

HB 415 HD2

Measure Title:

RELATING TO PUBLIC SAFETY.

Report Title:

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 in Honolulu. Effective December 21, 2020.

LINDA LINGLE
GOVERNOR



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No. _

TESTIMONY ON HOU S BILL 415, HD2
RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF
PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA
AND THE FEDERAL DETENTION CENTER

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Tuesday, March 16, 2010; 1:25 p.m.
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) opposes House Bill 415, HD2. This measure is flawed and would require the expenditure of funds that would be unnecessary because the audits required by this measure would be repetitive. These contracts and agreements referenced in this measure are already audited on a regular basis by an independent auditor.

Given the severe economic challenges presently faced by the State, it would not be prudent to expend very limited financial resources on functions that are already in place.

Based on the foregoing reasons, PSD strongly opposes this measure due to its impact on the priorities set forth in the Executive Supplemental Budget for Fiscal Year 2010-2011.

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



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**The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Public Safety and Military Affairs**

**Testimony by
Hawaii Government Employees Association
March 16, 2010**

**H.B. 415, H.D. 2 - 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. 2, 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 submit our testimony in support of H.B. 415, H.D. 2.

Respectfully Submitted,

Nora A. Nomura
Deputy Executive Director

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, March 16, 2010

1:25 p.m.

Room 229

STRONG SUPPORT - HB 415 HD2 - Financial and Management Audit of Public Safety

PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a diverse community initiative working to improve conditions of confinement for Hawai'i's incarcerated individuals, enhance the 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 HD2 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 as well as the closure of Kulani Correctional Facility.

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. Since Hawai'i has never audited our contracts with private prison vendors despite the dramatic increase from 300 contract beds in 1995 to more than 2,000 in 2008. A good hard look is, therefore, long overdue.

Regarding the contracts with CCA, the first point we would like to make is that Hawai'i does not have a contract with Corrections Corporation of America. The contract for the prison beds in Arizona is a government to government contract between Hawai'i and the city of Eloy - whose mayor was a correctional officer at Red Rock at the time the contract was signed. *"The contract was not let out for bid because it was a government-to-government transaction between the state of Hawai'i and Eloy, Ariz., that is exempt from competitive bidding. Hawai'i officials say the "highly unusual" situation involving Eloy Mayor Byron K. Jackson isn't covered by the Hawai'i state procurement law, but does raise questions about the contract."* (Source: <http://the.honoluluadvertiser.com/article/2007/Jan/21/ln/FP701210379.html>, State's prison deal 'unusual', The Honolulu Advertiser, Sunday January 27, 2007)

WHY WE NEED AN AUDIT:

Community Alliance on Prisons has been raising questions about decisionmaking, resource allocation and expenditures 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 for years so that the public knows where and how their hard-earned tax dollars are being spent. CAP has delivered a handout for the committee to see the shocking number of problems we have had at CCA facilities...and how few you have actually heard about.

THE HASTY CLOSURE OF KULANI CORRECTIONAL FACILITY RAISES MANY QUESTIONS:

- *Why close a minimum security facility when PSD has testified for years on the need for minimum beds?*

The 2008 Preliminary Reclassification Study 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 so many of these individuals in medium security prisons?

- *Bad planning and sixty-five years of records up in smoke*

The inmates at Kulani were transferred out to other facilities leaving about 5 people to close down Kulani. Short-staffed and being pressured from Honolulu, inmates from HCCC had to be bussed up to Kulani daily to help with the closure. In the rush to turn over the keys to the Department of Defense on November 20th, 65 years of records were burned in a pit!

- *Kulani was home to the Hawai'i Correctional Industries Program*

The men at Kulani worked on skilled worklines. They built the Pahoia pool, the Hale Nani education center, roads, etc. This program provided millions of dollars in labor to the County of Hawai'i - this is a devastating loss to the county and the people of Hawai'i Island.

- *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?*

Here is PSD's explanation of the purported savings of \$2.8 million in saving a year that the closure of Kulani would bring:

Kulani Correctional Facility 2010 Appropriation:	\$5,181,327
Inmate Population at KCF as of 6.30.09 - 120	
Savings from Health Care & Program Svcs \$35/day/inmate	(996,450)
Savings from Administrative Cost @ \$11/day/inmate	(313,170)
Transfer 65% of KCF inmates to FDC @ \$87/day	2,476,890
Transfer 35% of KCF inmates to HCF @ \$75/day	<u>1,149,750</u>
Cost to house KCF inmates on Oahu	2,317,020
Projected Cost Savings	2,864,307

This begs the question: Was the decrease of Kulani's population intentional to justify its closing? It operated with 220 incarcerated individuals with no problem and was cost effective. Why was the population decreased over the last several years?

