

# SCR170 / SR100

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.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Law Enforcement

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

March 29, 2012

**TESTIMONY ON SENATE CONCURRENT RESOLUTION 170/SENATE RESOLUTION 100  
RELATING TO 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**

by

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

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

Thursday, March 29, 2012; 2:50 p.m.  
State Capitol, Conference Room 224

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

The Department of Public Safety (PSD) strongly supports Senate Concurrent Resolution 170 (SCR 170)/Senate Resolution 100 (SR 100), 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, the Legislature 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

Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair  
March 29, 2012  
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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 economy, and enable expedited construction. Given the current availability of competitive interest rates, it is essential to act as quickly as possible.

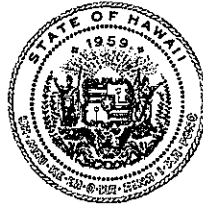
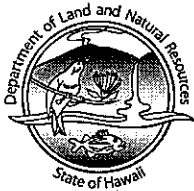
PSD has been working collaboratively with other State agencies, including the Departments Land and Natural Resources (DLNR) and Hawaiian Home Lands (DHHL), to coordinate the development of property in the Pu'unene District. This collaboration will result in shared infrastructure cost for those involved,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

PSD strongly believes favorable consideration of this resolution by 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 supports the passage of SCR 170/SR 100, 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 testify on this matter.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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

**Thursday, March 29, 2012  
2:50 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE CONCURRENT RESOLUTION 170/SENATE RESOLUTION 100  
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**

Senate Concurrent Resolution 170/Senate Resolution 100 requests the Department of Public Safety (PSD) enter into a public-private partnership agreement for the planning, design, construction, turnkey, and financing of a new Maui Regional Public Safety Complex (MRPSC) at Puunene, Maui. The Department of Land and Natural Resources (Department) supports these resolutions and offers the following comments.

The Puunene area includes large tracts of public lands, including lands owned and managed by the Department, lands owned by the Department of Hawaiian Home Lands (DHHL), and lands set-aside to the County of Maui (County). During the past year, several State agencies (including the Department, PSD, DHHL, and the Department of Accounting and General Services), along with the County, have been actively working together to coordinate the planning and future development of these public lands, including the proposed MRPSC. The Department looks forward to continuing its participation in this coordinated effort.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS  
AND MILITARY AFFAIRS  
IN SUPPORT OF

SCR 170/SR 100 - 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.

March 29, 2012

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

The Department of Hawaiian Home Lands (DHHL) strongly supports this resolution and the proposed Maui Regional Public Safety Complex at Puunene.

Our department owns 834 acres adjacent to the proposed complex site, and the complex will bring much needed infrastructure to this region. With the road and water infrastructure, we can develop agricultural homestead lots, as well as commercial and industrial parcels to generate revenue sustain our trust. As the head of this Hawaiian trust, I also acknowledge that many of the state's inmates are Native Hawaiian, and this project creates opportunities to bring them home.

We fully support the Department of Public Safety's efforts to move forward on this new facility on Maui, and we look forward to continued collaboration to ensure the success of this project. Mahalo for the opportunity to testify in support of this resolution.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, March 29, 2012

2:50 p.m.

Room 224

## COMMENTS ON SCR 170/SR 100 - MAUI PSRP PUBLI-PRIVATE PARTNERSHIP

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, 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/SR 100 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.

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.

**CAVEAT EMPTOR**  
*Let the Buyer Beware*

Mahalo for the opportunity to share our deep concerns.



the  
**Drug Policy  
Forum**  
of hawai'i

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

March 29, 2012

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 Y. Ohta, Executive Director

RE: SCR 170/SR 100

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

Hearing: March 29, 2012, 2:50 p.m., Room 224

Position: COMMENTS

The Drug Policy Forum of Hawai'i cautions against the use of private for-profit organizations to operate prisons or build prisons for the state of Hawai'i. The primary purpose of these organizations is profit and to keep prison beds full. Prisons should be operated by governments, not by for-profit organizations. To increase profits, such businesses reduce services, such as the provision of health.

Other options should be explored before deciding on a 600-800 bed prison on Maui. If the prison has 800 beds, efforts will be made to fill all 800 beds, especially if a private entity has a stake in the profits from operations of the prison.

While DPFH agrees that MCCC is in disrepair and needs upgrading, we support the increased availability of community-based treatment programs, which are more effective in preventing recidivism and less costly than prison-based programs.

Thank you for the opportunity to provide comments.





CARRIE ANN SHIROTA, JD  
CAP – MAUI CHAPTER  
1839 Wells Street  
Wailuku, Hawaii 96793  
Phone: 808-269-3858

**COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS & MILITARY AFFAIRS**

Sen. Will Espero, Chair  
Sen. Michelle Kidani, Vice Chair  
Thursday, March 29, 2012  
2:50 p.m. Room 224

**OPPOSED: SCR 170/SR 100 – MAUI PSRP PUBLI-PRIVATE PARTNERSHIP**

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

I am writing this letter on behalf of Community Alliance on Prisons- Maui Chapter to express our opposition to SCR 170/SR 100 that 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 prison complex at Pu'unene, Maui.

We oppose this policy for the following reasons:

***The proposed building of a new 843-bed prison in Pu'unene is opposed by our community.*** CAP has been closely following this issue. Over the past six years, the majority of persons submitting testimony at public hearings have expressed opposition to the proposed location in Pu'unene, as well as the fiscal prudence of building a new prison on Maui with an estimated price tag of \$235 million dollars. Instead, these concerned community members have expressed support for cost-effective alternatives to incarceration, including residential substance abuse treatment centers and increased access to out-patient treatment, re-entry programs like MEO's BEST Reintegration Program, education, employment training, transitional housing and family strengthening programs.

***Research from the Justice Reinvestment technical experts does not support building a new prison on Maui.*** Rather, JR findings support policies and practices that would reduce the overall prisoner and jail population. Although this list is not exhaustive, these policies include making the pre-trial process more efficient, mandating programs that actually benefit public safety and providing supervision for persons considered at highest risk for recidivism.

***Several groundbreaking longitudinal studies have concluded that building more prisons has a neutral or negative impact on economic growth in communities.*** Maui does not need a new 843-bed prison with a price tag of \$235 million dollars for construction alone (this amount does not include operational, programming and maintenance costs). Although private prison corporations would like the public to believe that they save taxpayer dollars through these private/public partnerships, robust studies have concluded the opposite. Remember prison private operators are concerned about one thing – PROFIT for its shareholders! If we want positive economic growth in the long run, we should invest in community based programs and educational opportunities that enhance the well-being of our community.

In conclusion, we respectfully request that you oppose the building of a new prison on Maui, whether public or privately funded. Instead, please invest in cost effective Justice Reinvestment policies that have proven cost-effective in reducing the overall prisoner population and making communities safer.

Sincerely,

*Carrie Ann Shiota*