

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

**TESTIMONY ON SENATE BILL 1358 SD2
RELATING TO PUBLIC SAFETY**

by
Jodie 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) strongly supports SB 1358 SD2. PSD has a well-defined need for correctional facilities to provide for the custodial care and program needs of offenders with an emphasis on re-entry needs.

The Kulani Correctional Facility (KCF) will provide for the custodial care and program needs such as vocational training, treatment modalities and educational services. This minimum-security facility is integral to the sequential phasing for offenders re-entering the community.

KCF would provide PSD the ability to return upwards of two hundred offenders from Arizona. This would require restoring approximately 80 positions and \$4,745,000 in operating costs for the State of Hawaii.

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

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 1358
A BILL FOR AN ACT RELATING TO PUBLIC SAFETY

PRESENTATION TO THE
HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MR. RICK CAMPBELL
DIRECTOR, HAWAII YOUTH CHALLENGE ACADEMIES
March 16, 2011

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

I am Rick Campbell, Director of the Hawaii National Guard Youth Challenge Academies.

I am testifying on Senate Bill 1358.

The Department of Defense has some concerns with this bill. The purpose of this bill is to require the Department of Public Safety to make plans to reopen the Kulani Correctional Facility no later than January 17, 2012. However, the concern of the Department of Defense is that there is no provision to identify a plan to relocate or otherwise ensure the continued operation of the Kulani Youth Challenge Academy on the Island of Hawaii.

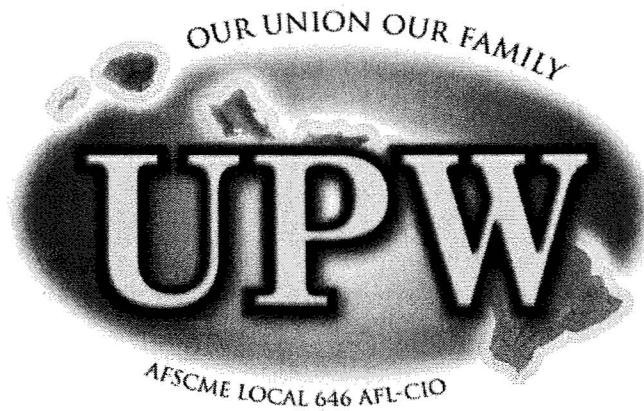
The Hawaii National Guard Youth Challenge Academy is a five and a half month residential program designed to provide opportunities for at-risk/non-traditional students to learn life skills and become productive, responsible, and successful citizens while working toward their high school diplomas. The Youth Challenge Academy has been helping our youth since 1996 and its primary location has been at Kalaeloa. Following sixteen months of work, planning preparation, and training, the first Youth Challenge Academy class to enter the Kulani facility started January 25, 2011 thereby making two sister Youth Challenge Academy programs in Hawaii.

The success of the Hawaii Youth Challenge Academy is well known nationwide with almost 3000 graduates and approximately 1900 receiving their high school diplomas. The majority of youth, that successfully complete the program, will never find themselves incarcerated in one of our correctional facilities thereby making the Youth Challenge Program invaluable in preventing situations that will lead to increased prison populations. However, the real success in the program is the incalculable benefits provided to our community by enabling at risk youth to realize that they can make a positive difference in their own lives, those of their families and friends, and the lives of the Community around them. The benefits of the Youth Challenge Academy are perhaps one of the greatest uses of State and Federal taxpayer dollars. As such, every effort should be made to keep both programs of the Youth Challenge Academy operating.

The Department's primary concern with the proposed bill is the absence of a plan to ensure the continued operation of the Youth Challenge Program at Kulani. It is the Department's position that the proposed bill should be amended to require that the Department of Public Safety include, as part of its plans, the continued operation, including relocation if necessary, of the Youth Challenge Academy on the Island of Hawaii.

Finally, should the decision be made to return Kulani to the Department of Public Safety as a correctional facility to support the Administration's intent to return inmates from the mainland, the Department of Defense is more than willing to assess alternate sites on the island of Hawaii, but would need to submit a Capital Improvement Project (CIP) to meet the standards of a Youth Challenge Academy.

