

LINDA LINGLE  
GOVERNOR



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

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Deputy Director  
Corrections

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Deputy Director  
Law Enforcement

No. \_

TESTIMONY ON HOUSE BILL 415, HD1  
RELATING TO PUBLIC SAFETY

by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday, February 18, 2010; 10:00AM  
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) **strongly opposes** House Bill 415, HD1. This measure contains many inaccurate statements and false assumptions that have no basis in fact. As written, HB 415, HD1 requires an audit of the Department's contracts with the Corrections Corporation of America (CCA) and the Federal Detention Center (FDC) Honolulu, which would focus on a comparison, in terms of quality of programming, costs, and economic benefit to the State, of housing Hawaii inmates in mainland facilities and in the FDC, with housing inmates in Hawaii.

PSD does not have a contract with the FDC, but rather an Inter-governmental Agreement (IGA -661-02) with the United States Department of Justice Federal Bureau of Prisons (BOP). Attached to PSD's testimony, please find a copy of the most recent IGA between PSD and the BOP dated, August 26, 2009.

Further, PSD's contract with CCA, which includes the scope of services is and has been available for anyone to review by simply accessing the Department's website. As the legislature is aware, the cost to house inmates on the mainland with CCA is almost half the cost to do so in Hawaii, not to mention the fact that Hawaii lacks the facility bed and program space to safely and securely house the 1,900 inmates currently on the mainland.

The cost alone to build at least two large correctional facilities in Hawaii for 1,900 offenders would be well over 500 million dollars. This does not include the cost to staff and operate the new facilities, which conservatively could cost an additional 90 million dollars annually.

Given the severe economic challenges faced by the State presently and for the foreseeable future, it would not be prudent to expend very limited financial resources that would be required to fulfill the requirements of this measure.

Thank you for the opportunity to provide testimony on this measure.

Attachments

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INTERGOVERNMENTAL AGREEMENT  
IGA 661-02, Modification 4

between the

**Hawaii Department of Public Safety**  
919 Ala Moana Boulevard, Room 400  
Honolulu, Hawaii

and

United States Department of Justice  
**Federal Bureau of Prisons**  
Federal Detention Center  
Honolulu, Hawaii

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Intergovernmental Agreement (IGA or Agreement) 661-02 is hereby modified as follows in accordance with Section 9 of the original agreement:

1. Authority: Pursuant to the provisions of 18 U.S.C. 5003, the BOP agrees to house up to **five hundred fifty** (550) male and/or female convicted prisoners for the Honolulu Department of Public Safety in return for reimbursement in full for costs and expenses as provided in this agreement.


This modification in effect replaces modification number three (3).

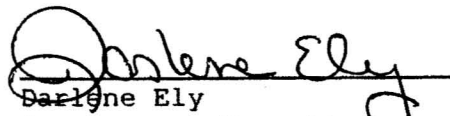
All other terms and conditions of this agreement (IGA 661-02) remain unchanged.

**IN WITNESS WHEREOF**, the undersigned duly authorized officers have subscribed their names on behalf of the State of Hawaii, Division of Public Safety and the Federal Bureau of Prisons:

State of Hawaii  
Division of Public Safety

Federal Bureau of Prisons

  
\_\_\_\_\_  
Clayton A. Frank  
Director

  
\_\_\_\_\_  
Darlene Ely  
Procurement Executive

8/25/09  
Date

8/26/09  
Date



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**  
*Executive Director*  
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**The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Public Safety**

**Testimony by  
Hawaii Government Employees Association  
February 18, 2010**

**H.B. 415, H.D. 1 (HSCR406-10) -  
RELATING TO PUBLIC SAFETY**

The Hawaii Government Employees' Association, AFSCME, Local 152, AFL-CIO, strongly supports the purpose and intent of H.B. 415, H.D. 1 (HSCR406-10), which calls for an audit of the Department of Public Safety's contracts with the Corrections Corporation of America. The audit will focus on the quality of programming, costs and economic benefit to the state by housing Hawaii inmates at Mainland facilities or at local facilities operated by the federal government as compared to Hawaii facilities operated by the state.

