

HB 1152

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON WAYS AND MEANS

Sen. Donna Mercado Kim, Chair

Sen. Shan Tsutsui, Vice Chair

Friday, April 3, 2009

9:45 AM

Room 211

HB 1152 HD1, SD1 -Inmate Accounts

OPPOSED

WAMTestimony@capitol.hawaii.gov

Aloha Chair Kim, Vice Chair Tsutsui and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 1152 HD1, SD1 amends section 353-20, HRS, to permit the Director of Public Safety to permit the Director of Public Safety to direct the department to have one or more accounts for committed persons and states that the accounts are non-interest bearing and that no interest can be paid to committed persons on the individual accounts. The SD1 changed the effective date to 2030.

This bill comes to the committee because PSD got caught. A lawsuit filed by Hawai'i inmate, Richard Blaisdell, successfully challenged the inmate accounts set up by the Department of Public Safety. PSD has been claiming that if you don't get them off the hook, the state will have to pay millions of dollars in interest. This was not a class action lawsuit. It was an individual suit and you can access the decision at <http://www.state.hi.us/jud/opinions/ica/2008/ica28736mop.htm>.

If the tables were turned, we would be hearing that the inmate was just trying to make legal, his illegal behavior, but in this case, it is the department that is working to pass a law to legalize their illegal behavior.

However, this bill leads to many questions. How long has PSD been collecting interest on the restricted accounts of inmates? How much has PSD collected in interest since they started this illegal practice?

We urge the committee to ask for a FULL accounting of the interest they have collected, as well as a full accounting of where that interest money lies within PSD's budget. How has/is that money been spent? What facilities benefited from that money and how?

PSD testified that they have \$2 million unspent from last year and they 'found' \$1 million to do their tent structures. It is disconcerting to the taxpayers that they 'find' money. We urge the committee to demand accountability and transparency from PSD.

When the Senate Committee on Public Safety was in Arizona in November 2007, there was a meeting with about 40 men living at Red Rock Correctional Center. The issue of *Restricted Accounts* was raised by several men who are serving life terms. These men wanted to use funds from their Restricted Account to help their families pay their bills. This is not allowed, except by special request and grant of the Director.

What is interesting about Restricted Accounts, is that Hawai'i individuals ARE allowed to withdraw \$50 at Christmas to buy a Hawai'i goodie basket. They can withdraw money for this and not to help their families? As an aside, many families and inmates have told me that they stopped buying the baskets when they heard that they were made by a company that is somehow connected to the administrator of PSD's mainland branch, Shari Kimoto. I hope this is not true. If it is, it is a serious breach of ethics.

Mahalo for the opportunity to share our concerns on HB 1152 HD1, SD1.