

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Honolulu, Hawaii 96814

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No. \_\_\_\_\_

April 10, 2012

TO: The Honorable David Y. Ige, Chair  
The Honorable Michelle N. Kidani, Vice Chair  
Senate Committee on Ways and Means

FROM: Jodie F. Maesaka-Hirata, Director

Handwritten signature of Jodie Maesaka-Hirata in cursive.

SUBJECT: Senate Concurrent Resolution 170 SD1/Senate Resolution 100 SD1  
Requesting the Department of Public Safety to Enter Into a Public-Private Partnership Agreement for the Planning, Design, Construction, Turnkey and Financing of a New Maui Regional Public Safety Complex at Pu'unene, Maui

**WRITTEN  
COMMENTS  
ONLY**

The Department of Public Safety (PSD) strongly supports Senate Concurrent Resolution 170 (SCR 170) SD1/Senate Resolution 100 (SR 100) SD1, which requests the Department to enter into a public-private partnership to develop and construct a replacement facility for Maui Community Correctional Center (MCCC). By passing this resolution, your committee is confirming its support for the Executive Branch to continue planning for the new facility and the development of a Request for Proposals to bring interested parties to the table.

Act 227, Session Laws of Hawaii 1998, added a new section to Chapter 353, Hawaii Revised Statutes, to authorize the Governor to enter into and execute contracts with private entities to construct and then lease or purchase correctional facilities built on public or private lands. The Administration is utilizing this method to develop the Maui Regional Public Safety Complex in Pu'unene to relocate MCCC to a site that may more properly address the needs of the County of Maui.

The proposed public-private partnership would include the planning, design and construction of this complex on a turnkey basis and obtaining third-party financing to underwrite the costs of development. Such financing agreements have been used by the State for other projects as an alternative mechanism through which much needed public facilities may be constructed.

Alternative financing methods should be encouraged, especially where those efforts will directly benefit the public, provide an economic stimulus to the local

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
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economy, and enable expedited construction. Given the current availability of competitive interest rates, it is beneficial to act as quickly as possible.

PSD has been working collaboratively with other State agencies, including the Departments of Land and Natural Resources (DLNR) and Hawaiian Home Lands (DHHL), to coordinate the development of property in the Pu'unene District. This collaboration will result in shared infrastructure costs for those involved, including the County of Maui. The passage of this resolution will help us achieve this goal.

PSD strongly believes favorable consideration of this resolution by your Committee and the Legislature is vital to develop the Maui Regional Public Safety Complex. A new facility will provide for the detention needs of the Second Judicial Circuit as well as provide opportunities for prison inmates to transition back into their home community.

In conclusion, PSD strongly urges your favorable consideration for the passage of SCR 170 SD1/SR 100 SD1, which would promote the Department of Public Safety's intent to enter into a public-private partnership for the development and financing of the proposed Maui Regional Public Safety Complex in the Pu'unene District.

Thank you for the opportunity to consider our position on this matter.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Senator David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, April 11, 2012

9:35 a.m.

Room 211

## COMMENTS ON SCR 170 SD1- MAUI PSRP PUBLI-PRIVATE PARTNERSHIP

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

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. 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 170 SD1 requests the Department of Public Safety to enter into a public-private partnership agreement for the planning, design, construction, turnkey and financing of a new Maui regional public safety complex at Pu`unene, Maui with a strong emphasis on reentry, transition and support for family programs.

Community Alliance on Prisons offers comments and questions on this measure.

We remember a meeting in Maui that took place in July 2007, when the former Lt. Governor came to that meeting with plans for a huge low a sprawling complex. We, and many others, found this interesting since OCCC is low and sprawling and takes twice the number of staff to run than other facilities. Now it looks like this inefficient concept is being embraced and we, frankly, don't understand why.

First of all, why the rush when ...

- **Justice Reinvestment has not even been started in Hawai'i?** We know that in many other jurisdictions, building efficiencies in their systems has actually avoided the construction of new prisons/facilities.
- **The EIS has not been released for public comment.** The EIS requires thorough analysis of ALL ALTERNATIVES, including the renovation and remodeling of the existing MCCC facility as well as other alternatives.
- **The community has never been properly consulted** on justice issues facing Maui such as alternatives to incarceration and reentry?