Hawaii spends over \$55 million a year to house Hawaii inmates in private facilities. We should be very certain the money spent provides services of comparable value to that which is provided in state facilities. Unfortunately, privatization of services often times jeopardized the delivery of high-quality programs. The contractor's priority to maximize profits can result in hiring inexperienced personnel at low wages, skimping on contract requirements or providing inadequate supervision. For-profit prisons also have been known to increase profits by providing less programming than they are obligated to provide.

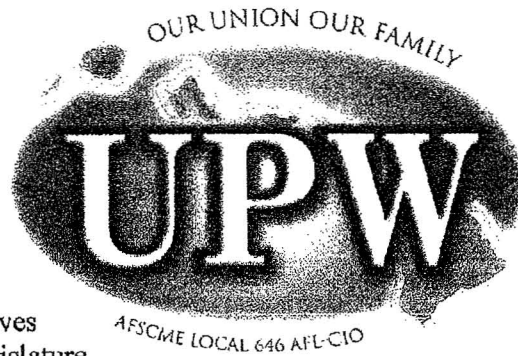
When public services are shifted to the private sector, we should be certain that we are not moving to a closed system susceptible to abuse and added expense to taxpayers. A legislative audit would be able to determine whether this is so.

Thank you for the opportunity to testify in support of H.B. 415, H.D. 1 (HSCR406-10).

Respectfully Submitted,

Nora A. Nomura  
Deputy Executive Director





House of Representatives  
The Twenty-Fifth Legislature  
Regular Session of 2010

Committee on Public Safety  
Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair

DATE: Thursday, February 18, 2010  
TIME: 10:00 a.m.  
PLACE: Conference Room 309

**TESTIMONY OF THE UNITED PUBLIC WORKERS, LOCAL 646, ON HB 415,  
HD1, RELATING TO PUBLIC SAFETY**

HB 415, HD1 requires an audit of the Department of Safety's contracts with the Corrections Corporation of America and the Federal Detention Center in Honolulu focusing on a comparison of housing Hawaii inmates in mainland facilities and in the federal detention center, with housing Hawaii inmates in Hawaii facilities operated by the State.

**The United Public Workers, Local 646, strongly supports this measure.**

This measure responds to the administration's closure of Kulani Correctional Facility. Legislative briefings during the interim revealed that, among other things: Kulani's sex offender treatment program was the most successful in the nation; it was the only mandatory work camp facility requiring all inmates to work full time and played a pivotal role in the reentry system; since 2000, the facility received over \$8 million in CIP funding; and before its closure, pumped tens of thousands of dollars of goods and services into the Big Island economy.

The Department of Public Safety's 2008 study indicated that a significant number of inmates housed in medium security prisons on the mainland should have been classified minimum security. These inmates could have been housed at Kulani and other underutilized facilities in Hawaii. Instead we are spending over \$55 million dollars a year sending our inmates to private facilities overseas.

This audit will shed light on the economic consequences of Kalani's closure and the Department's ability to provide safe communities while meeting the needs of present and future inmates. For these reasons we urge favorable passage of this measure.

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**KAUAI** - 4211 Rice Street ♦ Lihua, Hawaii 96766-1325 ♦ Phone: (808) 245-2412  
**MAUI** - 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815  
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# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 18, 2010

10:00 AM

Room 309

**STRONG SUPPORT - HB 415 HD1 - Financial and Management Audit of Public Safety**

**[PBSTestimony@capitol.hawaii.gov](mailto:PBSTestimony@capitol.hawaii.gov)**

Aloha Chair Hanohano, Vice Chair Aquino 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 by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 415 HD1 directs the auditor to conduct a financial and management audit of the Department of Public Safety's contract with the Corrections Corporation of America and the Federal Detention Center.

Mahalo for hearing this important bill. Community Alliance on Prisons stands in full support of this measure. In these dire economic times, we must use our precious resources wisely.

### **WHY WE NEED AN AUDIT:**

Community Alliance on Prisons has been raising questions about decisionmaking, resource allocation and expenditure of public funds at the Department of Public Safety for more than a decade. We have supported measures calling for transparency and accountability at PSD.

