

SB 210

Measure Title:

RELATING TO CORRECTIONS

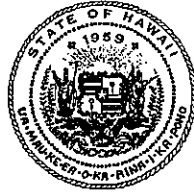
Report Title:

Public Safety; Corrections; Inmate Transfers

Description:

Clarifies the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside of Hawaii.

LINDA LINGLE
GOVERNOR



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

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _

TESTIMONY ON SENATE BILL 210
RELATING TO CORRECTIONS
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, February 3, 2009; 1:15PM
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) strongly opposes Senate Bill 210, which seeks to codify in statute standards governing the transfer of inmates to mainland prisons or between correctional facilities in Hawaii. The measure is unnecessary as the PSD previously established sound standards used to assist in identifying and determining those inmates that qualify to be transferred to mainland facilities. We also use our sequential phasing process to assist in identifying and determining those inmates that are ready to move on to the next phase of the rehabilitative process, which at times requires their transfer between correctional facilities.

This measure also seeks to require the PSD to consider non-traditional and clearly unsound correctional management practices when determining which inmates should be transferred, and will severely affect PSD's ability to effectively and efficiently manage the inmate population. It is already very difficult to manage the inmate population and address protective custody, separate issues, inmate gangs, and other groups that threaten security. For these reasons and others, no jurisdiction in the country has a provision that allows inmates to appeal a decision regarding the location of incarceration. The United States

Supreme Court has ruled that inmates **do not** have a constitutional right to determine the location of their incarceration.

Further, the provision of this measure that requires that a committed person be notified not less than fourteen days prior to their transfer, and that they have the right to appeal the decision to transfer is simply bad corrections management. If enacted, this measure would frustrate legitimate government operations, place staff and the public at risk, and add to the already overly burdensome administrative requirements and responsibilities of institutional case managers, correctional supervisors, and correctional managers.

No jail or prison jurisdiction in the country operates under a "voluntary" transfer system, that places the wishes of the offender over the operational, security, and safety of the facility, staff, and the general public. In addition, no jail or prison jurisdiction allows for an appeals process regarding the location of incarceration and/or transfers between correctional facilities. To do so opens up the state to almost limitless liability as overcrowding in our state facilities will become unbearable and create cruel and usual punishment conditions that will trigger Department of Justice oversight, which will cost the state millions of dollars.

Therefore, for the reasons listed above and on the preceding page, the PSD does not support Senate Bill 210 and we strongly urge the committee to hold this measure.

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



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

S.B. NO. 210, RELATING TO CORRECTIONS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND ON MILITARY AFFAIRS

DATE: Tuesday, February 3, 2009 TIME: 1:15 PM

LOCATION: State Capitol, Room 229
Deliver to: Committee Clerk, Room 207, 1 copy

TESTIFIER(S): Mark J. Bennett, Attorney General
or Darcy H. Kishida, Deputy Attorney General

Chair Espero and Members of the Committee:

The Department of the Attorney General opposes this bill.

This bill provides for advance notice of, and establishes standards for, the transfer of Hawaii inmates to mainland correctional facilities. This bill presents significant problems.

Section 2 of the bill provides that the director may transfer inmates to other correctional facilities in Hawaii "if the transfer is in the best interests of the State and the welfare of the committed felon will be best served by the transfer" (emphasis added). Requiring the transfer to be in the best interests of both the State and the inmate would unreasonably limit the director's discretion and flexibility, especially with regard to safety and security issues.

Section 3 of the bill prohibits, absolutely, out-of-state transfers of inmates who maintain a regular visiting schedule with their children, regardless of the correctional facility's physical capacity to safely and securely accommodate inmates beyond a certain number. A constitutional concern is presented when a correctional facility lacks the physical capacity to accommodate more than correctional standards will allow, but does so anyway. This is the main reason for the use of mainland prisons - so that

the State can provide adequate space and resources for the safe and humane treatment of inmates, in light of the physical incapacity to do so within the State at the present time.

Overcrowding in prisons can constitute cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution. See Johnson v. Levine, 588 F.2d 1378, 1380-81 (4th. Cir. 1978) (noting that "[o]vercrowding, with all of its consequences, can reach such proportions that the impact of the aggregate effect amounts to cruel and unusual punishment").

If this bill became law, the State would have to choose between two objectionable options: (1) keep all qualifying inmates housed in Hawaii, even if it results in prison overcrowding; or (2) violate the statute by sending them to the mainland. Either choice would put the State at risk of costly litigation and liability.

