \$1,801,800/year.

What could we do with that money? We could buy real services to help women transition from prison to the community and reunite with their loved ones to rebuild their lives, restore their families, and help revitalize their communities.

We CAN do this. We can bring our women home AND provide the services they need. Mahalo for this opportunity to testify in support of this great bill! We urge your favorable consideration.

Please pass SB 2082 SD2,HD1.

Treat the women, save the children! Our future depends on it.

Mahalo for your time and for considering our testimony.



Subscribe to TIME Magazine for just \$9.99

Scrutiny for a Bush Judicial Nominee

Thursday, Mar. 13, 2008 By ADAM ZAGORIN/WASHINGTON



The Otay Mesa, California detention center is managed by Corrections Corporation of America (CCA), based in Nashville, Tennessee.

ROBERT NICKELSBURG - GETTY

As the top lawyer for America's biggest private prison company, Corrections Corporation of America (CCA), Gus Puryear IV is known to sport well-pressed preppy pink shirts, and his brownish mop of hair stands out among most of President Bush's graying nominees to the federal bench. A favorite of G.O.P. hard-liners, Puryear, 39, prepped Dick Cheney for the vice presidential debates — both in 2000 and 2004 — and served as a senior aide to two former Senators and onetime presidential hopefuls, Bill Frist and Fred Thompson.

Political connections, though, may not be enough to get Puryear a lifetime post as a federal district judge in Tennessee. Puryear recently confronted tough questions about his conduct, experience and potential conflicts of interest from Democrats on the Senate Judiciary Committee, which must approve him before a full Senate vote. Now, a former CCA manager tells TIME that Puryear oversaw a reporting system in which accounts of major, sometimes violent prison disturbances and other significant events were often masked or minimized in accounts provided to government agencies with oversight over prison contracts. Ronald T. Jones, the former CCA manager, alleges that the company even began keeping two sets of books — one for internal use that described prison deficiencies in telling detail, and a second set that Jones describes as "doctored" for public consumption, to limit bad publicity, litigation or fines that could derail CCA's multimillion-dollar contracts with federal, state or local agencies.

CCA owns or operates 65 prisons, housing some 70,000 inmates across the U.S. According to the company's website, it has a greater than 50% share of the booming private prison market. CCA is also a major contributor to Republican candidates and causes, and spends millions of dollars each year lobbying for government contracts. (Puryear enjoys a friendship with Cheney's son-in-law,

Philip Perry, who lobbied for CCA in Washington before serving as general counsel for the Department of Homeland Security, which has millions of dollars in contracts with CCA, from 2005 to 2007.) The company has likewise given financial support to tax-exempt policy groups that support tough sentencing laws that help put more people behind bars. Like other prison companies, CCA has faced numerous lawsuits that stem from allegedly inadequate staff levels that can be a cause of high levels of violence in the prisons. Though hundreds of such lawsuits are often pending at any given time, many brought by inmates in its own facilities, CCA under Puryear has mounted an especially vigorous defense against them, refusing to settle all but the most damaging.

Jones knows CCA intimately. Until last summer, the longtime Republican was in charge of "quality assurance" records for CCA prisons across the U.S. He says that in 2005, after CCA found itself embarrassed on several occasions by the public release of internal records to government agencies, Puryear mandated that detailed, raw reports on prison shortcomings carry a blanket assertion of "attorney-client privilege," thus forbidding their release without his written consent. From then on, Jones says, the audits delivered to agencies were filled with increasingly vague performance measures. "If the wrong party found out that a facility's operations scored low in an audit, then CCA could be subject to litigation, fines or worse," explains Jones. "When Mr. Puryear felt there was highly sensitive or potentially damaging information to CCA, I would then be directed to remove that information from an audit report." Puryear would not comment on the allegations. Jones resigned from CCA last summer to pursue a legal career.

According to Jones, Puryear was most concerned about what CCA described as "zero tolerance" events, or ZT's — including unnatural deaths, major disturbances, escapes and sexual assaults. According to Jones, bonuses and job security at the company were tied to reporting low ZT numbers. Low numbers also pleased CCA's government clients, as well as the company's board, which received a regular tally, and Wall Street analysts concerned about potentially costly lawsuits that CCA might face.