### **WE NEED ACCOUNTABILITY & TRANSPARENCY:**

- ***PSD has opposed all bills calling for accountability and transparency***  
Every bill calling for transparency and accountability over the last several years has been vehemently opposed by the department.

- ***Hawai`i data is often not included in BJS Studies***  
CAP routinely reviews studies from the Bureau of Justice Statistics that report what each state is doing in a certain sector of criminal justice, Hawai`i statistics are often missing.
- ***Public Safety is 5% of the state budget (The Judiciary is 2.6%)***  
Public Safety is approximately 5% of the budget, yet the majority of Hawai`i's incarcerated population is composed of non-violent who are projected to be classified as minimum and community custody individuals.
- ***There are more effective ways of addressing crime***  
Incarceration is the most expensive sanction and there are better, more efficient and cost-effective ways of addressing the root cause of much of Hawai`i's crime.
- ***Public Safety's skyrocketing budget - + 75.5% in the last decade!***  
The fact that PSD's budget has increased 75.5% in the last decade should prompt an investigation.

#### **THE HASTY CLOSURE OF KULANI CORRECTIONAL FACILITY RAISES QUESTIONS:**

- ***Decisions are being made without consulting with legislatively appointed bodies***  
Why wasn't the closure of Kulani Correctional Facility brought before or discussed with the Corrections Population Management Commission, a legislatively appointed-body?
- ***Where is the purported \$2.8 million in savings?***  
The purported savings of \$2.8 million a year that the closure of Kulani would save has never been fully explained. How can that be when more than 90% of the staff has been reassigned to other facilities?
- ***Most Effective Sex Offender Treatment Program in the Nation Closed***  
Why was the most effective sex offender treatment program in the nation shut down? PSD testified that no programming for individuals in Kulani's sex offender and substance abuse treatment programs would be interrupted - this is NOT TRUE.
- ***Programs Interrupted!***  
Men who were in the sex offender treatment program at Kulani are at the Federal Detention Center (FDC) still awaiting a program - since October! Why?
- ***Sex Offenders in Substance Abuse Treatment Program at Kulani***  
Men who have been convicted of sex offenses and who were in Kulani's substance abuse treatment program were also promised that their programming would not be interrupted - NOT TRUE. They're at medium security Halawa because Waiawa doesn't take sex offenders. PSD officials didn't know that Waiawa doesn't take sex offenders?
- ***Kulani's Closing - Mis-truths or Deliberate Obfuscation?***  
The closure of Kulani has been cloaked in mis-truths. Why?

## THE 192% INCREASE IN CCA & FDC CONTRACT PRISON BEDS BEGS THE QUESTION:

- ***Why are we sending minimum and community custody individuals to medium security prisons?***

The 2008 Preliminary Classification Study – a PSD study sample that included 2400 individuals' files of the then 6,010 inmate population. The researchers sampled from every category - prisons and jails in Hawai'i, private contract prisons in the U.S. and U.S. Interstate Compact Prisons.

They projected that 35.9% of the women should be classified at the minimum custody level and 22.2% should be classified at the community custody level (a total of 68.1% of the women were projected to be classified at the minimum or community custody level). The study found that 56.3% of the men should be classified at the minimum custody level and 5.7% should be classified at the community custody level (a total of 62% of the men were projected to be classified at the minimum or community custody level). Why are these individuals in a medium security prison?

- ***PSD Is Not Following Best Practices***

Housing minimum security individuals in a medium security prison (Halawa, FDC, and CCA) is against correctional best practices. Research shows that housing an individual at an increased classification (custody level) only serves to increase criminality. Why are we doing this?

- ***CCA and FDC Contracts for Medium Prison Beds + 192% in the Last Decade!***

The budget for contract prison beds (CCA and the Federal Detention Center) has increased by 192%. Do you want our hard-earned tax dollars to go to a corporation who is accountable first and foremost to its shareholders?

- ***Shouldn't we be including the cost of lawsuits for the sexual assaults and other civil right violations at private prisons into the audit considerations?***

When our women were in Brush, CO and two women were sexually assaulted, the state settled the lawsuit, which cost the taxpayers money. These settlements and legal costs must be included in the contract investigation.