Chair Aquino, this concludes my testimony. Are there any questions?



**Twenty-Sixth Legislature, State of Hawaii
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Hearing Date: March 15, 2011**

Testimony By United Public Workers

Re: SB 1358, SD2 (SSCR643) – Reopening of Kulani Correctional Facility

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 (UPW) strongly supports SB 1358, SD2 requiring the Department of Public Safety (PSD) to create plans for the reopening of the Kulani Correctional Facility.

In 2009, when Kulani Correctional Facility was closed, over 60 employees represented by UPW were displaced. This short-sighted action by the former Governor imposed a hardship upon not just the employees, but their families and the Big Island Community. Local Big Island businesses lost tens of thousands of dollars per month because they no longer supplied the prison. We created jobs in Arizona and put our own people out of work.

Kulani Correctional Facility was found to be one of the finest sex offender treatment centers in the country. That success was due to a team effort, which included adult corrections officers, employees who worked in treatment and job training programs, cooks and building/grounds maintenance. The reopening of Kulani Correctional Facility would provide approximately 80 jobs and contribute over \$4 million dollars in revenue to the State of Hawaii. For these reasons, UPW strongly supports SB 1358, SD2.

Thank you for the opportunity to testify in support of S.B. 1358, SD2.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday, March 17, 2011

Room 309

8:30 a.m.

STRONG SUPPORT

SB 1358 SD2 - REOPENING KULANI

<http://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 on justice issues in Hawai`i for more than a decade. We respectfully offer our testimony always being mindful that Hawai`i has some 6,000 people behind bars including approximately 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones and homes – the ancestral homes for a disproportionate Native Hawaiians.

SB 1358 SD2 requires the Department of Public Safety to develop a plan to reopen the Kulani Correctional Facility, implement transfers, and house newly sentenced individuals by 12/31/11 and report to the 2012 Legislature.

Community Alliance on Prisons is in strong support of this measure.

The ill-conceived and haphazard closing of Kulani had nothing to do with correctional best practices or saving money. It was a political decision that has wreaked havoc upon Hawai`i families and ultimately put our people out of work, banished more of our nonviolent lawbreakers to the hands of prison profiteers, and bought jobs for people in Arizona.

The closure of Kulani was a huge and unexpected blow to the Hawai`i Island community. It not only wreaked havoc on the correctional system, but on Hawai`i Island families as well. In essence, in this economic crisis, we bought jobs in Arizona and put our own people out of work. There are many heartbreaking stories of Adult Correctional Officers living in their cars, getting divorced, losing their homes, etc. because of the closure of Kulani.

This thoughtless move also jeopardized the community in that Kulani was also the home to the largest sex offender treatment program in Hawai`i AND the most successful sex offender treatment program in the nation. *"Since 1988, fewer than 2% of Hawai`i sex offenders who received treatment have returned to prison for new sex crimes, which is the lowest recidivism rate in the nation by far."*¹

¹ Department of Public Safety 2008 Annual Report, Sex Offender Treatment Services, page 51.

PSD promised the legislature that sex offender treatment programming would continue 'uninterrupted'. This did not happen. The men enrolled in this nationally renowned program waited 6 months for a new program to resume. Were some of these men released without completing sex offender treatment?

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. Kulani helped develop strong work ethics and marketable job skills in the individuals who served their sentences there.

Many Adult Correctional Officers who worked at Kulani have said that they didn't really like the intensive programming at the facility at first, but came to appreciate it when they saw former inmates in the community being productive and contributing members of the community.

Community Alliance on Prisons has been advocating for the re-opening of Kulani as either a minimum security prison or a wellness/reentry center, both of which are expressed needs of PSD.

In trying to crunch numbers for the reopening, here are some calculations done by the former staff of the prison:

Facility only operations	\$ 4,738,696
Corrections Program Services	\$ 1,597,671
Health Care	\$ 580,327
	<hr/>
	\$ 6,916,694

Cost per inmate at KCF:

An operational acceptable population of 210 inmates
 $\$ 6,916,694 \div 210 = \$32,937$ per inmate per year
 $\div 365 = \$90.24$ per inmate per day

The reason that Kulani's day rate was reported as higher is because the Lingle-Aiona administration stopped transferring individuals to Kulani and at closure it had only 122 incarcerated individuals living there.

