

LATE TESTIMONY

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January 27, 2011

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Michelle Kidani, Vice Chair
Thursday, January 27, 2011

2:45 PM

Room 224

SB 43 – Freedom of Information – out-of-state prisons; SB 44 – Rehabilitation, Reentry, Performance Indicators; SB 46 – Two-Year Pilot Day Reporting Center; SB 47 – Relating to Corrections – Electronic Monitoring; Pilot Program;

SB 256 – Early Release of Misdemeanants

STRONG SUPPORT

PGMTestimony@capitol.hawaii.gov

Chair Espero, Vice Chair Kidani and Members of the Committee:

It is a rare moment in the history of our State when doing the right thing – assuring justice and fairness and protecting Hawaii's families – coincides with doing the economic thing -- saving the State and its citizens millions of dollars.

I very strongly support these five bills and believe, equally strongly, that you should, too.

SB 43 will for the first time insure transparency by the profit-making private prisons in the way they treat Hawaii prisoners and fulfill their contractual obligations. It will go a long way toward preventing the serious and horrible abuses of our prisoners that have generated complaints. While sending our prisoners to other states for incarceration should be reduced to the minimum, passage of this bill will enable us to ensure that so long as our citizens are imprisoned in those states they will have their basic human rights protected.

SB 44 will enable official agencies, such as the Department of Public Safety and the Legislature, to track and measure the success of programs designed to assist and enable prisoners to reenter society. Because most of our incarcerated population will eventually move back into our society, the failure to successfully prepare them for living fruitfully and honestly when they return – to reduce the recidivism rate to the lowest possible level – causes untold harm to the released prisoners, to their families, and to the general public who are exposed to their conduct. Because we are told that most of the required data is already available but needs to be organized and better presented, passage of this bill should be a “no-brainer.”

SB 46 will create a two-year pilot program to test the efficacy of releasing inmates designated as eligible to participate in community release programs such as work furlough or residential transitional living facilities. Evidently 30 percent of the Hawaii men serving sentences in Arizona have been so designated as community custody, while 48% of *all* our incarcerated women and 23% of all our incarcerated men have been so designated. There

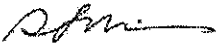
are reasons of justice and preservation of our families plus, at this time of economic crisis, *compelling* reasons of economics to give this program a try.

SB 47 will establish a pilot program on Oahu, under the Dept. of Public Safety, that electronically monitors committed persons who are allowed to live and work in the community, instead of being continuously imprisoned. This will afford reasonable protection to the public against harms that might be committed by these carefully selected non-violent prisoners. While requiring such monitors may raise some questions when non-violent prisoners are involved, the monitors are a far less restraining modality than continued imprisonment. Again, releasing carefully selected prisoners to the community is wise both from a justice and an economic viewpoint. This State just cannot afford to continue to spend huge amounts to imprison non-violent persons who are likely to succeed upon their return to their families and to the community.

SB 256 will allow PSD to release a qualified committed person serving a misdemeanor sentence if the person has served at least two-thirds of the sentence imposed by the court. Other states are allowing early release of these persons because of conditions that exist here in Hawaii: overcrowding and high cost of incarceration. 74% of our women prisoners and 64% of the men jailed in Hawaii are non violent and roughly similar percentages are classified as community or minimum custody. There are more inexpensive and more effective ways of dealing with the problems of these inmates, such as substance abuse treatment or anger management training.

The time is now to adopt these SMART JUSTICE policies which serve both the demands of human dignity for Hawaii's people and families and the need to deal with a horrendous economic situation.

Mahalo nui loa for considering my views. These views are personal to me, as a citizen, and do not necessarily represent those of the University of Hawaii or the William S. Richardson School of Law.

A handwritten signature in cursive script, appearing to read "R. S. M.", located at the bottom left of the page.

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Committee on Public Safety and Military Affairs
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SB 43 – Freedom of Information – out of state prisons
STRONG SUPPORT

Aloha Chair Espero, Vice Chair and Members of the Committee

My name is Paulette Kaleikini.

My daughter was incarcerated at Otter Creek Correctional Center in Kentucky. She was a victim of assault. The prison guard was caught peeking at her through a hole in the wall while she showered. Instead of punishing the guard, the prison placed her in lock-down because she started screaming and caused an uprising in the center. She was in lock-down for a month and the guard continued working in the facility like nothing happened. This incident was never addressed by the local Department of Public Safety. I contacted Senator Espero and received more response and assistance from him. He, at least sent an email to the Corrections Corporation of America to inquire and request for details even though he never received any kind of response after several attempts. DPS didn't even bother. My daughter and other inmates completed and signed complaints of the incident. Another inmate gathered the documents, had copies made and sent them to me. These were sent to the DPS but still, no response.

Besides inmates committing suicide or near suicide, my daughter describes a prison worker hanging herself because of a failed love affair with a prison guard who was having sexual relations with an inmate.

While my daughter was at Kentucky, she witnessed a Native Hawaiian inmate who died of an illness that the facility failed to treat timely. This frightened her. The center, she describes, could not treat a common cold as it had no doctors or nurses available and was told that the workers at the center had no authority to administer any type of medication. The inmates were left to suffer. The living quarters; especially the showers, toilets; were hellholes.

The incidents described above are few but are very serious. There are more, just no time to list them all. But this is the kind of treatment and experiences that our family members are being exposed to while incarcerated away from their homeland. Who is there to protect them? Not the state. How can the state offer protection while they are over 2000 miles away from home.

My daughter entered into the prison system with what I felt was an issue that needed rehabilitation, not incarceration. She was exposed to much more serious crimes committed against her in that center. She was released with serious mental problems which she never had when she entered the system. She is now determined to be disabled thanks to the state of Hawaii. I believe the state of Hawaii should be sued for what they are doing to our family members which are more serious or just as serious as the so called crime that the state of Hawaii claims was committed by the inmates.

I urge the committee to support this legislation.