- ***There has never been an audit of Private and Federal Contracts***

It is long overdue that the taxpayers find out the benefit the expenditure of millions of their hard-earned dollars has brought the community. Could we have spent the money more wisely and caused less community and family destruction?

The research shouts, YES! Let's get the facts about where our money has been going and how effective it has been.

A financial and management audit of PSD is long overdue. We need to look at who is incarcerated and determine who actually needs to be there. We can then repurpose that money into programs that help individuals transition back to the community.



The data provided by this audit give you, as policymakers, the necessary tools as well as a snapshot of our correctional system so that you can best determine where to allocate funding to accomplish the vision most of us have - safe and healthy communities. We are Hawai'i - we care for each other and about each other.

We urge passage of HB 415 HD1 - even in these financially strapped times - because you need to know the most effective ways to spend our hard-earned tax dollars.

Mahalo for this opportunity to share our thoughts with the committee.



Committee: Committee on Public Safety  
Hearing Date/Time: Thursday, February 18, 2010, 10:00 a.m.  
Place: Room 309  
Re: Testimony of the ACLU of Hawaii in Support of H.B. 415, H.D. 1, Relating to Public Safety

Dear Chair Hanohano and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of H.B. 415, H.D. 1, which directs the Auditor to conduct a financial and management audit of the Department of Public Safety’s contract with the Corrections Corporation of America (“CCA”).

Simply put, an audit could save the State of Hawaii a substantial amount of money. For example, last year, the State of Oklahoma withheld nearly \$600,000 from CCA because CCA was not complying with its contractual obligations.<sup>1</sup> These payments were only withheld after the Oklahoma Legislature requested a performance audit of the prisons.

In 2009, the Legislature adopted House Concurrent Resolution 199, which requested the Auditor to conduct a performance audit of the CCA-Saguaro facility. The Legislature found that “many problems exist at Saguaro Correctional Center, the Corrections Corporation of America multi-level security prison built in Eloy, Arizona, for Hawaii inmates as a program-intensive prison, including lack of programming, poor medical care, and two deaths since August 2008, all of which have increased the State's liability[.]” HCR 199. Despite these findings, the Auditor did not perform this audit; in a letter to the ACLU in August 2009, Auditor Higa stated that “this audit is currently on hold because there is no appropriation for the conduct of it either by my staff or by contractors.”<sup>2</sup>

The lack of an independent audit has had serious consequences. As this Committee is well aware, the Department of Public Safety recently removed all of Hawaii’s female inmates from CCA’s Otter Creek facility in Wheelwright, Kentucky – but only after an epidemic of sexual assault allegations came to light. As reported in the New York Times:

<sup>1</sup> Tom Lindley, In Get-Tough Stance, DOC Withholds Prison Payments, *Tulsa World*, Dec. 16, 2008, available at [http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20081216\\_16\\_A1\\_OKLAHO157983](http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20081216_16_A1_OKLAHO157983).

<sup>2</sup> August 17, 2009 letter from Marion Higa to Daniel Gluck, on file with the ACLU of Hawaii and available upon request.

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Hon. Rep. Hanohano, Chair, PBS Committee,  
and Members Thereof  
February 18, 2010  
Page 2 of 3

Hawaii investigators found that at least five corrections officials at the prison, including a chaplain, had been charged with having sex with inmates in the last three years, and four were convicted. Three rape cases involving guards and Hawaii inmates were recently turned over to law enforcement authorities. The Kentucky State Police said another sexual assault case would go to a grand jury soon.<sup>[3]</sup>

Similarly, as of November 2009, the Eloy Police Department was investigating allegations that a CCA employee sexually assaulted an inmate at CCA-Saguaro.<sup>4</sup> For these and many other reasons, private prisons must be carefully scrutinized to determine whether they are a wise use of our limited funds. The ACLU of Hawaii's experience with private prisons has been consistently negative, in that we continue to receive hundreds of requests for assistance from Hawaii inmates in CCA facilities.