Section 3 of the bill also contains troubling ambiguities. One of the criteria used to determine whether the director may not transfer an inmate out of state is whether the inmate "[h]as had at least six contacts, whether in person or by telephone, with the committed felon's child prior to time of the proposed transfer." The period of time within which the six contacts must be made is not defined and could include, for example, a situation whereby an inmate contacts his or her child only once every other year over a twelve year period (for a total of six contacts). The intent of this bill would not be satisfied by such infrequent contacts. Nor would the intent of the bill be satisfied by mere telephone contact, as such "contact" could consist of six short telephone calls made by the inmate specifically to avoid being transferred to a mainland facility. In any event, if the bill considers telephone contact as substantial and meaningful, then it would follow that such substantial and meaningful contact could be easily maintained even if the inmate were to be transferred to the mainland.

Section 3 also provides that an inmate's child includes "hanai" children, which the bill does not define. Without a definition of hanai, this provision is difficult to enforce. Even if the bill contained a definition of hanai, however, factual determinations would be complicated, expensive and time-consuming to make. It would be extremely difficult to distinguish between legitimate hanai children and those who might be fabricated to meet the criteria in this section.

Additionally, section 3 of the bill requires the Department of Public Safety to give inmates "not less than fourteen days notice prior to transfer." This presents security concerns. Advance notice of transfer dates can lead to an increase in escape plans and attempts, and to protest activities that require extra security and law enforcement attention. Because of these security risks, inmate transfers are handled on a strict, confidential, need-to-know basis, and already involve a high security component. Adding to the security concerns surrounding inmate transfers would strain law enforcement and corrections resources and put the safety of inmates and others at risk.

We respectfully ask the Committee to hold this bill.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Alan Shinn, President

Judith F. Clark, Executive Director

Acadia Hawaii Residential Treatment
Center (Formerly Children's
Comprehensive Services)

Adolescent Services Program, Kaiser
Permanente Medical Care System

Aloha Pride Center

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Denson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Foster Parent Association

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kua'aoa-Hoela Ecumenical Youth)
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kailhi Valley

Life Foundation

Marined Foundation

The Maui Palm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

February 2, 2009

To: Senator Will Espero, Chair,
And members of the Committee on Public Safety and Military Affairs

TESTIMONY IN SUPPORT OF SB 210 RELATING TO CORRECTIONS

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 210 Relating to Corrections.

When incarcerated persons and their families are able to maintain strong family bonds, there are substantial benefits to family members (particularly the children), the prisoner, and to the correctional facility administration. It is extremely difficult to sustain family ties when the prisoner is housed thousands of miles away.

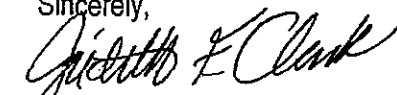
Children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental problems, and difficulty in school. Children of incarcerated parents are seven times more likely to enter the juvenile or adult correctional systems themselves. Providing opportunities to sustain the parent-child bond can alleviate many of these problems.

Prisoners who have regular contact with family members benefit as well. They are less likely to violate prison rules and create trouble for prison authorities. They are more likely to take advantage of rehabilitation and educational opportunities while in prison. Regular contact with family members increases the chances of successful reintegration into the community when a person is released from prison.

Hawaii Youth Services Network believes that children and their incarcerated parents would benefit considerably from efforts to keep these parents in Hawaii, rather than incarcerating them in out-of-state facilities. We believe that family relationships should be a key factor in making decisions about moving prisoners to out-of-state facilities.

Thank you for this opportunity to testify.

Sincerely,


Judith F. Clark, MPH
Executive Director

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

STRONG SUPPORT

SB 210 - Criteria for Transfers

Sent to: 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 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.

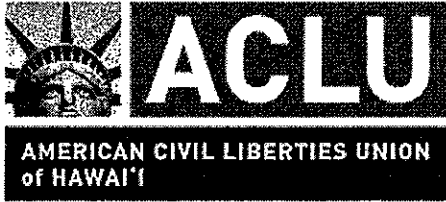
SB 210 clarifies the circumstances under which inmates may be transferred between Hawai'i facilities and facilities outside of Hawai'i.

Community Alliance on Prisons strongly supports this measure. The bill amends Chapter 353 to create a statute that the director shall consider the individual's 1) current programming and if it could be continued at another facility, 2) family and whether transfer would interrupt contact, and 3) willingness to be transferred. It also gives the individual 14 days notice so they can contact their loved ones and make any arrangements necessary for their families as well as the right to appeal the transfer.