*Questions:*

- We find it interesting that this sprawling 'complex' is planned for Pu`unene, when water and transportation are huge issues in that area. **Shouldn't the water and transportation issues be addressed before entering into any 'partnerships'?**
- **What does DHHL know about building secure facilities?** DHHL still has thousands of Native Hawaiians on the waiting list for land/homes. It seems strange that building a public safety facility is trumping that mandate.
- **Do we know the actual needs of the Maui imprisoned population?** How many actually need to be incarcerated? How many will be reentering the community? Research indicates that reentry is best done in community-based programs. Is it wise to have a reentry center on the footprint of a correctional facility?
- **Who exactly is being considered for this 'partnership'?** Are corporate entities such as Corrections Corporation of America (CCA) or GEO being considered? We know that CCA has been trying to gain a foothold in Hawai'i by offering to buy state facilities for cash. CCA currently considers themselves 'partners' when they are actually vendors, under contract with the state, although they certainly appear to have the upper hand in dealing with PSD. There are many horror stories of other places where sub-standard facilities were constructed by these corporate entities and we have first-hand experience with the sub-standard construction of Saguaro Prison in Eloy.

We caution the state to examine fully the 'partnerships' they are seeking. The state must conduct proper due diligence when considering public-private partnerships. The highly paid attorneys who negotiate these contracts with states do this every day...they know how to 'sell' their proposal. This makes us very wary of Hawai'i, not well-versed in this type of negotiation, sitting down to negotiate with very experienced attorneys who are trying to gain a foothold in Hawai'i nei. Many states have been left 'holding the bag', so to speak, after negotiating deals that have left them with poorly constructed facilities and millions of dollars in debt. There is no such thing as a free lunch.

## CAVEAT EMPTOR

*Let the Buyer Beware*

Mahalo for the opportunity to share our deep concerns on this resolution.

## **COMMITTEE ON WAYS AND MEANS**

Senator David Y. Ige, Chair

Senator Michelle N. Kidani, Vice Chair

Wednesday, April 11, 2012

9:35 a.m.

State Capitol, Conference Room 211

**OPPOSE S.C.R. NO. 170 S.D. 1**

## **SENATE CONCURRENT RESOLUTION**

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PLANNING, DESIGN, CONSTRUCTION, TURNKEY, AND FINANCING OF A NEW MAUI REGIONAL PUBLIC SAFETY COMPLEX AT PUUNENE, MAUI, WITH A STRONG EMPHASIS ON RE-ENTRY, TRANSITION, AND SUPPORT FOR FAMILY PROGRAMS.

Aloha Senator Ige, Senator Kidani and members of the Committee on Ways and Means! My name is Samuel Kaleleiki, Jr., President of Ohana Hoopakele, an organization dedicated to rescuing our *pa`ahao* or incarcerated brothers and sisters in prison. Our vision is to build a *Pu`uhonua* or a Wellness Center that heals rather than punishes. We have been sending spiritual advisors to lead our *pa`ahao* in the Makahiki ceremonies in the past at Diamondback prison in Watonga, Oklahoma and from February 7-12, 2012 at Saguaro prison in Eloy, Arizona and at FCI Safford in Safford, Arizona.

Our members of Ohana Ho`opakele began by opposing the building of new prisons on Hawai`i Island because it was incarcerating mainly Kanaka Maoli. However, we realized that we couldn't just be opposed to something but had to find solutions. After research on what would heal our Kanaka Maoli, we realized that the solution lay in what the Kanaka Maoli did a long time ago. The model for healing was the *Pu`uhonua* or wellness center where *ho`oponopono* and *aloha aina* were the principal values. Our research led to some funding from the Office of Hawaiian Affairs which has resulted in a Feasibility Study of a *Pu`uhonua* written by consultant Ms. Chelle Shand Pahinui. We also completed with the help of funding from the Office of Hawaiian Affairs, a complete needs assessment complete with a survey conducted among our *pa`ahao*, *ex-pa`ahao*, families of *pa`ahao*, cultural practitioners and the general public. It is time to test this model.

Our organization in "Our Mission Statement" states:

"Stop the building of a new prison or a prison in disguise" and

"Advocate a traditional *ho`oponopono* process and decentralized *pu`uhonua* (wellness centers) on each island." Thus, on principled ground, we stand in opposition to this resolution.

Our organization has been developing the curriculum for the *Pu`uhonua* by sending spiritual leaders to lead our *pa`ahao* in the opening and closing Makahiki ceremonies every year since 2004 at Diamondback Correctional Facility in Watonga, OK and continuing to the present when the men were transferred to Saguaro Correctional Facility in Eloy, AZ. In the second week of February we sent Mr. Kini Kaleilani Burke to lead a Makahiki Closing Ceremony at Saguaro Correctional Facility at Eloy, AZ and for the first time at FCI Safford at Safford, AZ.