We have received numerous reports suggesting that CCA is not meeting its most basic of constitutional obligations in housing inmates. We have also received several reports suggesting that CCA may be keeping inmates longer than necessary; because Hawaii pays CCA per inmate per day of incarceration, the longer inmates are held, the more money CCA receives. For example, we have received several complaints of inmates being granted parole by the Hawaii Paroling Authority, then being held for four months or more by CCA (based on vague and unsubstantiated reasons for ignoring the Paroling Authority's orders). We have also received numerous reports that CCA-Saguaro inmates have been written up for spurious rule infractions shortly before their parole eligibility dates – thus making them ineligible for parole pursuant to Hawaii Paroling Authority's rules – even though these inmates have never before received a write-up. One month of additional incarceration at CCA can easily cost the State and the taxpayers nearly \$2,000 – money that is sorely needed for other programs like drug rehabilitation, mental health care, and education – and the Legislature need not (and should not) allow these reports to be ignored.

In sum, an audit will help to determine whether the millions of dollars paid to CCA to house Hawaii's inmates is the most effective use of that money. They will also indicate whether CCA is complying with its contractual obligations.

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<sup>3</sup> Ian Urbina, *Hawaii to Remove Inmates Over Abuse Charges*, N.Y. TIMES, August 25, 2009 (available at <http://www.nytimes.com/2009/08/26/us/26kentucky.html>).

<sup>4</sup> November 13, 2009 letter from Tommy Johnson, Deputy Director for Corrections, Department of Public Safety, to Daniel Gluck, on file with the ACLU of Hawaii and available upon request.

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Hon. Rep. Hanohano, Chair, PBS Committee,  
and Members Thereof  
February 18, 2010  
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The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie Temple  
Staff Attorney

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the  
**Drug Policy  
Forum**  
of hawaii

February 18, 2010

To: Representative Faye Hanohano Chair  
Representative Henry J.C. Aquino, Vice Chair  
And Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: HB 415 HD1 Relating to Public Safety  
Hearing: February 18, 2010, 10:00 a.m., Room 309

Position: Strong Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in strong support of HB 415 HD1 which requires an audit of the Department of Public Safety's contracts with the Corrections Corporation of America and the Federal Detention Center in Honolulu focusing on a comparison of quality of programming, costs and economic benefit to the state of housing Hawai'i inmates in mainland facilities and in the federal detention center with housing Hawai'i inmates in local facilities operated by the state.

In the report, the auditor will address the closure of the Kulani Correctional Facility and will make recommendations on the advisability of continuing the policy of housing inmates on the mainland.

The Department of Public Safety has said that closing the Kulani facility would save \$2.8 million per year; however, the public should know whether those savings have been realized, in view of the fact that other claims have not been realized.

Sex offender and drug abuse treatment programs were interrupted. Interruption of treatment programs often leads to longer prison stays, which ends up costing the state more money.

Closing Kulani has also meant that inmates classified as minimum security are housed in medium security facilities, which goes against correctional best practices. Kulani was the only facility with a mandatory work policy, offering a range of educational and occupational skills training. These skills are essential for successful reentry from prison back into the community.

Hawai'i now has over 2,000 people in mainland prisons. This audit is long overdue. In 14 years there has never been an independent audit of the contracted prisons. It is extremely important that this \$50 million of public money be audited.

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The taxpayers of Hawai'i deserve to know if the medical, mental health, substance abuse treatment, education, vocational training, and food services contracted for are being fulfilled.

Private prisons are for-profit corporations, accountable as most of those businesses are to their shareholders and investors; with profits as their primary motive. They have a self-serving interest in keeping their census up to capacity, and their costs low, much like hotels and other lodging businesses. It is because of this self-interest on the part of private prisons that an audit should be conducted.

An audit seems even more appropriate as the Department of Public Safety has reported that the rate per day is going. Before committing the state to these higher rates, there should be an independent examination of existing agreements and the impacts to Hawai'i on spending taxpayer money outside of the state.

I ask the committee to pass HB 415 HD1 so that we may have an independent report on how the Department of Public Safety has chosen to allocate public money.