We hear stories from families going to Halawa only to find their loved one is no longer in Hawai'i and then are unable to get any information as to the whereabouts of the individual they were to visit. There is no aloha in this practice. Any transfers should be systematically planned; that is good business. Transfers should not be haphazard or retaliatory. Stories of people with under a year left until their entire sentence was served being sent out of Hawai'i are not unusual, as are stories of individuals sent who when have to be returned to Hawai'i for a court case, causing the state to send two Adult Corrections Offices (ACOs) to the continent to pick up the individual, incurring unnecessary travel expenses that could have been avoided if there was a system for transfers, if there have to be transfer at all. The Department says they never send anyone with less than two years on their sentence. We have heard from men and women, families, and others that this is not true.

Good business practices mandate a plan establishing criteria for transfer inside and outside of Hawai'i. We are lucky to live in a place where families are celebrated and deemed important. This bill acknowledges that each incarcerated individual comes from a family, therefore, consideration must be given to the impacts of a transfer on the family.

Community Alliance on Prisons urges passage of SB 210 because it calls for accountability and transparency.



Via E-mail: PSMTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Tuesday, February 3, 2009, 1:15 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of SB 210, Relating to Corrections

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 SB 83, which seeks to clarify the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside of Hawaii.

Although the ACLU of Hawaii does not believe that involuntarily transferring prisoners to out-of-state institutions is an appropriate solution to the prison over-crowding problem, we do support instituting criteria that will provide better guidance for determining which inmates are subject to involuntary transfer. We believe that maintaining families whenever possible, and giving inmates reasonable notice before transfer, are necessary steps in the rehabilitation process.

The ACLU of Hawaii is frequently contacted by individuals who have been transferred between facilities (particularly those being transferred to the mainland). The majority of these inmates do not want to be separated from their families any more than they have to be. Clarifying the circumstances under which inmates may be transferred will further the goals of maintaining family and community connections and preparing inmates for successful release and rehabilitation.

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,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



the
**Drug Policy
Forum**

February 3, 2009

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

From: Jeanne Ohta, Executive Director

RE: SB 210 Relating to Corrections
Hearing: February 3, 2009, 1:15 p.m., Room 229

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in support of SB 210 which clarifies the circumstances that an inmate may be transferred between facilities in Hawai'i and those outside of Hawai'i.

The bill amends Chapter 353 to create a statute that the director shall consider the individual's 1) current programming and if it could be continued at another facility, 2) family and whether transfer would interrupt contact, and 3) willingness to be transferred. It also gives the individual 14 days notice so they can contact their families as well as the right to appeal the transfer.

Transfers should be systematically planned; they should not be haphazard nor should they give the impression that they are retaliatory. Good business practices and common sense mandate a plan establishing criteria for transfer inside and outside of Hawai'i.

Maintaining contact and relationships with family members can motivate successful transition from prison back into the community. Transferring inmates and disrupting those important relationships can make maintaining those ties more difficult. It is also not fair that appropriate programs are unavailable when those programs are required for parole consideration.

In my role with DPFH, I have had inquiries from family members as to how the decision to transfer inmates is made. It would be beneficial to those family members to have clear criteria so that they understand what is happening. Transparency would help everyone.

Please pass SB110 as it would be good public policy for the operations of the department, for those incarcerated and for their families.

Board of Directors

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*Donald Topping, Ph.D.
Founder 1929-2003*

P.O. Box 61233
Honolulu, HI 96839

Phone: (808)-988-4386
Fax: (808) 373-7064

Email: info@dpfhi.org
Website: www.dpfhi.org

TO: COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

FROM: Carmael Kamealoha Stagner, private citizen & spouse of inmate incarcerated
at Saguaro Correctional Facility

SUBJECT: TESTIMONY IN FAVOR OF SB 210

DATE: Tuesday, February 3, 2009
TIME: 1:15 p.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

PSMTestimony@Capitol.hawaii.gov

SB 210

RELATING TO CORRECTIONS.

Clarifies the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside of Hawaii.

Honorable committee chairpersons Senator Will Espero and Senator Robert Bunda,

This testimony is in favor of SB 210, only if inmates housed in CCA facilities by the Hawaii State agreement Contract no. 55331 are not returned to Hawaii per Act 8 of last year's legislative session.

I believe that no inmate shall be transferred from any facility in Hawaii to facilities outside of Hawaii. Unfortunately, this is the current situation, and I appreciate the opportunity to share our family's experience.

