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No. _____

TESTIMONY ON HOUSE BILL 1721
RELATING TO CORRECTIONAL FACILITIES

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** House Bill (HB) 1721, which would require the Director of Public Safety to construct a multi-story, minimum to maximum security correctional facility to accommodate 1,500 inmates at the site of the Halawa Correctional Facility (HCF) to replace the Oahu Community Correctional Center (OCCC). HB 1721 would also require the conduct of a feasibility study for alternative uses of the land under which the present OCCC is situated.

The Department strongly agrees that Oahu's current and future correctional needs have far outstripped the antiquated OCCC and that the redevelopment of the present jail property represents a significant opportunity to revitalize the Kalihi community. We are concerned, however, with the method and amount of funding that would be appropriated to accomplish all of the objectives outlined in this proposal.

Much work and consideration have been spent on the development of HB 2388, and we respectfully ask that this Committee use the Administration's proposal as the main vehicle to effect the replacement and relocation of OCCC.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
PUBLIC SAFETY
ON
FEBRUARY 4, 2016

H.B. 1721

RELATING TO CORRECTIONAL FACILITIES

Chair Takayama and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 1721.

The Department of Accounting and General Services (DAGS) supports this measure and will expedite this project to the fullest extent we are able.

Thank you for the opportunity to submit written testimony on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i

February 4, 2016

RE: H.B. 1721, RELATING TO CORRECTIONAL FACILITIES.

Chair Takayama, Vice-Chair Yamashita and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of H.B. 1721, and more specifically, supports the provisions regarding building a new correctional facility to replace Oahu community correctional center (“OCCC”). The Department takes no position on the feasibility study for redeveloping land currently occupied by OCCC.

The Department greatly appreciates the Legislature’s recognition that Hawai’i is in urgent need of a new correctional facility(s), and also appreciates the Legislature's willingness to provide the necessary support and resources. The Department agrees that public-private partnership is the ideal solution for accomplishing this endeavor—as noted in H.B. 1721—as this could provide the much-needed facility(s) at little or no cost to the State, for both construction and maintenance.

While the Department appreciates that the proposed facility would incorporate much-needed programs in-house, to address substances abuse, mental health and other issues, we strongly believe that a corresponding increase in community-based programs is also needed, to better prepare inmates for their return to the community, throughout parole and ultimately release. If an adequate network of support and resources can be provided to inmates and parolees, to assist in their transition from the correctional facility(s) to the outside community, this will ultimately help them to refrain from re-offending or re-entering the criminal justice system in the future. In the long-run, this would assist us in guarding the safety and welfare of the community and of future generations.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 1721. Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
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To: pbstestimony
Cc: blawaiianlvr@icloud.com
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HB1721

Submitted on: 2/1/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: For the record, I do not personally approve of more prisons or jails being built. However, I do acknowledge the fact that OCCC is antiquated & ineffective to house anyone there. A new facility must be built. First of all, should a new jail be built in Halawa, then the name of that facility should reflect the one individual who has made the most impact in our prison system, in Halawa: WILLIAM OKU, Sr. The new facility should bear his name to honor his contribution to the Department of Public Safety, to prisoners & to society. Bill Oku was the one and only Warden of Halawa High Security, which existed from 1981 until 1991, when the High facility was converted into a R.A.D. Unit. Secondly, the design of the facility, while obviously taking into consideration "security" needs, should reflect something more akin n to a rehabilitation center, rather than the archaic prison warehouse model. After all, the mission is to work towards rehabilitation rather than just warehousing. Such a rehabilitation design should reflect the Hawaiian concepts of Pu`uhonua & the City of Refuge in Ho`onaunau. Thirdly, there needs to be implemented a detailed accounting of all materials & supplies that go into building the facility, after all, tax payer dollars will go into building the center/facility. A public watch dog group should be given, without hassle or undue influence to sway their ability to monitor the expenditures for this behemoth project. Fourthly, due to the recent leakage of fuel into the ground water from the military storage tanks in Red Hill, and due to the fact that similar storage tanks are housed in the hill behind Halawa Correctional Facility, a full and complete ENVIRONMENTAL IMPACT STUDY needs to be conducted to ensure the health and safety of prisoners, as well as the center/facility staff that works there. Fair, Honest & Open Government guarantees TRANSPARENCY, as Governor David Ige promised to the people of Hawaii! Lastly, while the center/facility is being built, and before it becomes operational, the Department of Public Safety should be mandated to update all its policies & procedures to reflect the operations of this new center/facility & publish all non-confidential policies & procedures.