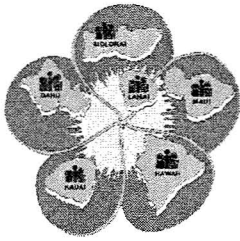
In 2006, for example, Jones says CCA had to lock down a prison in Texas to control rioting by as many as 60 inmates. Despite clear internal guidelines defining the incident as a ZT, Jones says he was ordered not to label it that way. Instead it was logged as, "Altered facility schedule due to inmate action". And this was not unusual, says Jones: "Information was misrepresented in a very disturbing way concerning the company's most important performance indicators, which included escapes, suicides, violent outbreaks and sexual assaults."

Companies often try to show their best face to customers, and safeguard internal records with "attorney-client privilege." But according to Stephen Gillers, a leading expert on legal ethics at New York University, CCA's use of that privilege seems like "a wholesale, possibly overreaching claim," similar to the blanket assertions of major tobacco companies that tried to keep damaging internal documents from public view. Those assertions of privilege have been rejected by federal judges as an attempt to improperly conceal their internal data on the dangers of smoking from customers, the courts and legal adversaries. CCA could also be in legal trouble if it minimized the tally of serious

prison incidents and, by implication, its possible financial liability. As chief legal counsel, Puryear would have also had an obligation to ensure his board had all the information it needed, good or bad, to make decisions. If Puryear's reporting system had the effect of withholding information relevant to official prison oversight, that could bear on his suitability as a federal judge by suggesting his "disdain for the proper operation of an important function of government," notes Gillers.

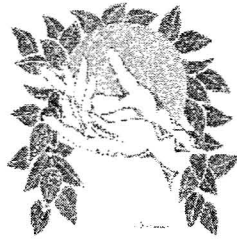
Contacted by TIME, CCA says that Puryear, "has served the company well and honorably as general counsel and will be an outstanding judge." The company denies allegations that it keeps two sets of books, saying: "A final audit report is made available to our customers. Appropriate information gathered in the audits is separately provided to our legal department." The company adds that "CCA has produced all relevant, non-privileged documents in litigation," that its board is regularly apprised of the most serious prison incidents, and that "all appropriate" information is given to the financial community.

President Bush recently called Puryear and his 27 other judicial nominees facing Senate confirmation "highly qualified." Whether or not the Senate agrees on Puryear, Bush is likely to leave the White House with fewer judges approved than Bill Clinton or Ronald Reagan, both two-term chief executives.



**Maui Economic
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BEST Reintegration Program
**Being Empowered
and Safe Together**



COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

DATE: Thursday, March 27, 2008
TIME: 2:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

Re: SB 2082 - Relating to Public Safety
Return the Women Home

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

My name is Ken E.K. Hunt and I am the Program Director of Maui Economic Opportunity's Being Empowered and Safe Together (BEST) Reintegration Program. Over the past five years, BEST has demonstrated that providing comprehensive training and support services to individuals during their incarceration and upon their release into the community is critical to successful reentry.

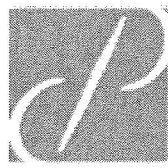
Typically, BEST clients are enrolled into our program six months to one year prior to release into the community. However, in a handful of cases, we have worked with individuals for more than a year prior to release, as well as individuals referred to us after they were released. A critical component of our reintegration efforts is family reunification and strengthening through training and hands-on activities. Based on our observations, clients are more successful in their transition from prison into the community the earlier we begin to work with them. Indeed, research on best practices dictates that reentry planning should begin on the day an individual enters prison or reports to community supervision following a jail sentence.

We believe that the Department of Public Safety working in partnership with community agencies like MEO- BEST can find viable options to bring women back home and closer to their communities and families while providing safe housing, treatment, counseling and support services to address factors that contributed to their criminal offenses. Women who have been transferred to prisons on the north American continent face tremendous challenges when returning home – because of the distance and disconnect with their 'ohana and children. The proposed measure would allow programs like BEST to work with each individual, build healthy sources of support with family, friends and sponsors, and use community resources to help. We are here to offer our support.

Mahalo for this opportunity to testify on SB 2082.

Sincerely,

Ken E.K. Hunt, MEO-BEST Program Director



the
**Drug Policy
Forum**
of hawaii

March 27, 2008

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To: Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
And Members of the Committee on Finance

From: Jeanne Y. Ohta
Executive Director

Re: SB2082 SD2 HD1 Relating to Public Safety
Hearing: March 27, 2008, 2:00 p.m., Room 308

Position: Support

The Drug Policy Forum of Hawaii supports this measure which would provide funds for the Department of Public Safety to develop a strategic plan to provide services to Hawaii's women incarcerated on the mainland and who will be returning to Hawaii.