EXCLUSIONARY criteria is necessary, and it shall be as follows:

- A) **Familial or ancestral lineage to pre-contact Hawaii** (As Hawaiians, our spirituality connects us to the land, and we should not be displaced from it. Scholarly papers, legal documents, religious testimonies show documentation of denizen residence; this may also include but not be limited genealogical chant and pedigree, Department of Hawaiian Home Lands membership, Kau Inoa registration, Ho`olu Hawaiian Data Center registry etc. . .)
- B) **Parents** (inmates with children identified and named on their Women's Community Correctional Center (WCCC), or Halawa Correctional Facility (HCF) visiting list)

- C) **Inmates who have completed all department recommended programming** (focus on re entry and/or reintegration through *community* custody status, see part D)
- D) **Minimum custody status offenders** are eligible for reclassifications into lower custody levels, like community, every six months (classification system)
- E) **Inmates classified as parole violators with no new felony charges** (violations of parole due to failure to report change in address, employment etc. . .)
- F) **Inmates with less than five years before their discharge or max out date** (four years or less before they are no longer a ward of the state)

Eligibility to transfer shall be on a voluntary basis. Ask the inmates if they would like to be considered, otherwise transportation across state lines is human trafficking, forcing the incarcerated population to be moved against their will.

My husband was transferred to Saguaro Correctional Facility in June 2008. To date, the department has not informed him, nor I of this move. What I mean by this is one morning, uniform and non-uniform staff yelled names from a list in the housing units at HCF, telling the men to “bag your shit, you’re rolling out.” My husband did not undergo a medical clearance, or participate in a reclassification session prior to this mourning morning.

He was demeaned and badgered, told that he had no choice. He plead with his captors, letting them know he had a court appointment the following Monday so “this” must be a mistake. They told him he was a liar. Allowed only the clothing on his back and his scriptures, he bagged his property: family photos, letters, religious reading materials, and writing implements.

During his regularly scheduled daily phone call, another inmate, at the request of my husband, called to inform me my husband was gone. I cried and cried to this strange voice and he was silent the whole time I wept. Between sobs he told me he was sorry. Between sobs he told me I have thirty days to claim my husband’s property from the facility. He also told me to call the facility to find out how to contact my husband.

The next day I called HCF, and the unit manager referred me to the mainland branch unit. I identified myself and gave them my husband’s name. I asked if I would be receiving an explanation of how he was chosen for transfer, and I was told that I would not. I asked for instructions on phone calls, mail policies, visiting procedures, and was referred to the state of Hawaii PSD website, link to SCF.

Two days later, my husband was given a ten –minute courtesy call. I heard the inmate’s wailing in the background.

I have not now, nor ever received ANY written or formal documentation of his out-of-state transfer, and it appears there is no process for that. Just the favor of another inmate, who also waits for that day when they come for him. . . And who will stand for him then?

My 16 year-old son has been more angry since the transfer, refusing to video visit his dad for 15 minutes once a month because he says he cannot touch him, so what’s the point?

My two year-old and I video visit monthly, but without the exchange of the ha, a necessary life practice for Hawaiians, the spirit fades. My husband is burnt black from the Arizona sun. His skin itchy, ashy and dry from the unpure Arizona water he drinks and bathes in. He freezes at night as thermal underwear is not issued as part of the daily uniform.

He has not been allowed to participate in Hawaiian ceremonies, language, chant and dance classes, or Latter-Day Saint religious services, since he was chattelled to Arizona.

No human should be transported in the manner that he all inmates have, and continue to ne.

My husband reported to me that some inmates were sent back to Hawaii, and new bodies arrived last week Friday. When will this trafficking stop?

The state of Hawaii Department of Public Safety (PSD) supports human trafficking and chattel slavery of Hawaiians through its contract with the Corrections Corporation of America (CCA), known as the State of Hawaii Agreement Contract NO. 55331.

The 2007 Hawaii State legislature noted that 45% of the incarcerated population identify themselves as part-or native Hawaiian (http://capitol.hawaii.gov/session2008/bills/HB1734_HD1_.pdf). What percentage of that population is warehoused in CCA's Saguaro Correctional Facility (SCF)?

Unfortunately a 2001 inquiry of the number of incarcerated adults categorized by race and ethnicity made by the state of Hawaii Department of the Attorney General regulatory division Deputy Attorney General Ms. Lisa Itomura was denied by the Office of the Lieutenant Governor's Office of Information Practices (<http://www.state.hi.us/oip/opinionletters/opinion%2001-03.pdf>).