- ***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 – for more than six months! 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?
- ***Deconstructing the Myth***
The questions that need to be asked are:
 - *Why was the flow of inmates to Kulani decreased over the last several years?* Warden McDonald testified under oath that when there were 220 men at Kulani the facility ran well, was fully programmed and cost effective, and all the men worked. Isn't this what we want in a minimum security prison – individuals working to reintegrate back to their communities?
 - *Why would the administration shut down the most effective sex offender treatment program in the nation while they pushed for more and more punitive laws?* If the administration truly cared about Hawai'i's people, wouldn't they also have pushed for more sex offender treatment to stop the cycle, and credit Kulani's program as a model? Why has this program never been mentioned?
- ***Kulani's Closing – Mis-handled, haphazard, and hurtful to Hawai'i Island families***
HILO, HAWAII – Six Hawaii Adult Corrections Officers employed at the Hawaii Community Correctional Center (HCCC) in Hilo, filed a complaint against their union, the United Public Workers (UPW) and their employer, State of Hawaii with the Hawaii Labor Relations Board, their attorney Ted Hong announced today. ... "On October 5, 2009, the State handed Adult Corrections Officers at HCCC layoff notices and gave them hours to choose to move to another island or be terminated. Having to make a decision to move to another island or lose a job in just a few hours was unfair and caused a great deal of anguish that they are still trying to come to grips with today," Hong says.
(Source: Hawaii Reporter, Hawaii Corrections Officers File Complaint Against Union, State, December 2, 2009, <http://watchdog.org/1935/hawaii-corrections-officers-file-complaint-against-union-state/>)

Besides the disregard for the families involved, the haphazard closing of Kulani has created public safety issues for our communities. We will have sex offenders who have maxed out (served their entire sentence) before they have completed their programming – which is unavailable to them. How will this protect our communities?

An old Japanese Proverb describes this action accurately:

“Vision without action is a daydream; Action without vision is a nightmare.”

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. This is odd since the Governor, as a candidate, wrote in *A New Beginning for Hawai'i*:

Making Government Work Better

"Restoring integrity to government requires us to share information openly with the public so the people of Hawai'i will know the true condition of state government, the programs it operates and the results of its efforts. Both elected leaders and the public must know the information essential to good decision-making. Government resources are limited, so all spending and policy choices must be based on reliable information and clearly articulated values and objectives, rather than short-term political considerations. ...Financial accountability and openness are essential if government leaders are able to make sound decision and then be held accountable for the actual results. They are absolutely necessary to break the vicious cycle of corruption and favoritism in state contracting, and to restore trust and integrity in government service."

Why would her administration do something in direct opposition to her promise to the people of Hawai'i?

- ***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 individuals 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. Since substance abuse treatment is the most effective way of dealing with the root cause of much of Hawai'i's crime, re-purposing money now used for incarceration to community treatment can show amazing returns \$18 in savings for every \$1 spent on treatment in the community.
(Source: Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001. *The comparative costs and benefits of programs to reduce crime*. Olympia: Washington State Institute for Public Policy.)
- ***Public Safety's skyrocketing budget - + 75.5% in the last decade!***
The fact that PSD's budget has increased 75.5% (\$128 million in 2000 to \$225 million in 2009) in the last decade should prompt an investigation.

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 and showed that the majority of Hawai'i's incarcerated population should be classified as either minimum or community custody. 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 are still many outstanding cases yet to be tried and/or settled.

- ***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 in achieving our desired outcomes.

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 will give you, as policymakers, the necessary tools and 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 HD2 – 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. Please see our handout outlining *some* of the problems at CCA facilities.

It's time to stop the spin and do what works. We know what works.

TREATMENT WORKS, PRISONS DON'T!



Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Wednesday, March 16, 2010, 1:25 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of H.B. 415, H.D. 2,
Relating to Public Safety

Dear Chair Espero and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of H.B. 415, H.D. 2, 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.¹ 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.”²

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:

¹ 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.

² 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. Sen. Espero, Chair, PSM Committee,
and Members Thereof
March 16, 2010
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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.^[3]

Similarly, as of November 2009, the Eloy Police Department was investigating allegations that a CCA employee sexually assaulted an inmate at CCA-Saguaro.⁴ 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.

³ 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>).

