

LINDA LINGLE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY

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No. _

TESTIMONY ON SENATE BILL 2533, SD1
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

House Committee on Legislative Management
Representative James Kunane Tokioka, Chair
Representative Blake K. Oshiro, Vice Chair

Wednesday, March 17, 2010; 2:30PM
State Capitol, Conference Room 329

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

The Department of Public Safety (PSD) opposes Senate Bill 2533, SD1. 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.

boshiro3-Blanka

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 3:43 PM
To: LMGtestimony
Cc: lt@acluhawaii.org
Subject: Testimony for SB2533 on 3/17/2010 2:30:00 PM

Testimony for LMG 3/17/2010 2:30:00 PM SB2533

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Laurie Temple
Organization: ACLU of Hawaii
Address:
Phone:
E-mail: lt@acluhawaii.org
Submitted on: 3/16/2010

Comments:

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 17, 2010

2:30 p.m.

Room 329

STRONG SUPPORT - SB 2533 SD1 - Financial and Management Audit of Public Safety

LMGTestimony@capitol.hawaii.gov

Aloha Chair Tokioka, Vice Chair Oshiro 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.

SB 2533 SD1 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/In/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

- ***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 SB 2533 SD1 - 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!

COMMUNITY ALLIANCE ON PRISONS

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SUPPLEMENT TO SB 2533 SD1 TESTIMONY

Over the years there have been numerous incidents including deaths, riots, sexual assaults, rapes, etc. at the contract prisons run by Corrections Corporation of America (CCA). Here is a sampling of CCA facility incidents. Community Alliance on Prisons was shocked when the PSD Director called Saguaro Correctional Center in Arizona a 'well-run facility' with a 'professional staff' only days after the brutal murder of Bronson Nunuha. Something is VERY WRONG.

SOME INCIDENTS AT CCA FACILITIES 2000-2009

FLORENCE CORRECTIONAL CENTER, FLORENCE, ARIZONA

September 12, 2000 - About 20 Hawai'i inmates at Florence Correctional Center join in the so-called "**Rice Riot**." Three corrections officers were injured as inmates smash windows, computers, television sets and food carts.

April 11, 2001 - **Riot** in a recreational yard at Florence Correctional Center involves 23 inmates, with two corrections officers injured and one inmate seriously injured.

April 16, 2001 - **Hawai'i inmate Iulani Amani, 23, dies** after packets of crystal methamphetamine burst in his stomach, causing a drug-induced heart attack.

April 30, 2001 - Monitors reports also show that a year after the first Hawai'i inmates were placed at Florence, the prison still is not offering educational and rehabilitation programs that are required by contract and included in the contract price.

April 2003 - More than one out of every four inmates who underwent drug testing came up positive for drug use.

DIAMONDBACK CORRECTIONAL CENTER, WATONGA, OKLAHOMA

June 2003 - The chief of security at Diamondback Correctional Facility reports to Hawai'i monitors that prison staff believes 2 ounces of crystal methamphetamine were being smuggled into the prison each week.

October 17, 2003 - Hawai'i monitors sent to inspect the Diamondback Correctional Facility at Watonga, Okla. warn conditions at the prison are "**deteriorating**," and urge the state to freeze the number of inmates there.

May 14, 2004 - About 500 inmates from Arizona riot for several hours at Diamondback. An investigation by Arizona corrections officials finds inadequate staffing at Diamondback meant prison staff was unable to prevent the disturbance.

TALLAHATCHIE CORRECTIONAL FACILITY, TUTWILER, MISSISSIPPI

July 17, 2005 - 2:30 AM - Cell doors in lockdown area open 'in error' and two Hawai`i inmates are beaten. One suffered a broken jaw and the other was severely beaten and brain damaged - he now needs 24/7 care and is in Hawai`i State Hospital. His case has not gone to court yet.

December 2006 - Female prison guard Irons was arrested for distributing \$6,000 worth of crystal methamphetamine to Hawai`i inmates

March 2007 - Warden Robert Parker, Sergeant Willy, and other prominent staff members at TCCF were fired by CCA following yet another incident where a Hawai`i male inmate was found walking around the facility naked, paranoid, and high on crystal methamphetamine. This was around the time that the inmates were on lockdown for over a month with no contact with family and friends.

July 2007 - Counselors not reporting for work - show up once a week instead of daily.

SAGUARO CORRECTIONAL FACILITY, ELOY, ARIZONA

August 3, 2007 - The staff at Saguaro Correctional Facility inadvertently opened security doors, releasing Hawai`i inmates from their cells. Seven inmates left their cells when the doors opened, **one was injured in a fight with another inmate and a third inmate had to be subdued for refusing to return to his cell.**

August 12, 2007 - The heads of the education and addiction-treatment programs at a private Arizona prison holding Hawaii inmates abruptly **quit their jobs complaining of poor management, inadequate facilities and lack of staffing.**

November 2007 - The Hawai`i Delegation was repeatedly told that the prison was 'ramping up,' which was why this 'program intensive' prison was program-shy. Why did we pay for services that were not being delivered?