Here is the anti-social and unjust parallel of the plight of Hawaiian inmates concomitant with those of African-American descent:

Jaron Browne's 2008 article in the social and environmental justice journal *Race, Poverty, Environment*, *Rooted in Slavery: Prison Labor Exploitation*, the United States has once again surpassed its own world record for incarcerating the highest percentage of its population. The Bureau of Prison Statistics has released data confirming that at the end of 2005, one in 32 adults has been in prison, on probation, or on parole (<http://www.urbanhabitat.org/node/856>). National statistics state that racial bias seems to define major aspects of the criminal justice system, including but not limited to police targeting, to crimes charged and rates of conviction for African-American men between the ages of 20 and 39.

The United States prison system reflects a Third World industry similar to free enterprise zones in Africa, Asia and Latin America, who use human trafficking and chattel slavery to support their industries. Prisoners are not protected by minimum wage laws or overtime, and are explicitly barred from the right to organize and collectively bargain. Browne points out that the conditions for the overwhelmingly Black and Latino men and women inside the United States prison system are so similar to that of workers in the maquiladoras and sweatshops of the global South that Oregon politicians in 1995 were courting Nike to move their production from Indonesia into Oregon prisons. "We propose that (Nike) take a look at their transportation costs and their labor costs," Oregon State Representative Kevin Mannix explained in an interview with researcher Reese Erlich, "We could offer [competitive] prison inmate labor" in Oregon.²

Browne underscores how this practice is rooted in Slavery:

Current prison conditions allows such an exploitative industry to develop, as the origin of the United States itself. Before the abolition of slavery there was no real prison system in the United States; punishment for crime consisted of physical torture, referred to as corporal or capital punishment. While the model prison in the United States was built in Auburn, New York in 1817, it wasn't until the end of the Civil War, with the official abolition of slavery, that the prison system took hold.

In 1865, the 13th Amendment officially abolished slavery for all people except those convicted of a crime and opened the door for mass criminalization.

Prisons were built in the South as part of the backlash to Black Reconstruction and as a mechanism to re-enslave Black workers. In the late 19th-century South, an extensive prison system was developed in the interest of maintaining the racial and economic relationship of slavery.

Louisiana's famous Angola Prison illustrates this history best. In 1880, this 8000-acre family plantation was purchased by the state of Louisiana and converted into a prison. Slave quarters became cell units. Now expanded to 18,000 acres, the Angola plantation is tilled by prisoners working the land—a chilling picture of modern day chattel slavery (<http://www.urbanhabitat.org/node/856>).

Just a few decades later, Browne warns we are witnessing the return of all of these systems of prison labor exploitation. Private corporations are able to lease factories in prisons, as well as lease prisoners out to their factories.

Private corporations are running prisons-for-profit. Government-run prison factories operate as multibillion dollar industries in every state, and throughout the federal prison system. CCA is a private corporation paid through Hawaii taxpayer dollars to traffick Hawaiians into chattel slavery.

Human traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the more frequent practice is to use less obvious techniques including:

- Debt bondage - financial obligations, honor-bound to satisfy debt (*Hawaii State Agreement Contract NO. 55331*)
- Isolation from the public - limiting contact with outsiders and making sure that any contact is monitored or superficial in nature (*Eloy, Arizona is xxx miles away. Video visitation sessions with family members are 1x monthly, for 15 minutes*).
- Isolation from family members and members of their ethnic and religious community (*Hawaiians may not exchange the ha, an important spiritual practice, with their family members; Hawaiians may not participate in both spiritual ceremonies like Makahiki, and cultural classes*)

like language, chant and dance, and also attend organized religious services like Christian, Mormon, Catholic, Buddhist etc...)

- Confiscation of passports, visas and/or identification documents (*part of chattel practice*)
- Use or threat of violence toward victims and/or families of victims (*daily communication from staff to inmates*)
- The threat of shaming victims by exposing circumstances to family (*SHIP program*)
- Telling victims they will be imprisoned or deported for immigration violations if they contact authorities (*SHIP program*)
- Control of the victims' money, e.g., holding their money for "safe-keeping" (*limited access to funds*)

<http://www.acf.hhs.gov/trafficking/about/index.html>

I suggest legislators observe the chattel and trade, review the transfer packets that deem inmates eligible for mainland warehousing and weigh the cost-benefit analysis against the willingness of the taxpayer revenue to continue to support such a practice.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday February 3 2009
1:15 PM
Room 229
SB210
support

Hello Chair Espero, Vice Chair Bunda and members of the Committee

My name is Cathy Tilley and I am a member of the Community Alliance on Prisons and I have a son who is an inmate at Saguaro Correctional Facility in Arizona.