⁴ 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. Sen. Espero, Chair, PSM Committee,
and Members Thereof
March 16, 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 hawai'i

March 16, 2010

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
And Members of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

RE: HB 415 HD2 Relating to Public Safety
Hearing: March 16, 2010, 1:25 p.m., Room 229

Position: Strong Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in strong support of HB 415 HD2 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 HD2 so that we may have an independent report on how the Department of Public Safety has chosen to allocate public money.

Dante K. Carpenter
3054 Ala Poha Place, #401
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HAWAII STATE SENATE – REGULAR SESSION 2010
COMMITTEE ON PUBLIC SAFETY

Tuesday, March 16, 2010
1:25 PM; Conference Rm. 229

HB 415, HD2 – RELATING TO PUBLIC SAFETY.

Chair Sen Wil Espero, V. C. Sen. Robert Bunda 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 (Companion SB 2533, SD1) which seeks a financial and management 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. I recommend the title of this resolution be changed to RELATING TO AN AUDIT OF CONTRACTS RELATING TO HOUSING OF PA’AHAU.

‘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 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'uhonua* 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, HD2.

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

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, March 16, 2010

1:25 PM

Room 229

STRONG SUPPORT FOR HB 415 HD2 – Financial & Management Audit of PSD

Dear Senator Espero, Vice Chair Bunda and Committee Members

Thank you for this opportunity to submit my testimony.

The audit would answer so many questions about the operation of CCA involving our inmates at SCC. The death of an inmate which has caused lock down of the inmates in AZ for a month is indicative of problems at SCC which this audit would unveil.

Many states are canceling their contracts with CCA. Just this past week, ACLU has sued CCA "claiming violence is so rampant at the Idaho Corrections Center that it's known as "gladiator school" among inmates"

There is also the issue of Kulani. There was no detailed accounting of the closure of Kulani. It was never discussed with the legislators or the Corrections Population Management Commission. Is the savings of 2.8 million dollars a year in closing Kulani really a saving considering they were doing public works for the state/city and producing income? And, the state administration's proposed upgrading of Kulani's facilities with \$1.8 million in loans for the Hawaii National Guard usage instead of continuing to use it as a treatment center doesn't seem to justify closing Kulani.

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

Sex offenders need therapy as Tiger Woods realized. Also, in the recent week's Newsweek magazine, Steve Phillips, Former ESPN analyst, in his first interview since leaving rehab for sex addiction said, "I couldn't stop doing the things I was doing even knowing the consequences." Serving time in prison doesn't fix any kind of addiction, drug, sexual, or even mental problems; that is why the inmates are required to go through a program prior to being released. Why then is there no program?

Without an audit, we will continue to fund an ever increasing prison system blindfolded.

Mahalo and Aloha,

E. Funakoshi

455-9136

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

Tuesday, March 16, 2010

1:25 PM

Room 229

STRONG SUPPORT FOR HB 415 HD2 – Financial & Management Audit of PSD

Aloha Chair Espero, Vice Chair Bunda, and Committee Members,

I am writing in strong support of HB 415 HD2, which directs the state auditor to conduct a financial and management audit of the Department of Public Safety, contracts with CCA and FDC, and the closure of Kulani Correctional Facility.

State budgetary constraints as well as troubling questions arising from the closing of the Kulani Correctional Facility call for a swift and long-overdue audit of the Department of Public Safety. The Department of Public Safety, whose budget has increased over 75% in the last decade, needs to provide persuasive rationale for its decisions to 1) contract with CCA, a private prison to house Hawaii prisoners on the mainland, the cost of which has increased by over 190%, and 2) close the Kulani Correctional Facility, which housed one of the most successful sex offender and community reentry programs in the country. At a time when six of nine Hawaii correctional facilities are under utilized, does it make sense to close a very successful facility and ship over 2000 Hawaii inmates to the mainland? The costs of mainland incarceration for Hawaii inmates include not only large prison-bed cost increases, but also introduction of mainland gang influences into Hawaii, increased alienation and estrangement of inmates from their families and communities, and few, if any, reentry programs that will help inmates reintegrate into their communities and thereby increase public safety in Hawaii.

The Department of Public Safety's decision-making processes need to be examined and its policies need to come into line with facts-based and cost-effective correctional policies that have been successful in many other places in the country. In the meantime, essential inmate substance abuse and sex offender programs have been disrupted, despite assertions to the contrary, and a wide range of educational and occupational skills programs, which are directly linked to successful reentry of inmates into society, have been terminated.

The legislature is responsible for overseeing the Department of Public Safety and making sure that these concerns, which are directly related to the public safety of all Hawaii's communities, are addressed satisfactorily.

Please pass HB 415 HD2.

Mahalo,

Diana Bethel
Honolulu, Hawaii