

SCR 14, SD1

NEIL ABERCROMBIE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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**TESTIMONY ON SENATE CONCURRENT RESOLUTION 14 SD1
DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL
FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE
DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY**

by

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

Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Thursday, March 31, 2011, 2:50 PM
State Capitol, Conference Room 224

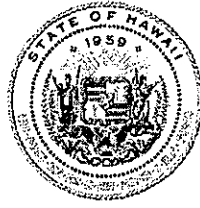
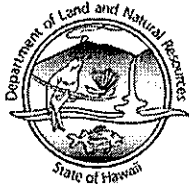
Chair Espero, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Concurrent Resolution 14 SD1 that disapproves the reset aside of the land for Kulani Correction Facility (KCF). This resolution would allow the land to remain in the possession of PSD in order to reopen KCF. PSD has a well-established need for correctional facilities within the State of Hawaii to provide for the custodial care and program needs of offenders.

By reopening KCF, PSD will be able to provide for the custodial care and program needs such as vocational training, treatment modalities, and educational services. KCF would provide PSD the ability to return upwards of two hundred inmates from Arizona.

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

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS**

**Thursday, March 31, 2011
2:50 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 14, SENATE DRAFT 1 -
DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL
FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE
DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY**

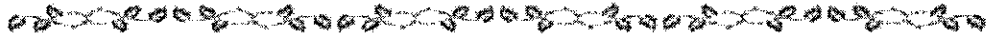
The purpose of Senate Concurrent Resolution 14, Senate Draft 1 is to disapprove the reset aside of the former Kūlani Correctional Facility lands from the Department of Public Safety (PSD) to the Department of Defense (DOD) for a Youth Challenge Academy. The Department of Land and Natural Resources (DLNR) initially opposed the original version of this concurrent resolution. However, as the Senate Draft 1 adopted our proposed amendments to not affect the land disposition of the Pu`u Maka`ala Natural Area Reserve, DLNR defers to PSD and the Department of Defense regarding the disposition of the 600 acres that contains the Correctional Facility.

As detailed in our previous testimony, the Natural Area Reserve expansion will not impact the reopening of the Correctional Facility as is in keeping with the intent of this concurrent resolution. DLNR can partner with either the Correctional Facility or Youth Challenge Academy in support of cooperative conservation management of the entire area.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, March 30, 2010

2:50 p.m.

Room 224

SCR 14 SD1 - KULANI LANDS SET ASIDE

SUPPORT with Suggestions

Aloha Chair Espero, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SCR 14 SD1 disapproves the reset aside of the former Kulani Correctional Facility lands from the Department of Public Safety to the Department of Defense for a Youth Challenge Program.

Community Alliance on Prisons is in strong support of returning the 600 plus footprint of the Kulani Correctional Facility back to the Department of Public Safety and reopening and restoring its use as either a prison or a wellness center for individuals who have broken the law.

Kulani can once again address the many needs of our prison population through its successful programming, development of marketable job skills, and assistance in the transition from institutional to community life of our people who have violated the law.

We have spoken with the Department of Land and Natural Resources and they have agreed that the 614.14 acre footprint of Kulani should be removed from the Pu'u Maka'ala NAR designation.

CAP Suggestions:

- Narrow the resolution down to only withdraw the 614.14 acres of the Kulani footprint (see attached aerial view)
- Delete the 2nd 'Be It Resolved' having the DOD initiate environmental and fiscal implications and benefits. Reason: The IGA (Intergovernmental Agreement) signed by Public Safety and Defense states that either party can terminate the agreement and the occupying party has 1 year to vacate. What Information Should be Turning Over to PSD: PSD should be asking for an accounting of all upgrades DOD made to the facility any documentation recommending other facility upgrades or other information.

HISTORY AND BACKGROUND OF KULANI PRISON¹

"The Kulani Prison Farm

One additional activity began in the forest lands in the 1940s, in the vicinity of what is now the Pu'u Maka'ala NAR. This was the relocation of the Waiakea Prison Camp from the Hilo Airport to the remote, Kūlani site. Howard Ellis, former employee and manager of the Mauna Loa Weather Station, began working on Mauna Loa in 1961. During the early years on Mauna Loa, Mr. Ellis was close friends with Tom Vance, who opened the Kūlani Prison Farm (later, the Kulani Honor Camp); the access roadway (Stainback Highway); and the Mauna Loa Observatory.

Government survey records document that on January 8, 1948, the lands for the Kulani Prison Site were confirmed by a survey.²

Being portions of Upper Waiakea Forest Reserve and Upper Olaa Forest Reserve to be withdrawn by Governor's Executive Order and set aside under the control of the Board of Institutions as a prison site.