February 17, 2010 - Hawai`i inmate, Bronson Nunuha, was murdered in his cell in the SHIP II 'program', where individuals are locked down 22 hours a day. How could this happen???

RED ROCK CORRECTIONAL CENTER, ELOY, ARIZONA

It was reported during the November 2007 Hawai`i Delegation visit that **cell doors had opened 'inadvertently' four times at Red Rock.**

OTTER CREEK CORRECTIONAL CENTER, WHEELWRIGHT, KENTUCKY

October 2005 - Women are processed into Otter Creek (from Brush, CO). **Diarrhea and vomiting widespread and persisted for the first several months. **Women advised by nurse not to drink the water** - nurse later sanctioned.**

December 1, 2005 - Hawai`i woman, RR, rushed to the hospital with pneumonia after being denied help at the medical unit. Denied follow-up doctor's visit. (CAP has letter from doctor)

December 18, 2005 - Hawai`i woman, WK, rushed to the hospital after many pleas for medical help because of persistent arm and leg pain. It took security seven minutes to open her door to give her nebulizer and 2 hours to get to Hazard Medical Center. WK underwent triple by-pass surgery.

December 31, 2005 - Sarah Ah Mau, Hawai`i inmate, died after being repeatedly threatened with lockdown if she continued to ask for medical help

January 15, 2006 - (phone call from women) Women with diabetes made to take medicine at inappropriate times. Several Kentucky inmates are in the hospital

January 19, 2006 - (phone call from women)WK up and walking in yard for the first time. Still no follow-up surgical visit. Women still denied their asthma and physician-prescribed medication. Women being told they are not Kentucky prisoners, but Hawai`i tells them they are under Kentucky's control - mass confusion and conflicting rules

January 27, 2006 - WK rushed to hospital at 2:30 AM

May 2006 - report in local Kentucky newspaper the Lexington Herald-Leader reported that **Eldon Tackett, a 43-year-old guard at Otter Creek, had been accused of providing food and candy to a female prisoner in exchange for oral sex. The Kentucky-based Floyd County Times reported that **Otter Creek's drug counselor, Tanya Crum, 32, had been arrested for trafficking in methadone.****

February 2007 - Fluorescent tube lights on ceiling are 'night lights' (enough light to read by)

August 27, 2007 - Latasha Glover, Kentucky inmate, died

January 22, 2008 - Carla J. Meade, Warden Joyce Arnold's secretary smuggles a LOADED 22 CALIBER GUN into prison and commits suicide in the Warden's office.

July 2009 - Letter sent to Hawai`i alleging **multiple sex assaults at Otter Creek by staff (**including ACOs and Chaplain**) listing names of alleged victims and alleged perpetrators**

September 2009 - Hawai`i cancels contract with Otter Creek and brings **all but one woman (Totie Taula, the first Hawai`i woman sexually assaulted in 2007 at Otter Creek) back to Hawai`i**



the
**Drug Policy
Forum**
of hawaii

March 17, 2010

To: Representative James Kunane Tokioka, Chair
Representative Blake Oshiro, Vice Chair and
Members of the Committee on Legislative Management

From: Jeanne Y. Ohta, Executive Director

RE: SB 2533 SD1 Relating to an Audit of Contracts
Hearing: Wednesday, March 17, 2010, 2:30 p.m., Room 329

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 SB 2533 SD1 which requires a financial and management 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 work camp, 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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HOUSE OF REPRESENTATIVES – REGULAR SESSION 2010
COMMITTEE ON LEGISLATIVE MANAGEMENT

Wednesday, March 17, 2010
2:30 PM; Conference Room 329

SB 2533, SD1 – RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER.

Chair Rep. James Kunane Tokioka, V. C. Rep. Blake Oshiro and Committee Members:

Aloha kakou. My name is Dante Keala Carpenter, Member-Advisor to ‘Ohana Ho’opakele. I speak in support of SB 2533, SD1 (Companion HB 415, HD1) 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 simply 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 Ho'opakele'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, a recent and positive meeting with Lt. Governor Duke Aiona in which Kupuna Sam, Reverend Ron Fujii, Kini Burke bears on the above discussion. 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 SB 2533, SD1.

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

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 17, 2010

Room 329

2:30 p.m.