If you would take the time to visit our website at [www.ohanahoopakele.org](http://www.ohanahoopakele.org), you will see a Kahea (Call) to Support Pu`uhonua as an Alternative to Prison. The Kahea reads, "We support the mission of `Ohana Ho`opakele (To Rescue 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 saving money, reducing recidivism, crime prevention, and long-term positive change." There are now 655 people who have signed on to this Kahea, many of whom live on Maui Island. They include Kanaka Maoli leaders, cultural practitioners, university professors, social workers, religious leaders, lawyers, one county councilman, sixty-three (63) pa`ahao presently in Saguaro Correctional Facility and the staff of the Justice and Witness Ministries of the United Church of Christ.

The Act which set-up the Department of Hawaiian Home Lands states that the purpose of this act is the "rehabilitation" of the Hawaiian people. A public safety complex does not lead to "rehabilitation"; a Pu`uhonua does. We challenge you to think creatively and change your thinking to a Pu`uhonua or Wellness Center and not a prison complex as has been planned so far. This is a great opportunity for Hawaii to take the lead in finding a better culturally sensitive solution to healing our *pa`ahao* than building more prisons in Hawai`i or to sending our *pa`ahao* to be incarcerated in private prisons that are based on making a profit. There are enough prison beds to house those needing to be protected from themselves and others. You will be saving the state and the people of Hawai`i funds by investing in Pu`uhonua or wellness centers than to continue to build prisons which have not proven to be effective nor efficient.

We commend you Senators for passing HB 2848 which approves the plan for a Pu`uhonua. Give the Pu`uhonua a chance to work; wait off on building more prisons. And definitely do not bring the Corrections Corporation of America to Hawai`i to earn any money at the expense of our Pa`ahao. Thank you for this opportunity to testify on behalf of our members of Ohana Ho`opakele and on behalf of our *pa`ahao* who have been and are presently incarcerated both here in Hawaii and in Arizona. I would be more than glad to fly over to Honolulu to meet the members of your committees to answer questions. Mahalo!

**From:** [shannon.rudolph](mailto:shannon.rudolph)  
**Subject:** Please do not support SCR 170 SD1  
**Date:** Tuesday, April 10, 2012 7:47:11 AM

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Aloha WAM Committee,

I do not support SCR 170 SD1 because it sounds like it has not been well thought out and needs much improvement before being implemented; I see nothing but problems with this bill. Please don't bite off more than we can chew - without thoughtful and careful consideration; please don't make more problems than we already have.

Mahalo,  
Shannon Rudolph  
P. O. 243 Holualoa, Hi. 96725  
(30 year Hawai'i resident)

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How wonderful it is that nobody need wait a single moment before starting to improve the world.  
~ Anne Frank

**From:** [E. Funakoshi](#)  
**To:** [WAM Testimony](#)  
**Subject:** SCR 170 SD1- MAUI PSRP PUBLI-PRIVATE PARTNERSHIP  
**Date:** Tuesday, April 10, 2012 5:34:12 AM

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Dear Senator Ige, Vice Chair Kidani and Members of the Finance Committee:

Please defer this resolution until more information/study is available.

Thank you for your consideration and the opportunity to submit my comments.

Aloha and Mahalo,  
elaine funakoshi



**From:** [evernw@aol.com](mailto:evernw@aol.com)  
**To:** [WAM Testimony](#)  
**Subject:** SCR 170 SD1  
**Date:** Monday, April 09, 2012 11:10:26 PM

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RE: 170 SD1- MAUI PSRP PUBLI-PRIVATE PARTNERSHIP

To Whom It May Concern,

We do not understand why this is being considered. Justice Reinvestment has not been started in Hawai`i. The EIS has not been released for public comment. The community has never been properly consulted on justice issues facing Maui such as alternatives to incarceration and reentry. This is premature and not well thought out.

Has the water and transportation issues for the proposed Puunene complex been addressed before entering into any 'partnerships'? DHHL has no experience with building a public safety facility and should concentrate on providing homes for Native Hawaiians. A proper needs assessment has not been done on the Maui prison population. If the Corrections Corporation of America and GEO are potential candidates, then this is really about generating profit and not about the benefit for our people.

Do not support this ill conceived partnership,  
Evern Williams  
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Honolulu, HI 96815  
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