FAX (SB 2533)

**FAXED**  
2/16/10  
10pm Jue

Dante K. Carpenter  
3054 Ala Poha Place, #401  
Honolulu, HI 96818

HOUSE OF REPRESENTATIVES – REGULAR SESSION 2010  
COMMITTEE ON PUBLIC SAFETY

February 18, 2010  
10:00 a. m., Conference Rm. 309

HB 415, HD1 – RELATING TO PUBLIC SAFETY

Chair Rep. Faye P. Hanohano, V. C. Rep. Henry J. C. Aquino and Committee Members:

Aloha kakou. My name is Dante Keala Carpenter, Member-Advisor to 'Ohana Ho'opakele. I speak in support of HB 415, HD1 (SB 2533 companion) Relating to Public Safety which seeks a management and financial audit of the Dept. of Public Safety's ("PSD"), contracts with the Correction Corporation of America and the Federal Detention Center in Honolulu, and other agencies performing services for PSD or utilizing PSD facilities, to be performed by the state auditor.

'Ohana Ho'opakele has proposed to work with PSD and other restorative justice groups to utilize the Kulani Correctional Facility as a pu'uhonua or wellness center for substance abuse treatment and intervention programs that take a holistic and cultural approach to help redirect the lives of those affected, among other programs and activities.

Notwithstanding the budget crisis and its implications on state facilities and operations, Kulani Correctional Facility has in the past and should continue in the future to serve a critical need for re-integrating *pa'ahao* back into communities in Hawai'i! This is in conjunction with the Community Safety Act of 2007, which requires the department to develop a comprehensive and effective offender reentry system plan for adult offenders exiting the prison system.

President Sam Kaleleiki (Kupuna Sam) and members continue an unwavering commitment to the mission and purpose of 'Ohana Ho'opakele: to advocate for alternatives to prisons in the form of *pu'uhonua* for *pa'ahao*. Literally *pu'uhonua* is defined in Pukui & Elbert's Hawaiian Dictionary (1986) as a "sanctuary, refuge, asylum or place of peace & safety" for *pa'ahao* – prisoners, convicts and/or inmates. In modern vernacular it can best be defined or classified as a cultural wellness center with all that title entails.

Obviously, any correctional complex or *pu'uhonua* should pose no threat to the community! Therefore, security classification of *pa'ahao* should be minimal, at best, as has been the past practice. Among other goals, the facility should incorporate in its design and operations, a fitting "work-place atmosphere" with establishment of programs incorporating the best agricultural model available coupled with established Hawaiian cultural teachings in order to approach self-sufficiency in production of necessary foodstuffs and respect of humanity. The programs would

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February 18, 2010  
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minimize costs to the taxpayer, provide opportunities to earn "good time," participate in vocation education training and prison industries, and support the facility's manpower needs, as well.

The above illustrates the very purpose of the Community Safety Act of 2007, which further requires PSD to develop comprehensive reentry plans and curricula for individuals exiting correctional facilities to reduce recidivism and increase a person's successful reentry and into the community.

One of 'Ohana's goals would incorporate the return of deserving *pa'ahao* from mainland incarceration facilities which provide no opportunities to reduce recidivism, but rather encourage hardening and contributing to family disorientation, disintegration, and dissolution.

I formerly held the position of a Senate Judiciary Committee Chairman, which committee exercised oversight over Hawaii's Justice System, including operations of prison facilities. Without doubt, prison facilities and present activities, no matter how well-intended, still leaves a great deal to be desired regarding the rehabilitation and re-integration of *pa'ahao* back into the community. With the extreme shortage of facilities such as Kulani, we strongly recommend this audit to make realistic comparatives to both costs and meeting the needs of the Community!

Finally, I'm particularly mindful of a recent and positive meeting with Lt. Governor Duke Aiona in which Kupuna Sam, Reverend Ron Fujii, Kini Burke and I had recently. Lt. Governor Aiona encouraged the organization in its efforts with the *Pu'uhouua* Cultural Concept and its application. I believe 'Ohana Ho'opakele is on the right track in its efforts to undertake a difficult but necessary task and wish them well in their endeavors.

We strongly recommend passage of HB 415, HD1.

E laulima pu kakou! (Let's all work together.) Mahalo a nui loa.



## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair  
Thursday, February 18, 2010  
10:00 a.m., Room 3099

### STRONG SUPPORT for HB 415 HD1 – Audit of PSD Contracts & Kulani Closure

Aloha Chair Hanohano, Vice Chair Aquino, and members of the Public Safety committee,

I enthusiastically support HB415. While I generally oppose more spending on prisons, Kulani sex offender treatment program was well respected by my colleagues in the criminal justice and psychology fields. It was the last prison program that should have been closed. I have been told by reliable inside sources that Kulani Prison was not in “horrible shape” -- that it only actually needed \$400K in infrastructure improvements.

Especially now, we need to make sure that we aren't throwing money away. Private prisons, such as those run by Corrections Corporation of America are like hotels in that they strive for a high occupancy rate. The California Prison Guards Union spent \$80M lobbying for the “three strikes” bill as it populated prisons which gave guard's job security. However it didn't give the greater community any more security -- just more broken homes and broke government general funds.

In addition to a financial and management audit of Department of Public Safety's contract with CCA, I also respectfully suggest that we scrutinize Hawaii's entire criminal justice system, and invite Justice Reinvestment ([www.justicereinvestment.org](http://www.justicereinvestment.org)) to do a rigorous data driven analysis. Many states, including: Nevada, Arizona, Kansas, Wisconsin, Michigan, Pennsylvania, Ohio and Texas have already successfully reduced criminal justice spending and increased public safety through JR's assistance.

Please pass HB415 and also investigate how Justice Reinvestment can help Hawaii save money and increase public safety **before** investing more tax dollars in prisons.

Mahalo for hearing my concerns,  
Netra Halperin, MA (psychology)  
Kihei, Maui

Erin Welsh  
73-1142 Oluolu Street  
Kailua-Kona, Hawaii 96740  
(808) 325-5322

February 16, 2010

**COMMITTEE ON PUBLIC SAFETY**

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

VIA: email

**STRONG SUPPORT for HB 415 HD1 - Audit of PSD Contracts & Kulani Closure**

Good Morning Chair Hanohano, Vice-Chair Aquino and Committee Members:

I am the mother of a prisoner who is currently being held at Halawa. He is a non-violent drug addict who got involved with ice, a very familiar story in these islands. He has been in prison for almost two years and has gone from Hilo to Halawa to Arizona back to Hilo and now back to Halawa, where he assumes his travels are not yet over. What a ridiculous waste of money. He has had no programs AT ALL. At Saguaro he was told he could not take college courses until he did his drug program. But, he could not do his drug program until he had less than a year until parole. As the drug program takes several months, there is no hope of college courses. This is a young man who wants to better himself so that when he gets out he can stay out. His efforts are in vain with the present system. I, for one, would like to know why Hawaii is not getting the programs it is paying for in Arizona. Also, do the per diem figures shown by the PSD figure in travel, including flights for prisoners and guards, rental cars, hotel rooms, etc. etc. If we kept these men on island, those costs would disappear.

I read the PSD's strong opposition to the Senate Bill, and it does not address the issue. No matter what the agreement, an audit is necessary. We need to know that we are not wasting money and that we are getting what we are paying for. Period.

When you audit, as I hope you do, we need to audit prisoner's money also. When my son left Arizona, I had just deposited \$300 in his account to buy him a TV and a warm coat, and that money has never been seen again, despite attempts to find out how to go about getting it refunded. Every time he is transferred, he loses money and belongings. Yet another drain on the families of the prisoners. I have had to fly to Honolulu and to Arizona to see my son, I can't afford this, but I can't abandon him. I thank God I can find a way, as most families cannot. I believe an audit of CCA will show we are wasting money. There has to be a better way, and if we can get our prisoners home to Hawaii, the families will benefit greatly, as well as the state's budget. We must find a way to get our people home.

I have spoken to many other parents of prisoners and the story is always the same. Constant traveling and no programs. Is this how we hope to rehabilitate our people? It won't work. We know what does work. Let's do it.

Kulani worked. It was a great hope for my son. He is a journeyman carpenter and he was hoping to get transferred to Kulani so he could work off some of his debt to society. It would have been the perfect place for him. I could have driven his 4 year old daughter from Kona to visit him instead of flying all over. He would be doing something positive towards redeeming himself. By closing Kulani, that hope is gone. I would very much like to know why it was closed. It makes no sense at all. It looks to me like the PSD is way out of touch with what is happening on our island. Some creative thinking and common sense is way overdue. We need to take in the big picture, not just a number on a ledger sheet.