STRONG SUPPORT for SB 2533 SD1 – AUDIT OF PSD CONTRACTS, KULANI CLOSURE

Aloha Chair Tokioka, Vice Chair Oshiro, and Members of the Committee,

I am writing in strong support of SB 2533 SD1, which directs the state auditor to conduct a financial and management audit of the Department of Public Safety, the contracts with CCA and FDC, and the closure of Kulani Correctional Facility.

A long-overdue independent audit of the Department of Public Safety is called for to explore the overall fitness of the department in meeting the challenges facing the State in dealing with our inmate population. Foremost among numerous concerns is the closure of the Kulani Correctional Facility, which offered the most comprehensive work program in the state and one of the most successful community reentry programs in the country.

In regards to Hawaii's contract with CCA, the private correctional facility which houses over 2000 Hawaii inmates on the mainland, one has to question the ability of PSD to negotiate a decent contract for the benefit of Hawaii's inmates and their future successful reentry into our communities. There is no comparison between the reentry programs that Kulani offered and the sparse, token programs offered by CCA. It is PSD's fiduciary responsibility to use taxpayer monies effectively. A related issue is the lack of oversight in making sure that the provisions of the contract, weak as it is, are actually being met. A for-profit prison with underpaid staff is a recipe for disaster, as many of our inmates know first-hand. Why does it have to take a budget deficit, rapes, death from medical neglect, and outright murder to attract attention to the plight of Hawaii's inmates on the mainland?

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. As a result of Kulani's closing, 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. These issues need to be addressed immediately.

The Legislature is responsible for overseeing the Department of Public Safety and making sure that its policies and decisions conform to best practices.

For the sake of public safety in all Hawaii's communities, please pass SB 2533 SD1.

Mahalo,

Diana Bethel
Honolulu, Hawaii

boshiro3-Blanka

From: Mary Elizabeth [nugayou@yahoo.com]
Sent: Tuesday, March 16, 2010 1:30 PM
To: LMGtestimony
Subject: SB 2533 SD1
Attachments: --static--liam_crowdsurfer_bottom.gif

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 17, 2010

Room 329

2:30 p.m.

STRONG SUPPORT for SB 2533 SD1 – AUDIT OF PSD CONTRACTS & KULANI CLOSURE

Dear Chair Tokioka, Vice Chair Oshiro, and Committee Members:

I strongly support SB 2533 SD1 and ask for your support of this measure.

Following is an excerpt from a testimony I submitted to the previous committee on this bill:

"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 recentweek'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?

Thank you and Aloha,

E. Funakoshi
455-9136

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 17, 2010

Room 329

2:30 p.m.

STRONG SUPPORT - **SB 2533**

Aloha Chair Tokioka,, Vice Chair Oshiro, and members of the committee,

I enthusiastically support SB 2533. 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. Also, shutting it down didn't save much money as 90% of personnel were reassigned within the system.

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, they strive for: a high occupancy rate, extended stays and repeat customers. The difference is that the taxpayers are footing the bill, and they tear apart families and actually **increase crime!**

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) 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 SB 2533 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

Kihei, Maui

boshiro3-Blanka

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 3:52 PM
To: LMGtestimony
Cc: irene.nagao@hawaiiantel.net
Subject: Testimony for SB2533 on 3/17/2010 2:30:00 PM

Testimony for LMG 3/17/2010 2:30:00 PM SB2533

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Irene Nagao
Organization: Individual
Address: 33 Palani Street Hilo, Hi 96720
Phone: 808-934-0342
E-mail: irene.nagao@hawaiiantel.net
Submitted on: 3/16/2010

Comments:

I strongly support this bill which will audit Corrections @ Kulani, CCA & FDC. Was Kulani closed without just reason? Was contracting CCoF America to house Hawaii inmates cost effective? Are inmates receiving quality programs like those at Kulani. Many questions need to be asked by the auditor to address the closure of Kulani along with a financial and management audit of DPS contracts with CCoF America & The federal detention Ctr. This closure has affected the lives of inmates and has numerous adverse impacts to the Big Island. Please give these issues your attention and utmost support. Thank you. Irene Nagao

boshiro3-Blanka

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 9:23 PM
To: LMGtestimony
Cc: shannonkona@gmail.com
Subject: Testimony for SB2533 on 3/17/2010 2:30:00 PM

Testimony for LMG 3/17/2010 2:30:00 PM SB2533

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Shannon Rudolph
Organization: Individual
Address: P. O. 243 Holualoa
Phone:
E-mail: shannonkona@gmail.com
Submitted on: 3/15/2010

Comments:

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Wednesday, March 17, 2010

Room 329

2:30 p.m.