Community Alliance on Prisons strongly supports the reopening of Kulani and we stand ready to help the department develop a plan for its reopening and the transfer of individuals back to Kulani to fulfill the promise of Act 8 - the Community Safety Act of 2007 - Hawai'i's reentry law.

Hawai'i can create a model system of rehabilitation and reentry and re-opening Kulani is crucial to this effort and to fulfill Governor Abercrombie's promise of bringing all our people home.

Mahalo for this opportunity to share our thoughts with the committee.



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 1358 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 SB 1358 SD2 Relating to Public Safety which requires the department of public safety to develop a plan to reopen the Kulani Correctional Facility implement transfers, and house newly sentenced individuals and report to legislature.

Hawai'i spends approximately \$60 million on out-of-state prisons. In light of those expenditures, the closure of Kulani 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?

The re-opening of Kulani would hasten the return of those housed in mainland facilities.

We urge the committee to require the reopening of Kulani. Thank you for this opportunity to provide testimony.

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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. 1358, 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, to re-open Kulani Correctional Facility, offers a wealth of opportunities for the community. It could offer a way to return some two hundred community custody inmates from Arizona right away. It could be used as a space to reopen their highly regarded sex offender treatment program and/or they could use the space for innovative re-entry programs for prisoners who will soon be returning to our communities.

Any or all of these uses would help effectuate the stated goals of the Governor to return our prisoners from facilities on the U.S. mainland. They could also serve to lower the costs to our public safety program by housing prisoners, who are suitable, in more appropriate and less costly minimum security facilities.

Thank you for hearing this measure and thank you for permitting us to testify today.

National Association of Reformed Criminals
Andy Botts & Franklin Jackson
1765 Ala Moana Blvd. #1388
Honolulu, Hawaii, 96815
March 17, 2010

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry J.C. Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday March 17, 2011

8:30 AM

Room 309

SB 1358 SD2

STRONG SUPPORT

Kulani Honor camp was never a problematic facility and is a perfect environment to house offenders away from the community. It will also help to alleviate the costs of housing offenders on the mainland, and/or the endless costs of another facility in Hawaii. The greatest benefit is that it could re-open immediately, at a cost savings, while expanding re-entry programs.

Mahalo,

Andy Botts



CARRIE ANN SHIROTA
ATTORNEY AT LAW
1839 Wells Street
Wailuku, Hawaii 96793
Phone: 808-269-3858

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Rep. Henry Aquino, Chair
Rep. Ty Cullen, Vice Chair
Thursday, March 17, 2011
8:30 a.m. in Room 309

We must focus more attention on the conditions of incarcerated person. To put people behind walls and bars and do little or nothing to change them is to win a battle but lose a war... It is wrong. It is expensive. It is stupid.

Chief Justice Warren Burger

SUPPORT: SB 1358 SD2 Reopen Kulani Correctional Facility

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

I am writing in support of SB 1358 that requires the Department of Public Safety to develop a plan to reopen the Kulani correctional facility, implement transfers, and house newly sentenced individuals.

I speak from my experience as a former Deputy Public Defender and Director of MEO's Being Empowered and Safe Together (BEST) Reintegration Program, and as a member of Community Alliance on Prisons. During the past ten years, I have advocated for alternatives to mass incarceration policies that have proven effective in reducing crime, and providing men, women and youth involved in the criminal justice system with the education, training, counseling, and treatment necessary to turn their lives around.