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COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair

Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016

10:00 a.m.

Room 309

STRONG OPPOSITION TO HB 1721 - NEW OCCC

Aloha Chair Takayama, Vice Chair Yamashita and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people 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.

HB 1721 requires the construction of a correctional facility at the Halawa Correctional Facility site to replace the existing OCCC. Requires a study on the feasibility of State redevelopment of the land that is currently occupied by OCCC and appropriates funds.

This bill may be subject to challenge as being in violation of article III, section 14, of the Hawai'i Constitution. Under article III, section 14, "Each law shall embrace but one subject, which shall be expressed in its title." The title of this bill is "Relating to Correctional Facilities". However, the bill also requires a feasibility study for the redevelopment of the land currently occupied by OCCC.

Community Alliance on Prisons strongly opposes this fast-tracked proposal. We acknowledge that OCCC is in disgraceful shape, however, before any public funds are expended, due diligence, comprehensive planning, and design must be performed by a diverse group of stakeholders, which includes Hawaiians, community groups, formerly incarcerated people, families of incarcerated persons, churches, etc.

We realize that Community Alliance on Prisons is coming from a research-based, data-driven approach to mass incarceration, where jails are truly mass incarceration's front door. This proposal is about erecting buildings and our proposal is about building people and communities. This is a draconian and 19th century approach to imprisonment.

Some highlights from a recent VERA Institute of Justice study¹ reports that

¹ Incarceration's Front Door: The Misuse of Jails in America FEBRUARY 2015 (UPDATED 7/29/15).
<http://www.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report.pdf>

- 62% of those in jail are unconvicted and 38% of those in jail are convicted
- Jails have become massive warehouses primarily for those too poor to post even low bail or too sick for existing community resources to manage.
- Most jail inmates—three out of five people—are legally presumed innocent, awaiting trial or resolution of their cases through plea negotiation in facilities that are often overcrowded, noisy, and chaotic.
- While jails do hold people accused of serious, violent crimes, nearly 75 percent of the population of both sentenced offenders and pretrial detainees are in jail for nonviolent traffic, property, drug, or public order offenses.
- Just a few days in jail can increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of those who enter—making jail a gateway to deeper and more lasting involvement in the criminal justice system at considerable costs to the people involved and to society at large.
- These costs are also borne by their families and communities, depressing economies, contributing to increased crime, and breaking familial and social bonds.
- **For the disproportionately high number of those who enter jails from minority communities, or who suffer from mental illness, addiction, and homelessness, time spent in jail exacerbates already difficult conditions and puts many on a cycle of incarceration from which it is extremely difficult to break free**

Given the complex role jails play in compounding the manifold negative consequences of mass incarceration in America—well acknowledged today on both sides of the aisle—local policymakers and their constituents interested in reducing recidivism, improving public safety, and promoting stronger, healthier communities might do well to take a hard look at how the jail in their city or county is used. To help foster public debate and action by public officials, this report offers an overview of the nation’s misuse of jails. It examines the characteristics of the people who typically cycle in and out of jails; some of the key policies that contributed to the rise in the use of jail; and the impact of jail incarceration on individuals, families, and communities. It also looks at key decision points where strategies can be adopted to decrease the misuse of jails within the American criminal justice system.

The VERA report concludes:

“The misuse of jails is neither inevitable nor irreversible. But to chart a different course will take leadership and vision. No single decision or decision maker in a local justice system determines who fills the local jail. While some jurisdictions have made strides in developing, implementing, and evaluating off-ramps from the path that leads to the jailhouse door, change at one point in the system will have limited impact if other key actors and policies pull in the opposite direction. To both scale back and improve how jails are used in a sustainable way, localities must engage all justice system actors in collaborative study and action. Only in this way can jurisdictions hope to make the systemic changes needed to stem the tide of people entering jails and to shorten the stay for those admitted.”