STRONG SUPPORT for SB 2533 SD1 – AUDIT OF PSD CONTRACTS & KULANI CLOSURE

Dear Chair Tokioka and Members of the Committee:

My name is Carina Shiota, and I am write to you as concerned citizen in support of SB 2533 SD1 that directs the auditor to conduct a financial and management audit of the Department of Public Safety's contracts with CCA, FDC and the closure of Kulani Correctional Facility.

As a mother and grandmother, I am very concerned about the money that we pour into our prison system. ***I am ashamed that our State Legislature continues to allocate millions of dollars to CCA.*** CCA is only concerned about making profits. They are not concerned about the rehabilitation of our sons and daughters, or helping individuals stay connected with their families.

We need a full accounting of the contracts with CCA and FDC. We need to critically examine how funding is being spent, and what we are getting in return. Based on conversations with my daughter who works on criminal justice reform, I have heard many tragic stories about the rampant violence in CCA's prisons, and the lack of programming offered at its prisons. ***I also believe that you are PUNISHING FAMILIES when you transfer people thousands of miles away from home.*** It just doesn't make any sense why Kulani was closed instead of returning more of our "sons" home to Hawai'i.

The bottom line is that we need to get our priorities straight. Money invested in prisons means less money for our public schools, and social service agencies. This audit is a step in the right direction. Please pass this bill.

Sincerely,

Carina C. Shiota
Haiku, Hawaii 96708

LORENN WALKER, J.D., M.P.H.

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Wednesday, March 17, 2010
Room 329
2:30 p.m.

SB 2533 SD1 STRONG SUPPORT FOR AUDIT OF PSD CONTRACTS & KULANI CLOSURE

I STRONGLY SUPPORT this measure directing the auditor to conduct a financial and management audit of the Department of Public Safety (PSD) and contracts with the Corrections Corporation of America, Federal Detention Center and the closure of Kulani Correctional Facility.

The decision to close Kulani must be investigated by an unbiased third party. The decision was clearly motivated by other interests not being disclosed to the public or the legislature.

PSD claims it "has" to send people to prison on the mainland because "there are no beds" in Hawai'i. Obviously, this was not true if Kulani was closed.

The importance of imprisoning people close to their families to increase desistance from crime and decrease recidivism has been known for years. Sending people to the mainland prisons increases danger to our community by not rehabilitating them, e.g., dangerous gangs have been imported into our community due to the export of our incarcerated people.

Also the plan to make Kulani a large-scale juvenile facility is likewise a bad decision. Anyone who has studied evidence-based research on juvenile delinquency knows that isolated, large institutions have been shown to increase criminality. Knowledgeable criminal justice experts have been advocating for community-based interventions, which are being implemented more and more in our community.

Please see the numerous articles available on my website for descriptions of the projects I have been involved in providing in our state for over 10 years. Many have concerned juvenile and adult justice programs. Each project has been researched, evaluated and a paper or report written on it describing the results: www.lorennwalker.com

Slowly our state is improving. Please vote to have Kulani's closing audited and continue to what you can to improve our community.

Thank you for this opportunity to testify and for your hard work.

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Erin Welsh
73-1142 Oluolu Street
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(808) 325-5322

March 16, 2010

Committee on Legislative Management

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

VIA: email

STRONG SUPPORT for SB2533 SD1 - Audit of PSD Contracts & Kulani Closure

Good Morning Chair Tokioka, Vice-Chair Oshiro and Committee Members:

I am the mother of a prisoner who is currently being held at Halawa. He has been transferred around and around, been flown all over, and has received no programs despite requesting both college courses and drug rehab. He is a non-violent drug offender, and is the perfect candidate for rehabilitation as he has a home, a loving family, a trade and a job waiting for him. Despite the flowery words on the PSD website, there is no such thing as rehabilitation in this system. It's all just words.

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. And it can't be cost effective. We need to see the numbers.

Kulani worked. It was a great hope for my son. He is a journeyman carpenter and he was hoping to eventually get transferred to Kulani so he could work off some of his debt to society. I could have driven his 4 year old daughter from Kona to visit him instead of flying to Oahu. I am one of the few lucky ones who can afford to do that. If he gets sent back to Arizona again, I will not be able to take her to visit.

There are other considerations here than money. We must keep families in touch. We must keep children in touch with their parents.

It looks to me like the PSD is way out of touch with what is happening on our islands. Every day there is another story in the news of deaths, rapes, etc. at prisons where we send our people. Don't these reports warrant some kind of investigation as to why we are sending our people away? Why close a local prison to send people into harm's way, only to have to defend the inevitable law suit? Some common sense is needed here. When you add up all the fringe costs, I believe it will be cheaper to keep our people on island. There are alternatives available.

In this crazy time of financial upheaval, of course we need an audit of the agency. Anyone who opposes it must have something to hide. Let us see the numbers.

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