

NEIL ABERCROMBIE
GOVERNOR



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

JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

JOE W. BOOKER, JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 1357 SD2
RELATING TO PUBLIC SAFETY**

by
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair
Representative Ty Cullen, Vice Chair

Thursday, March 17, 2011; 8:30 AM
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of SB 1357 SD2 since the PSD has a well-defined need to build correctional facilities and provide for the custodial care and program needs of offenders. PSD will continue to work with the Department of Accounting and General Services on plans and designs that are already under consideration and includes minimum beds.

We are concerned, though, that this measure requires a jail or detention style design that is inconsistent with the custody and security requirements of a minimum-security offender. The detention style design dramatically increases building costs that would be unnecessary.

With the strong support of Senate Bill 1358 SD2 to re-open the Kulani Correctional Facility, and the intent to expand the Waiawa Correctional Facility and the community

correctional centers community-based programs, it would appear PSD will have adequate bed space for the custodial care and program requirements for the minimum custody offenders.

Therefore, PSD respectfully requests this measure be held.

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

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 16, 2011

TO: Honorable Henry Aquino, Chair
House Committee on Public Safety & Military Affairs

FROM: Gladys C. Baisa
Council Member

SUBJECT: **HEARING OF MARCH 17, 2011; TESTIMONY IN SUPPORT OF SB 1357, S.D. 2,
RELATING TO PUBLIC SAFETY**

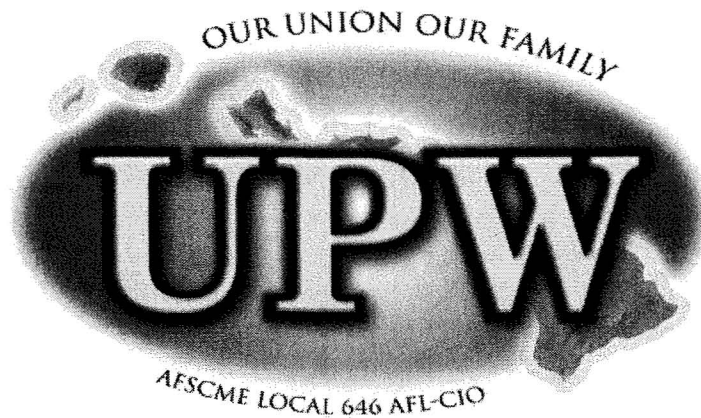
Thank you for the opportunity to testify in support of this important measure. The purpose of this measure directs the department of public safety to develop a master plan for the return of Hawai'i inmates housed in mainland prisons and report to the 2012 legislature.

The Director testified that more than 30% of the men in Arizona are community custody, meaning that they should be on work furlough or in community based programs helping their transition from institutional to community life.

We need to look at who needs to be incarcerated, fix existing facilities and transfer funds from incarceration to community-based programs to help those ready to transition back to the community do so successfully.

Mahalo for the opportunity to present supporting testimony on this important proposed measure.

GCB:amm



**Twenty-Sixth Legislature, State of Hawaii
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Hearing Date: March 17, 2011**

Testimony By United Public Workers

Re: SB 1357, SD2 (SSCR736) – RELATING TO PUBLIC SAFETY

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for public employees in bargaining Unit 1 blue collar non-supervisory and Unit 10 institutional, health and correctional facilities.

The United Public Workers strongly supports S.B. 1357, SD2, which requires the Department of Public Safety to develop a master plan to return Hawaii inmates from mainland correctional facilities. This Bill also proposes to increase both prison space and intervention and rehabilitation programs in Hawaii.

Hawaii spends approximately \$60 million on out-of-state prisons. Bringing Hawaii inmates back home will boost our economy and create jobs. More importantly, Hawaii inmates would be closer to their families and as studies have shown, would be better equipped to re-enter their communities. We urge you to please support SB 1357, SD2; it's not only the right thing to do but it's also good for Hawaii.

Thank you for the opportunity to testify in support of S.B. 1357, SD2.

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

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday, March 17, 2011

8:30 a.m.

Room 309

SB 1357 SD2 - PSD to Develop Master Plan to Bring Our People Home

STRONG SUPPORT

www.capitol.hawaii.gov/emailtestimony

Aloha Chair Aquino, Vice Chair Cullen 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 the quality of justice, and promote public safety by supporting smart justice policies. We testify today always mindful of the 6,000 individuals whose voices have been silenced by incarceration, always that almost 1,800 of those individuals are serving their sentences thousands of miles from their homes and loved ones - and for the majority of those shipped abroad - far from their ancestral lands.

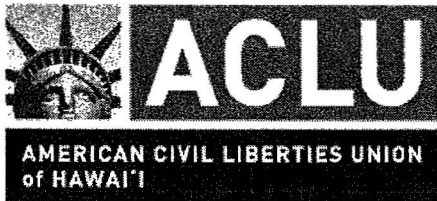
SB 1357 SD2 directs the department of public safety to develop a master plan for the return of Hawai'i inmates housed in mainland prisons and report to 2012 legislature.

Community Alliance on Prisons is in strong support of this measure. We applaud Governor Abercrombie for directly addressing this issue and the legislature for directing the department to develop a plan.