Governor Ingram M. Stainback, issued Executive Order No. 1224 on March 4th, 1948, formally removing the Kulani Prison site lands from the Upper Waiakea and Olaa Forest Reserves, and setting aside the land for use by the Department of Institutions for the Kulani Prison Farm (Governor's Executive Order No. 1224).

... In 1952, the Kulani Prison Farm site was modified, taking in an additional 4,461.99 acres of forest land from the Upper Waiakea and Olaa Forest Reserves. C.S.F. No. 11,550 lays out the **mete and bounds and map of the addition (see Figure 6)**. Governor, S.W. King. Signed Executive Order No. 1588, on October 16th, 1953, setting aside the additional land for the facility and support programs.

From Tom Vance, Howard Ellis learned first-hand accounts about the Kūlani facility and access across the forest lands in the 1940s to 1950s (pers. comm. H. Ellis, 2004). *Figure 7*, HTS Plat No. 788-A (A.S. Chaney, surveyor, dated 1922); with additions to 1956, provides the locations of sites and facilities described by Mr. Ellis, who wrote of his recollections in 1988:

...Mr. Ingram M. Stainback, a prominent attorney in the islands...helped Mr. Vance establish the Waiakea Prison Camp near Hilo for the purpose of forming an airstrip by hand labor using only picks, shovels and wheelbarrows.

When the war started, the military took over this airstrip, expanding it, making it a Navy Air Station only to realize that virtually in its center there was a prison camp... [page 3]

With concern for their safety and with his philosophy that if any person is to be retrained to function in society he must be given constructive work and a chance to learn a trade, he set his sights up the slope in the direction of the summit of Mauna Loa to that area where he had seen

¹ HE MO'OLELO 'ĀINA: A CULTURAL STUDY OF THE PU'U MAKĀ'ALA NATURAL AREA RESERVED DISTRICTS OF HILO AND PUNA, ISLAND OF HAWAII, HiNARS80-Makaala (053104), © 2004 Kumu Pono Associates LLC, MAY 31, 2004.

² C.S.F. 10,543, January 8, 1948, Kulani Prison Site, South Hilo and Puna Island of Hawaii

that rich soil and huge *koa* trees. It was a long way off and partly through a rainforest. They started out packing in with each cutting the trail with a cane knife.

[Mr. Vance] ...said that people thought him crazy to do this... They finally made it to the base of the Kulani Cone where the Territorial Board of Agriculture had come in from the other side, up the Puu O'o trail from the Volcano area, and built a pig hunter's cabin to encourage the reduction of damage to the forest by pigs.

Mr. Vance had found that the territorial government's half million acres in the area they had cut through were ideal not only for forests, which could foster a lumber and furniture industry, but the mile high area provided a climate ideal for temperate zone agriculture.

He felt that as soon as the prison industry was thought to be competitive with private industry, there would be a legislation that would be passed to stop the activity.

However, they [page 4] might be safe in their isolation up there, he thought. There were 17 miles of road to be built through dense jungle with little likelihood of special appropriations since it was during war time.

PU`U MAKA`ALA NATURAL AREA RESERVE:

Community Alliance on Prisons supports the highest preservation of this pristine forest, always mindful that the constitutionally-protected rights of Native Hawaiians to exercise their traditional and customary rights must be preserved as well.

Pu`u Maka`ala is a public trust resource and one of Hawai`i's most treasured natural resources. At the dedication³ of the additional 6600 acres, the Chair of DLNR reminded us that this *wahi pana* (special place) sustains the life *wao akua* (the realm of the gods) of the misty upland forests, and important native Hawaiian cultural resources such as the ancient *koa* and 'ohia forests, and the Mauna Loa silversword 'Ahinahina, one of the world's most endangered plants. The forest sustains us all by collecting rainwater, purifying Hawai`i's drinking water, and gracing our world with the colors and songs of Hawai`i's amazing and rare birds.

Community Alliance on Prisons would like to ensure that the Department of Public Safety continues as a partner in the Three Mountain Alliance. This partnership protects the forests and rare species by removing invasive species such as feral pigs, which destroy native plants and spread weed seeds, planting native species, and monitoring the health of the forest. Kulani inmates are perfectly situated to continue this work and become good stewards of the forest, if properly trained.

A partnership with the College of Forestry, Agriculture and Natural Resource Management to teach and train Kulani inmates in conservation techniques could be a win-win situation for Hawai`i's natural resources.

There are actually many partnerships that could benefit from the re-opening of Kulani. Certainly the millions of dollars worth of work for Hawai`i County provided by Kulani inmates would be a big help. There are many projects in the community that could be done by individuals transitioning back to their communities. This helps the individual, the community, and the resource-strapped government.