I support this bill for the following reasons:

- Kulani offered a wide range of educational courses and vocational training to assist the men to prepare for their successful reentry into the community
- Kulani provided Substance Abuse Level I and II treatment
- Kulani Correctional Facility (KCF) was a working facility where all inmates were assigned jobs. In other words, the incarcerated population did not remain idle, and used their time wisely to better their lives.
- The incarcerated population at Kulani gave back to the community. For example, in 5 years, Kulani inmates provided \$1.7 million in community service projects for Hilo
- Kulani was the primary location for the department's sex offender treatment program and has been nationally recognized for its efficacy. National statistics suggest that 11% of

sex offenders who receive treatment in prison will commit a new sex crime within two years of their release. Since 1988, fewer than 2% of Hawai'i sex offenders who received treatment have returned to prison for new sex crimes.

- There is a shortage of minimum security prison beds in Hawai'i. The re-opening of Kulani will provide a minimum security facility with intensive programming services. Despite the fact that PSD's own policies state, "each inmate should be classified at the least restrictive capacity consistent with security needs, many men currently classified as "minimum" custody have been transferred to out-of-state private prisons at a higher (medium) security level. Research has also shown that over-classification actually increases recidivism. (*Source: Cowles Foundation for Research in Economics at Yale University, January 2004 - DOES PRISON HARDEN INMATES? A DISCONTINUITY-BASED APPROACH* M. Keith Chen and Jesse M. Shapiro)
- According to the Department of Business, Economic Development & Tourism's formula, for every dollar that Hawai'i ships out, we lose \$3 in economic activity. It is unconscionable for our State to continue to transfer prisoners to CCA private prisons, when Kulani could be re-opened. The reopening of Kulani would provide jobs, and the circulation of \$66 million in Hawai'i's economy. In multiplier terms, this would circulate the equivalent of \$198 million in our economy.
- The reopening of Kulani is consistent with the Governor's pledge to return our out-of-state prisoner population home. Kulani would provide beds for a range of 160-288 men to return home¹, AND receive the necessary education, training, and treatment to help them better prepare for their transition, and become contributing members of our community.

In summary, the re-opening of Kulani as a program intensive facility, or conversion to a "pu'uhonua" model, would contribute to a more safe and healthy community.

Thank you for the opportunity to submit testimony in support of this bill.

Sincerely,

Carrie Ann Shirota

¹ Prior to its closure, Kulani had the capacity to serve 160 men classified at minimum security custody. With the two prefab housing structures proposed under the VOITIS grant, Kulani would be able to serve 288 men. As a result, if Kulani is reopened, PSD could return 288 men home from Mainland prisons. See Hawaii Department of Public Safety, Volume 1, May 2008, Temporary Housing and Program Structures Proposed at State Correctional Centers and Facilities, page 2. "Kulani Correctional Facility. Two prefabricated temporary housing structures, together with mobile restrooms and a storage unit capable of housing a total of 128 male inmates, as well as providing support direct functions to each housing structure."

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair
Rep. Ty Cullen, Vice Chair
Thursday, March 17, 2011
Room 309
8:30 a.m.

**STRONG SUPPORT
SB 1358 SD2 – REOPENING KULANI**

Aloha kakou,

I'm sure by now, you have heard much argument, as well as support for this bill. I would like to keep my writings today "short and sweet" with a simple question:

Would you like to be considered as irresponsible, haphazard and lethal as our former Governor, or would you prefer to be considered intelligent, informed and caring?

REOPEN KULANI and help Hawai'i!

Mahalo nui,

Karin Hokoana
hokoanaj001@hawaii.rr.com

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2011 7:26 AM
To: PBMtestimony
Cc: maukalani78@hotmail.com
Subject: Testimony for SB1358 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB1358

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: E. Funakoshi
Organization: Individual
Address:
Phone:
E-mail: maukalani78@hotmail.com
Submitted on: 3/15/2011

Comments:

I submitted written testimony on this bill to the PGM Committee on 2/12/11 which I still strongly support.

A highly recognized national program, with such a low recidivism rate, must be restored to be part of releasing inmates waiting to go through this program to be released.

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2011 2:04 PM
To: PBMtestimony
Cc: maucrowe@gmail.com
Subject: Testimony for SB1358 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB1358

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

Comments:

I support the reopening of Kulani as a very significant, positive first step in returning inmates to Hawaii. Save money. Save time. Increase public safety. With some modifications the facility will be turnkey.