I support SB 210 that clarifies the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside Hawaii. There needs to be accountability and transparency regarding the transfer of inmates. If someone is in a program that they need to complete that should be taken into account also how much time they have left on their sentence. It is a huge waste of the tax payers money to send someone to the mainland who has very little time left and it is also unfair to the inmate because they often have to stay in prison past their release date waiting for the next mainland move.

These moves should not interfere with the inmates rehabilitation or reentry plan. As always transparency is key to help the families and inmates understand what is taking place.

Sincerely,
Cathy Tilley
621 Pauku St
Kailua, HI 96734
808 261 6274

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

SB 210 – Criteria for Transfers

Sent to: PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda and Committee Members:

My name is Diana Bethel and I am writing in strong support of SB 210. Bill SB210 would establish into law clear, common sense criteria to govern the transfer of Hawaii inmates within Hawaii and from Hawaii to mainland prisons.

It would consider programs in which an inmate is currently enrolled and whether the programs would be available at the new location. For example, it is unfair for inmates to be taken out of programs they are enrolled in at a Hawaii prison and transferred to the Federal Detention Center where there are no programs.

By taking away the opportunity to participate in programs that assist in their reentry into the community, the state is endangering public safety and ensuring that more crimes will be committed by desperate former inmates who are ill prepared to establish themselves on the outside when they are released from prison.

Another important aspect of SB 210 is that it takes into account the impact that an inmate transfer would have on the family, especially children. By severing the ties between an inmate and his or her children, the state is ensuring that another generation of offenders is being created.

Besides the common sense and compassionate reasons for enacting this legislation, ultimately we must consider the costs. This bill would reduce unnecessary costs of transferring inmates with short sentences or those who have to come back for court appearances, thus incurring the roundtrip costs of two escorts. It would also maintain family ties and support networks that increase chances for a successful reentry into the community and reduce the costs of recidivism.

Thank you for the opportunity to share my thoughts on this important public safety issue.

Sincerely,

Diana Bethel

1441 Victoria St.

Honolulu, Hawaii 96822

aquino3-Linda

From: Jyoti Mau [jyoti@yoaloha.com]
Sent: Monday, February 02, 2009 1:02 PM
To: PBStestimony
Subject: SB210 in Support

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

SB210

SUPPORT

Dear Legislators,

Hello and thank you for taking the time to support this important bill that addresses Hawaii inmate transfers. This bill would help to establish criteria that promotes accountability and transparency with the PSD and Hawaii residents. I have discovered that although the Department of Public Safety states that they do not transfer anyone with less than two years on their sentences to out of state facilities, there are in actuality numerous Hawaii inmates with less than two years being sent to Mainland facilities. And in some instances, some inmates are then taken out of programs and sent to the Federal Detention Center (where there are no programs), and at one time there were still empty and half-empty dorms at the prisons from which they were sent. A specific set of criteria needs to be developed and honored that establishes why, when, and how the PSD can transfer Hawaii inmates to out of state correctional centers. Communication needs to happen. Families should not be told on visiting day that their loved ones aren't in Hawaii anymore. Also the PSD should take into account the impact the transfer would have on the family, especially children. I also believe that programming should not be interrupted if its not being improved upon, and that any transfer should further the individual's rehabilitation and reentry plan. Thank you for your efforts.

Sincerely,

Jyoti Mau

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Buda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

Bill # SB210, Relating to Corrections

SUPPORT

There is a lot of confusion on transfer of inmates whether to or from the mainland. There have been instances where inmates with less than three months are sent to the mainland. Also, inmates who are to be furloughed are kept behind for reasons unbeknown to them. Some are kept behind as much as a year when others who are not to be furloughed are sent home. This kind of irresponsible transferring of inmates causes much distress among the inmates and animosity toward the "system."

With technology, a more reliable and humane system need to be established where inmates have enough time to pack and take care of their personal belongings, and notify their loved ones so they don't find out on visitation day that they're no longer in Hawai'i. Inmates are "bumped" getting on the airplane, kept in hot buses for 6 hours (chained) because of poor connections between flights, etc.

Thank you for your consideration,

Elaine Funakoshi

455-9136

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