The vast majority of women are convicted for non-violent drug or drug-related offenses. We believe that their needs would be better served by community-based treatment programs rather than incarceration. Community-based programs are less expensive than incarceration and provide an opportunity for offenders to address their pathways to crime and drug use. These programs also allow more successful transitions back into the community.

The Justice Policy Institute recently released a briefing paper, "Substance Abuse Treatment and Public Safety." The report finds that community-based treatment programs reduce incarceration rates, reduce incarceration costs, and improve public safety by reducing crime.

This strategic plan will provide the women with adequate housing, community supervision, medical care, drug treatment, reintegration programs, employment training and transitional services.

In addition, it will help establish much needed community beds for treatment; will help reduce recidivism; and will facilitate and improve family relationships.

We respectfully request that you pass this important measure.

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COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Thursday, March 27, 2008

2:00pm in Room 308

Re: Support of SB 2082 SD 2, HD 1 Relating to Public Safety
Return Female Prisoners Home

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

As a former Public Defender, member of Community Alliance on Prisons, and as an individual who has had loved ones incarcerated in Hawai'i, I have witnessed firsthand the generational cycle of incarceration in our community. On the other hand, I have also witnessed the transformation and rehabilitation of "hardened criminals" through my work with a reentry program on Maui. For those who turned their lives around, family support was instrumental in contributing to their successful reintegration into the community and becoming productive, law-abiding citizens and responsible family members.

I support SB 2082 SD2 HD 1 because it would require the Department of Public Safety to develop a strategic plan by January 1, 2009, to return as many of the female prisoners who are residents of the State of Hawaii and who have been sent to the mainland for incarceration as possible to the State of Hawaii by July 1, 2009. Although some individuals are better served by not maintaining contact or returning to a family environment still characterized by substance abuse, criminal behavior and other negative influences that could trigger past behaviors, strong family support is critical to successful reentry into the community. Indeed, research shows that strategies that prepare and build on the strengths of family relationships show great promise in improving outcomes for returning prisoners and their families. *See From Prison to Home, The Dimensions and Consequences of Prisoner Reentry, Urban Institute Justice Policy Center, June 2001.*

Although opponents of this bill may argue that its "cheaper" to house Hawai'i's inmates on the continent, the costs on "paper" tell only half the story. The daily rates charged by CCA to incarcerate women at Otter Creek Correctional Center in Kentucky amounts to \$51.90 per inmate. However, this daily rate does NOT include certain medical expenses, routine transport of inmates to and from Hawaii under special circumstances, inmate wages for work performed during incarceration and video-conferencing via long-distance telephone costs. More important, CCA's rates do NOT include the social costs of separating women from their 'ohana, especially their keiki. Without a doubt, incarceration has a major impact on the entire family. The role that mothers play in the development of their children's lives and the impact of parent-child separation demands that we, as a community, find ways to help families keep in touch during incarceration and upon their release into the community.

I firmly believe that we must reverse the shameful trend in Hawai'i of exporting the highest percentage of prisoners to other states. Upon recognition of the importance of family visitation and connection in reducing recidivism rates, other states enacted policies that facilitated the return of prisoners home. I humbly ask that we have the courage and wisdom to do the same for women in Hawai'i who have made bad choices, but deserve a second chance to rebuild their lives. I also ask that we not punish innocent children by separating them from their incarcerated mothers and effectively denying them visitation opportunities when housed in prisons on the American continent.

Mahalo for this opportunity to submit written testimony, and for recognizing the importance of family visitation to rehabilitation and the successful reentry of inmates returning home. Please support SB 2082 SD2, HD 1 to permanently bring our mothers and daughters who are incarcerated – back home to Hawai'i.

Sincerely,
Carrie Ann Shirota, Esq.
Kahului, Maui, Hawai'i
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Andy Botts
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March 26, 2008

COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair
Thursday, March 27, 2008
2:00 p.m.
Conference Room 308
Hawaii State Capitol
SUPPORT - SB 2082, SD1, HD1
Relating to Public Safety

My name is Andy Botts, author of Nightmare In Bangkok. I strongly support any measure that will reduce costs to incarcerate inmates in out-of-state facilities. Bringing the women home is a sensible step in that direction, and only the first step. Considering the amount of women presently incarcerated on the mainland, the task is minimal, so it shouldn't be a burden on the Dept of Public Safety.

I strongly support this bill.

Aloha, Andy Botts