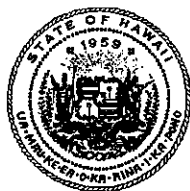


LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
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CLAYTON A. FRANK
DIRECTOR

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TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

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

Thursday, March 11, 2010; 9:00 A.M.
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, 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.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

**Testimony by
Hawaii Government Employees Association
March 11, 2010**

**S.B. 2533, S.D. 1 - RELATING TO AN AUDIT
OF CONTRACTS OF THE DEPARTMENT OF
PUBLIC SAFETY WITH THE CORRECTIONS
CORPORATION OF AMERICA AND THE
FEDERAL DETENTION CENTER**

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, strongly supports the purpose and intent of S.B. 2533, S.D. 1, 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 in Mainland facilities or at 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 certain that the money spent provides services of comparable value to that which is provided in state facilities. Unfortunately, privatization of services often times jeopardizes the deliver 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.

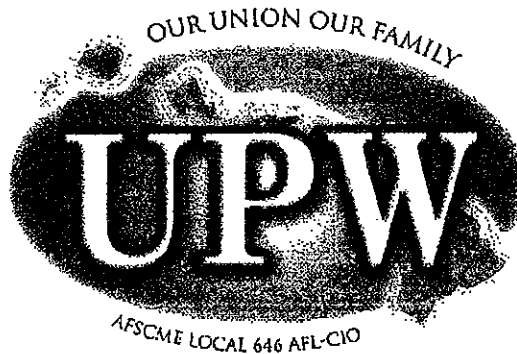
When public services are shifted to the private sector, we should be certain that we are not moving to a closed system susceptible to abuse and added expense to taxpayers. A legislative audit would be able to determine whether this is the case.

Thank you for the opportunity to submit our testimony in support of S.B. 2533, S.D. 1.

Respectfully Submitted,

Nora A. Nomura
Deputy Executive Director





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

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

DATE: Thursday, March 11, 2010
TIME: 9:00 a.m.
PLACE: Conference Room 309

TESTIMONY OF THE UNITED PUBLIC WORKERS, LOCAL 646, ON SB 2533
SDI RELATING TO AN AUDIT OF CONTRACTS WITH THE
CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL
DETENTION CENTER

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

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

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

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

With Kulani's closing, over seventy of our members lost their positions. Although most have been placed at the Hawaii Community Correctional Facility, the only option for some was to relocate to another island.

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



Via E-mail: PBSTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety
Hearing Date/Time: Thursday, March 11, 9:00 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of SB 2533, Relating to Public Safety

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

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of SB 2533, which directs the Auditor to conduct a management and performance audit of the State’s contracts with the Corrections Corporation of America (“CCA”) and the Federal Detention Center (“FDC”).

Simply put, an audit could save the State of Hawaii substantial sums 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, a male inmate was recently killed at the CCA-Saguaro facility. The Department of Public Safety recently removed all of Hawaii’s female inmates from CCA’s Otter Creek facility

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.

American Civil Liberties Union of Hawaii
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Hon. Rep. Hanohano, Chair, PBS Committee,
and Members Thereof
March 11, 2010
Page 2 of 3

in Wheelwright, Kentucky – but only after an epidemic of sexual assault allegations came to light. As reported in the New York Times:

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.

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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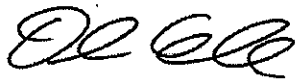
Hon. Rep. Hanohano, Chair, PBS Committee,
and Members Thereof
March 11, 2010
Page 3 of 3

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

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,



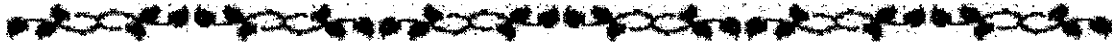
Daniel M. Gluck
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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 11, 2010

9:00 a.m.

Room 309

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

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a 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!

Richard S. Miller
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SB 2533 SD1 - http://www.capitol.hawaii.gov/session2010/Bills/SB2533_SD1_.HTM

PBS, LMG, FIN

Audit of Corrections; Kulani; CCA; FDC & Ad Hoc Committee

Directs the auditor to conduct a financial and management audit of the Department of Public Safety and contracts with CCA, FDC and the closure of Kulani Correctional Facility.

Senators KOKUBUN, BANKER, CHUN-OAKLAND, ESPERO, GALUTERIA, HOSSER, KIM, TOKUDA

POSITION: STRONG SUPPORT

Here are the reasons I have heard, from a very credible source, which strongly support the need for the financial and management audit required by this bill:

The fact that PSD's budget has increased 75.5% in the last decade and the budget for contract prison beds (CCA and the Federal Detention Center) has increased by 192% should be a wake-up call to the legislature

There have been numerous deaths, sexual assaults, and hospitalizations of Hawai'i individuals banished to CCA facilities over the last 4 years

- o The murder of Bronson Nunuha

Our women were brought home from Otter Creek because of the numerous rapes and sex assaults of Hawai'i individuals. KY women were also assaulted.

Even the chaplain at Otter Creek was convicted of molesting some of the KY women

The closure of Kulani was never discussed with the Corrections Population Management Commission, the legislatively enacted body to monitor the prison population

The purported savings of \$2.8 million a year that the closure of Kulani would save has never been fully explained since more than 90% of the staff has been reassigned to other facilities

PSD testified that no programming for individuals in Kulani's sex offender and substance abuse treatment programs would be interrupted – I have heard that this is NOT TRUE.

Men in the sex offender program at Kulani are at the Federal Detention Center (FDC) still awaiting a program

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 – I understand that this is NOT TRUE. Waiawa doesn't take sex offenders

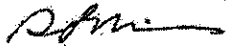
The closure of Kulani has been cloaked in lies and mis-truths

Housing minimum security individuals in a medium security prison (Halawa, FDC, CCA) is against all correctional best practices

A financial and management audit of PSD is long overdue
We need to look at who is incarcerated and repurpose that money into community
programs that help individuals transition back to the community.
THIS IS A VERY IMPORTANT BILL THAT MUST BE PASSED AND FUNDED

Thank you for considering my private opinion.

Sincerely yours,

A handwritten signature in black ink, appearing to be "P. M.", written in a cursive style.

From: Mary Elizabeth [nugayou@yahoo.com]
Sent: Wednesday, March 10, 2010 6:10 AM
To: PBStestimony
Subject: SB 2533, Committee on Public Safety, 3/11/10
Attachments: --static--liam_crowdsurfer_bottom.gif

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 11, 2010

Room 309

9:00 a.m.

STRONG SUPPORT of SB 2533 - Audit of PSD Contracts & Closing of Kulani

Dear Chair Hanohano, Vice Chair Aquino, and Committee Members

Thank you for this opportunity to submit my testimony.

An audit is sorely needed and I strongly support the passage of this bill and your committee's passage of it.

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 almost a month is indicative of problems at SCC which this audit would unveil.

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 doesn't seem to justify closing Kulani.

The inmates at Saguario 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.

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."

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

Mahalo and Aloha,

E. Funakoshi

455-9136

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

SB 2533-1
FA 2010
3/10/10
U. A. Aquino

HOUSE OF REPRESENTATIVES – REGULAR SESSION 2010
COMMITTEE ON PUBLIC SAFETY

Thursday, March 11, 2010
9:00 a. m., Conference Rm. 309

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

Aloha kakou. My name is Dante Keala Carpenter, Member-Advisor to 'Ohana Ho'opakele. I speak in support of 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.

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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 SB 2533, SD1.

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