The Director testified that more than 30% of the men in Arizona are community custody, meaning that they should be on work furlough or in community based programs helping their transition from institutional to community life.

Let's look at who needs to be incarcerated, fix existing facilities and transfer funds from incarceration to community-based programs to help those ready to transition back to the community do so successfully.

Mahalo for this opportunity to testify.



Committee: Committee on Public Safety & Military Affairs
Hearing Date/Time: Thursday, March 17, 8:30 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of S.B. 1357, SD2, Relating to Public Safety

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

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of S.B. 1357, SD2, which directs the Department of Public safety to develop a master plan for the return of Hawaii inmates housed in mainland 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.

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 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.^[1]

Similarly, as of November 2009, the Eloy Police Department was investigating allegations that a CCA employee sexually assaulted an inmate at CCA-Saguaro.² For these and

¹ 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>).

² 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.

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

Hon. Rep. Aquino, Chair, PBM Committee,
and Members Thereof
March 17, 2011
Page 2 of 2

many other reasons, private prisons are not 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.

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**
of hawaii

March 17, 2011

To: Rep. Henry Aquino, Chair
Rep. Ty Cullen, Vice Chair and
Members of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

Re: SB 1357 SD2 Relating to Public Safety
Hearing: March 17, 2011, 8:30 a.m., Conf. Room 309

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of this measure which directs the Department of Public Safety to develop a master plan for the return of Hawai'i inmates housed in mainland prisons and report to the legislature.

DPFH supports the return of all inmates to Hawai'i, as housing prisoners on the mainland makes maintaining relationships with family members and children extremely difficult and makes successful reentry into the community more difficult.

During difficult times, we need to rethink our current policies; do they work for Hawai'i? Clearly, medium security incarceration has not been a successful policy. It is expensive and has not reduced recidivism rates. Many inmates are non-violent offenders; PSD should be required to find alternative programs for them.

We think this is the opportune time to focus on establishing community-based programs both for reentry and for drug treatment. We should be establishing a variety of programs that actually address the underlying cause of criminal behavior, are more effective than incarceration, and reduce recidivism rates, thus reducing the need for more prison space. In addition to being more effective, community-based programs are also less expensive than incarceration.

We ask the committee to pass this measure, thank you for this opportunity to provide testimony.

Board of Directors

Pamela Lichty, M.P.H.
President

Kat Brady
Vice President

Heather Lusk
Treasurer

Katherine Irwin, Ph.D.
Secretary

Michael Kelley, D.Phil.

Richard S. Miller, Prof. of
Law Emer.

Robert Perkinson, Ph.D.

Donald Topping, Ph.D.
Founder 1929-2003

P.O. Box 241042
Honolulu, HI 96824-1042

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

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

A the Drug Policy *Action* Group

A sister organization of the Drug Policy Forum of Hawai'i
PO Box 61233, Honolulu, HI 96839 ~ (808) 988-4386

Dedicated to safe, responsible, and effective drug policies since 1993

TO: House Committee on Public Safety and Military Affairs

FROM: Pamela Lichty, MPH
President

DATE: March 17, 2011, 8:30 a.m., room 309

RE: S.B. 1357, S.D. 2 RELATING TO PUBLIC SAFETY – **IN STRONG
SUPPORT**

Aloha Representatives Aquino, Cullen and members of the Committee. My name is Pam Lichty and I'm testifying in support of this measure on behalf of the Drug Policy Action Group.

The bill under consideration today, which would create a master plan for returning Hawai'i inmates from facilities on the U.S. mainland, is urgent and timely.

Such a plan needs to be put into place to help effectuate the stated goals of Governor Abercrombie to return our prisoners home. This will serve to reconnect them with their families, ready them for their release and ease the costs of incarceration on the mainland.

We urge the Committee to pass out this important measure. Thank you for hearing this bill and thank you for permitting us to testify today.

PBMtestimony

From: Emy Furusaki [maukalani78@hotmail.com]
Sent: Wednesday, March 16, 2011 9:40 AM
To: PBMtestimony
Subject: SB 1357 SD2, PSD to Develop Master Plan

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday, March 17, 2011

8:30 a.m.

Room 309

SB 1357 SD2 - PSD to Develop Master Plan to Bring Our People Home

STRONG SUPPORT

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

I thank Governor Abercrombie and the Director of Public Safety, Jodie Maesaka-Hirata for taking on the task in developing a master plan so we can have some concepts on paper to amend, fund, and build upon.

I also thank the legislators for their supporting this not-so-popular issue in taking steps to bringing our prisoners home to strengthen their family ties and support our economy at home. Statistics have proven that our inmates are mostly non-violent.

Thank you for the opportunity to submit my testimony.

With warm regards and aloha,
E. Funakoshi

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2011 1:58 PM
To: PBMtestimony
Cc: mauicrowe@gmail.com
Subject: Testimony for SB1357 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB1357

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: James Crowe
Organization: Individual
Address:
Phone:
E-mail: mauicrowe@gmail.com
Submitted on: 3/16/2011

Comments:

I strongly support starting to prepare a master plan for returning inmates to Hawaii. The sooner and better the planning, the better the outcome for all concerned.