Community Alliance on Prisons asserts that the very first thing the state must do is the comprehensive due diligence necessary to achieve the state’s goals of rehabilitation and reentry. The Justice Reinvestment Initiative analysis can help with the reduction of the imprisoned population if we fully implement it.

It has been disturbing to us that the state has only been focused only on the building. Hawai`i is going backwards, while the world is moving forward with reforms to reduce imprisonment and implement an array of community-based services to address the needs of the people. A recent bill

focused on the impacts of moving the staff, yet there has been no consideration or discussion to date about the people who are imprisoned in OCCC or their families who visit them.

Committee members, please understand that jails are about people, not bricks and mortar. Hence, when any correctional facility is contemplated, robust thought and planning are crucial. This \$489.3 million – **HALF A BILLION DOLLAR** project is the largest public works project the state has ever embarked upon. The rail is a federal state project and we have all witnessed those problems and the drain on our economy). We have included excerpts from an article entitled, **How to build for success: prison design and infrastructure as a tool for rehabilitation**²

The importance of any correctional facility's physical plant to the fulfillment of particular objectives has been long recognized. Historically, correctional facilities have been the architectural expression of competing philosophies of incarceration of the time. In the 18th century, when incarceration was instituted as the primary form of punishment in western societies, the prison itself became the means of punishment. As the prevailing punishment method, early purpose-built correctional design reflected punitive patterns reproducing ideals of enforced solitude and intimidation. Prison reform movements at the end of the century and beginning of the 19th century were also followed by reform oriented design concepts, with the "separate and silent systems" (Pennsylvania and Auburn models respectively), being two of the first architectural manifestations in which the design of the prison building and the availability of space became a factor impacting the reformative potential of the offenders through isolation and labor, therefore including separate cells and larger spatial configurations where prisoners could work together. Although today's goals of incarceration have little in common with those of centuries ago, with few exceptions, the architecture of incarceration has remained largely standardized throughout the world: large institutions often located in remote rural areas; stark in appearance, with abundant provision of external symbols announcing the building's function as a place of confinement, and heavy security features asserting absolute control (i.e. tall perimeters topped with razor wire, visible towers and heavy gates). These are characterized inside by bland uniformity in color and textures, and massive cellblocks holding a large number of individuals in gloomy and undersized concrete cells with steel-barred windows and sliding doors, organized along long, narrow corridors. And needless to say, this model of imprisonment has not only constrained the introduction of rehabilitative ideals but has resulted in negative individual, societal and economic impact.

(...)

In order for a correctional building to function as a tool for rehabilitation, the design of a correctional facility should:

Be based on the premise that people are capable of change and improvement,

Be based on "evidence-based practices"

Make a "good neighbor"

Be right-sized

Promote safety, security, ease of supervision, and circulation

Provide a healthy, safe environment

Provide a normative (less institutional, more residential-like) and spatially stimulating living environment for occupants

Be program and services-oriented and provide a variety of spaces

² Dr Marayca López, 24th July 2014, Originally published on the Penal Reform International website <http://www.penalreform.org/blog/build-success-prison-design-infrastructure-tool-rehabilitation/>

A correctional facility requires a humanizing approach to design that few other kinds of public architecture demand. A new generation of rehabilitation centers should provide spaces that reduce stress, fear and trauma; spaces that stimulate motivation for participation in positive activities that reduce idleness and negative behavior and that, rather than warehouse or isolate inmates, work with them to encourage reformation and reintegration into society as law-abiding citizens. Life inside the secure perimeter of a rehabilitative correctional facility should allow for as much normalcy as possible, providing inmates with a level of responsibility and autonomy that will prepare them for life on the outside, and imposing as few restrictive conditions in spaces, circulation pathways and access to indoor and outdoor spaces as possible. However, for those spatial and environmental considerations and their positive attributes to be of value, they need to go hand-in-hand with positive and constructive inmate management policies, practices and procedures as well as committed, well-trained staff.