³ Dedication of New Reserve at Kulani is Highlight of 40 Years of Natural Area Reserve System, February 3, 2011.

In these tough economic times, we need to do some out-of-cell thinking. The government cannot do everything it wants to do; therefore, we must look for ways that we can better utilize our fragile resources.

The Kulani Lands situation can be resolved by the Governor issuing two Executive Orders separating designation of the 6600 acres of Pu`u Maka`ala as a Natural Area Reserve from the Kulani Correctional Facility lands, approximately 600 acres.

Retain the Kulani footprint for the philosophy that conceived it:

*“... that if any person is to be retrained to function in society
he must be given constructive work and a chance to learn a trade...”*

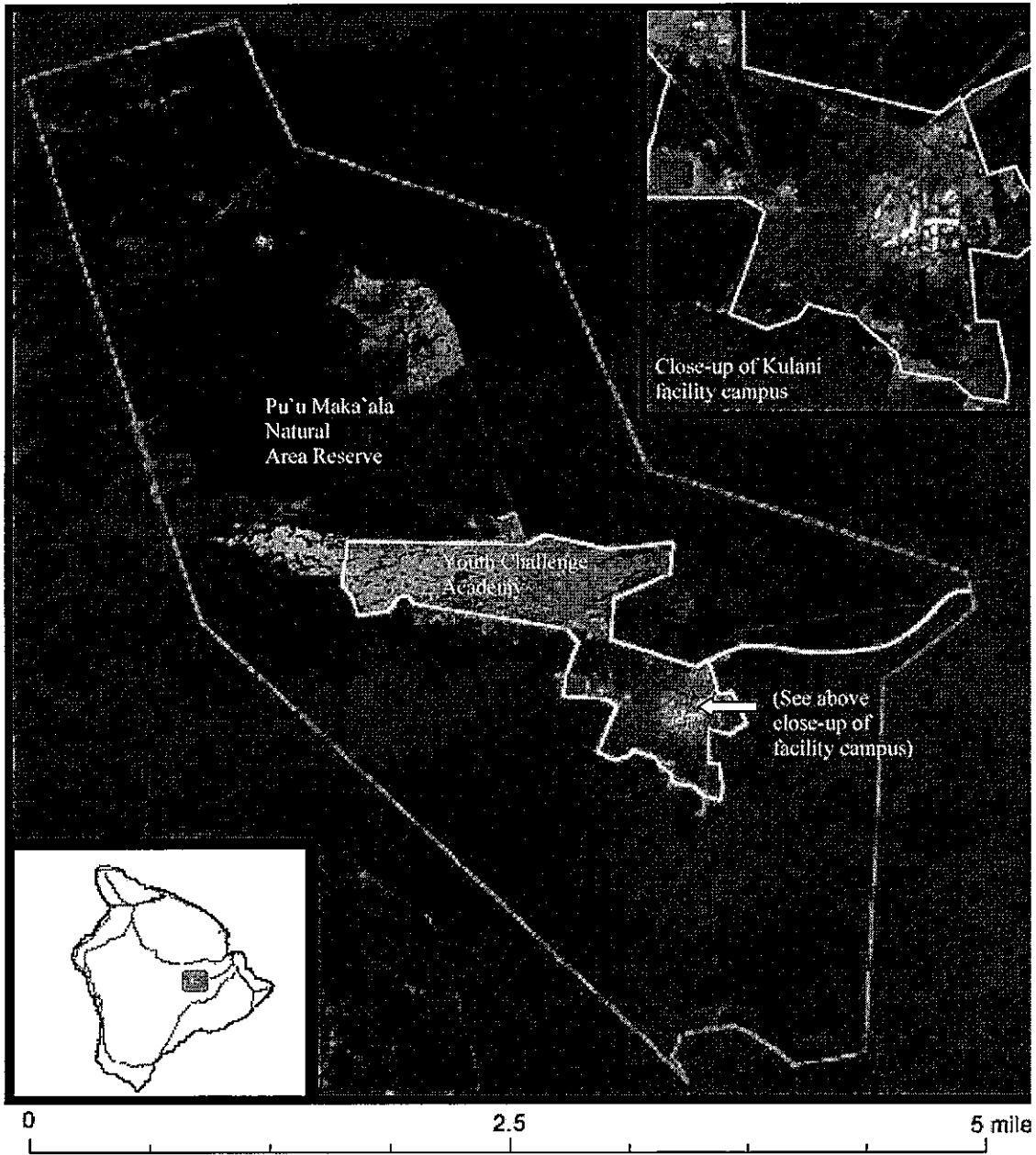
The state DOD signed an Intergovernmental Agreement (IGA) with the Department of Public Safety that says either party can cancel the agreement by filing a letter. Thirty days after receipt of the letter, the Department of Defense (National Guard) would have 1 year to vacate the premises. Community Alliance on Prisons has heard that the National Guard is currently looking for another location for their Youth Challenge Academy.