Thank you so much for reading my thoughts. I hope you pass this bill. It is very important to the families of the incarcerated.

Sincerely,



Erin Welsh

## **aquino1-Ruffalyne**

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**From:** Mary Elizabeth [nugayou@yahoo.com]  
**Sent:** Tuesday, February 16, 2010 4:33 PM  
**To:** PBStestimony  
**Subject:** HB 415 HD1  
**Attachments:** --static--liam\_crowdsurfer\_bottom.gif

### **COMMITTEE ON PUBLIC SAFETY**

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 18, 2010

10:00 a.m.

Room 3099

**STRONG SUPPORT for HB 415 HD1 – Audit of PSD Contracts & Kulani Closure**

**HB 415 HD1 – PBS**

**Audit of Corrections; Kulani;CCA; Ad Hoc Committee**

**Dear Chair Hanohano, Vice Chair Aquino and Committee Members:**

Thank you for this opportunity to submit my testimony.

I'm just a constituent asking you to pass this bill and fund it. The other testimonies furnish all the reasons why such an audit is necessary. I agree with them that only an audit is sorely needed.

The detailed accounting of the closure of Kulani was never discussed with the legislators or the Corrections Population Management Commission. Is the savings of 2.8 million a year in

closing Kulani really a saving considering they were doing public works for the state/city and producing income? And, the proposed upgrading of Kulani's facilities with \$1.8 million in

loans for the Hawaii National Guard usage doesn't seem to justify closing Kulani.

The inmates in the Federal Detention Center have no program. The inmates at Saguaro in AZ can't return because there is no program. Without a program, they can't get released early so have to "max" out. More cost to the State for keeping them incarcerated longer and

more discouraging for the inmates who were looking forward to attending the program.

My heartfelt aloha for your consideration in passage of this bill.

Mahalo and Aloha,

E. Funakoshi

455-9136

## **COMMITTEE ON PUBLIC SAFETY**

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 18, 2010

10:00 a.m.

Room 3099

### **STRONG SUPPORT for HB 415 HD1 – Audit of PSD Contracts & Kulani Closure**

Aloha Rep. Hanohano, Rep Aquino, and Committee Members:

I am a concerned citizen writing in strong support of HB 415 HD1, which directs the auditor to conduct a financial and management audit of the Department of Public Safety's contract with the Corrections Corporation of America.

At a time when the state must trim its budget and operate state programs in a cost effective and efficient manner, it is imperative that a serious examination be conducted of the Department of Public Safety, whose budget has increased over 75% in the last decade. Two of the seemingly contradictory decisions that the PSD has presided over are 1) the contracting with CCA, a private prison to house Hawaii prisoners on the mainland, the cost of which has increased by over 190%, and 2) the closure of the Kulani Correctional Facility, which housed one of the most successful sex offender and community reentry programs in the country. Considering all the downsides of shipping Hawaii inmates to the mainland, which include not only huge prison-bed cost increases, but also introduction of mainland gang influences into Hawaii as well as increased alienation and estrangement of inmates from their families and communities, it seems irrational and short-sighted to close a successful and nationally acclaimed facility such as the Kulani Correctional Facility.

Numerous questions surround the closure of the facility, not the least of which is its abrupt closure. The decision to close the Kulani Correctional Facility seems to have not been well thought out and was never discussed with the Corrections Population Management Commission. The problem is not only the lack of transparency in the PSD decision-making process, but also the fact that inmate substance abuse and sex offender programs have been disrupted, despite assertions to the contrary. These essential programs, together with the wide range of educational and occupational skills programs, are directly linked to public safety and successful reentry of inmates into society. Another issue is that now minimum security individuals are being housed in medium security prisons here and on the mainland.

The legislature is responsible for overseeing the PSD and making sure that these and other troubling questions are answered satisfactorily. I believe that the public's safety would be better served if Hawaii taxpayers' money is spent on effective reentry programs, such as those that were offered by the Kulani facility, that contribute to successful reintegration of inmates into their communities.

Please pass HB 415 HD1.

Mahalo,

Diana Bethel

Honolulu, Hawaii