Another article³ that talks about the jail environment focuses on the role of jail personnel and officials in the U.S. to prepare inmates to make a successful transition back to the community. It states that they can be active participants for prisoners' reentry goal by linking offenders to services and providing quality in-jail treatment programs. In addition, it highlights the importance of operational and physical improvement of a jail facility to achieve its mission of successful community reentry. Below are some things the state must consider.

Creating an Environment Conducive to Change

The facility's role in meeting the mission of successful reentry is to create an environment that is conducive to change. This means planning and designing the physical space that is in concert with philosophical and operational goals.

Program Accommodations and Delivery of Services

Now that the commitment is made to facilitate the successful re-entry of inmates into the community, how well does your building support your program and mission? In existing facilities, a challenge is identifying space to conduct support programs in an already cramped environment; or, in some instances the building may have been designed to support a different operational and supervision philosophy. In addition, adjacency of spaces within the building may not be conducive to supporting your new mission without exercising a high degree of creativity. One new jail superintendent would not let the absence of program space in his facility deter the organization from providing much needed programs to inmates. One of his first actions as new superintendent was to purchase a trailer (from the inmate commissary account) for exclusive inmate program use.

*When you are in the fortunate position of planning a new jail, you can tailor your new building to specifically support your mission, encourage collaboration, ensure safety, and reduce stress among staff and inmates. **For your new jail to meet your mission, early definition of operational and space requirements are critical.** Jails are operationally driven buildings. Not only is planning and designing for adequate and appropriate program accommodations critical, but so is defining the method for delivering programs and services, as both impacts a building layout. For instance, will staff move inmates, to and from a centralized location, for visitation, dining and recreation multiple times everyday? Doable, but this process is staff intensive and increases the opportunity for an incident to occur. De-centralized delivery of*

³ **THE JAIL FACILITY: AN AGENT OF CHANGE IN THE REENTRY PROCESS** By April D. Pottorff, AIA and Laura Maiello
<http://www.aia.org/akr/Resources/Documents/AIAB082629?ssSourceSiteId=null> or
<http://connection.ebscohost.com/c/articles/37248152/jail-facility-agent-change-reentry-process>

programs and services (e.g. recreation, dining, visitation, etc) occur at the housing unit, therefore inmates are moved around the facility less, which reduces risk and reduces staffing requirements.

A 2006 National Institute of Corrections publication: New Jail Planning features this quote from Morris Thigpen, Sr., Director of the National Institute of Corrections:

“The process of jail site evaluation and selection is not simply a matter of choosing a site and building a jail. **Selecting an appropriate site for a new jail project** or a significant expansion of an existing facility **involves a complex set of tasks, with an equally complex set of public relations requirements.** Too often, jurisdictions do not realize the impact of their site selection decisions on facility construction costs and operating costs until the jail has been designed, built, and occupied.”⁴

The Site Selection Process⁵

The site selection process has five steps:

- Step 1: Develop site evaluation criteria.
- Step 2: Identify potential sites.
- Step 3: Conduct a preliminary evaluation.
- Step 4: Select the recommended site.
- Step 5: Conduct a detailed site analysis.

Conclusion

The decisions made in the earliest stages of a project have the most profound effect on design and operations. Site selection is among the most important early decisions because it can be a contentious political issue and because the site selected will affect the operations and the cost of the new jail now and in the future. The time, effort, and dollars spent on site evaluation and selection will pay large dividends for a long time. Site selection can be done successfully in a public forum with the active participation of elected officials, professional engineers, architects, voters, and representatives of other public entities. Conducting site evaluation and selection in a public process is the best way to achieve a workable consensus within a reasonable timeframe.

There has been no public participation to date on this project and now the administration is asking for \$489.3 million of taxpayer money for the largest state project ever with no input and no publicly available data or analysis.

The message in all this research is that the state must remember that jails are about people and if the state truly wants to focus on rehabilitation and reentry, then you must...