We respectfully ask that the committee consider our recommendations. Re-opening Kulani would provide space to bring at least 200 of our people home. The Department of Public Safety has testified that more than 30% of our people incarcerated in Arizona are community custody. Reopening Kulani could start the process to bring our people home.

Mahalo for this opportunity to testify.

See Following Aerial View – Kulani footprint outlined in yellow.

Kulani Correctional Facility Land Dispositions



Natural Area Reserve: 6,600 acres of forested land removed from the PSD by EOs 4336 and 4337 and set aside as an Extension of Pu'u Maka'ala Natural Area Reserve by EO 4338

Youth Challenge Academy: 600 acres containing buildings, access roads and a wide buffer, removed from PSD by EOs 4339 and 4340 and set aside as the Youth Challenge Academy by EO 4341



the
**Drug Policy
Forum**
of hawaii

March 31, 2011

To: Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Public Safety, Government Operations, and
Military Affairs

From: Jeanne Ohta, Executive Director

Re: SCR 14 SD1 Reset Aside of Kulani
Hearing: March 31, 2011, 2:50 p.m., Conf. Room 224

Position: SUPPORT

The Drug Policy Forum of Hawai'i writes in support of SCR 14 SD1 which disapproves of the transfer of the former site of Kulani correctional facility to the Department of Defense (DOD).

Hawai'i spends approximately \$60 million on out-of-state prisons. In light of those expenditures, the closure of Kulani and its transfer to the DOD was ill-advised. Instead of propping up our own economy, we exported the jobs at Kulani to Arizona and we continue to invest in mainland states instead of our own.

Kulani was also the largest sex offender treatment program in Hawai'i and the most successful sex offender treatment program in the nation, with less than a 2% recidivism rate since 1988. Why close such a successful facility?

Kulani also was the most successful reentry facility in that each individual there had to work and then manage the completion of their required programming in the evening. It developed good work ethics and developed marketable job skills in the individuals who served their sentences there. Again, why close such a successful facility?

We urge the committee to require that the facility again be used as a correctional facility. Thank you for this opportunity to provide testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2011 1:12 AM
To: PGM Testimony
Cc: ronsan2224@aol.com
Subject: Testimony for SCR14 on 3/31/2011 2:50:00 PM

Testimony for PGM 3/31/2011 2:50:00 PM SCR14

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Ronald Fujiyoshi
Organization: Ohana Hoopakele
Address:
Phone:
E-mail: ronsan2224@aol.com
Submitted on: 3/30/2011

Comments:

Ohana Hoopakele wants to go on record supporting this resolution.

Ohana Hoopakele has sent out a Kahea (Call) to Support Pu`uhonua as an Alternative to Prison. The actual wording of this Kahea can be seen on our website at www.ohanahoopakele.org which reads: We support the mission of `Ohana Ho`opakele (To Rescure the Family) in establishing Pu`uhonua (decentralized wellness centers - residential and non-residential) on all islands as an alternative to building more prisons. Pu`uhonua are places open to all, not just Kanaka Maoli, where the traditional ho`oponopono process of making right will be used to help heal individuals, families and communities. We believe Pu`uhonua centers are for the good of all Hawai`i's people and can provide real hope in saiving money, reducing recidivism, crime prevention, and long-term positive change.

Already one hundred sixty (160) individuals, including clergy, Hawaiians, activists, professors, social workers and community leaders have signed this kahea.

Kulani Correctional Facility offers the best facility to heal our incarcerated pa`ahao of any facility in Hawai`i and can provide space to bring back some of our incarcerated pa`ahao in Eloy, AZ. Ohana Hoopakele offers our support to work with the Department of Public Safety to help heal our pa`ahao in Kulani.

We strongly support this resolution!

Thank you for this opportunity to testify, if only in writing.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 27, 2011 7:53 PM
To: PGM Testimony
Cc: maukalani78@hotmail.com
Subject: Testimony for SCR14 on 3/31/2011 2:50:00 PM

Testimony for PGM 3/31/2011 2:50:00 PM SCR14

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: E. Funakoshi
Organization: Individual
Address:
Phone:
E-mail: maukalani78@hotmail.com
Submitted on: 3/27/2011

Comments:

Thank you for the opportunity to support this wonderful resolution.

I believe you've read enough on this subject so may I humbly ask that you approve this resolution.