Think Things Through Before You Build!

Mahalo for this opportunity to testify.

⁴ **Jail Site Evaluation and Selection**, BY KEN RICCI, US Dept. of Justice, Natitonal Institute of Corrections, April 2006.
<https://s3.amazonaws.com/static.nicic.gov/Library/021280.pdf>

⁵ *ibid.*

pbstestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 9:08 AM
To: pbstestimony
Cc: zabal7@upwhawaii.org
Subject: Submitted testimony for HB1721 on Feb 4, 2016 10:00AM
Attachments: Testimony HB1721 Corrections Facilities

HB1721

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Al Lardizabal	United Public Workers	Support	No

Comments:

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HB1721 Relating to Correctional Facilities: Replace the existing OCCC to Halawa Correctional Facility including a study on the feasibility of State redevelopment on current OCCC land.

HOUSE COMMITTEE ON PUBLIC SAFETY:

Representative Gregg Takayama, Chair; Representative Kyle Yamashita, Vice Chair

 Thursday, Feb. 4, 2016; 10:00 a.m.

 Conference Room 309

HAWAII SUBSTANCE ABUSE COALITION Supports HB1721 with Recommendations:

GOOD MORNING CHAIR TAKAYAMA, VICE CHAIR YAMASHITA AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of more than twenty non-profit treatment and prevention agencies.

The Hawaii Substance Abuse Coalition (HSAC) supports the feasibility study to transfer inmates out of OCCC since this facility is obsolete. Moreover, the feasibility study could include spatial designs to accommodate offenders according to risk assessments – the potential to re-offend.

HSAC recommends that the study include the research that indicates rehabilitation efforts have better outcomes if low risk offenders are separated in jails from high risk offenders.¹

- Risk assessments are used to enhance public safety. Objective measures have been developed to help criminal justice staff identify levels of risk.
- Mixing low risk offenders with higher risk offenders runs the risk of exposing low risk offenders to the influence of high risk offenders.
- Higher risk offenders require more close supervision while low risk offenders are watched less closely than the high risk offenders.
- Therapeutic treatment while incarcerated can be effective. If treatment is provided to low risk offenders then the low risk offenders need to be separated as much as possible from high risk offenders. High risk offenders require more intensive treatment and require more intervention.

¹ Andrews, D. A. & Bonta, J. (2006). *The Psychology of Criminal Conduct* (4th ed.). Newark, NJ: LexisNexis <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/tdwth-lwrsk/index-en.aspx>

- Low risk offenders have more personal strengths and fewer treatment needs compared to high risk offenders. Often, the treatment needs of low risk offenders are non-criminogenic needs (e.g., anxiety, depression and general feelings of distress). Referral to non-criminal justice agencies for services to address their non-criminogenic needs would provide the human services sufficient for these low risk offenders and at the same time separate them from high risk offenders.

HSAC recommends that the study include designs oriented towards recovery models for substance abuse and mental health issues. "Adults with Behavioral Health Needs under Correctional Supervision: A Shared Framework for Reducing Recidivism and Promoting Recovery"² is a white paper prepared by the Council of State Governments Justice Center with support from, and in partnership with, the National Institute of Corrections (NIC) and the Bureau of Justice Assistance (BJA).

- The framework is designed for state and local correctional administrators (institutional, probation, and parole) and community-based mental health and substance abuse agency leaders to plan and develop service responses that make efficient use of resources.
- This white paper proposes such a structure as a starting point for state and local agencies to facilitate integrated practices that will produce improved outcomes for people with behavioral health problems in contact with the criminal justice system. It is designed to help corrections and behavioral health agency leaders find more cost-effective investments for their resources that will still advance their agency goals.

Spatial Information Design Lab: Justice Re-Investment New Orleans.³

- Since 2005, the Spatial Information Design Lab has been investigating the geography of incarceration in the contemporary United States. Building on work done jointly by the Council of State Governments, the JFA Institute, and the Justice Mapping Center, the Lab's mapping project seeks to focus research and policy attention on the conditions and needs of urban spaces with high rates of incarceration.
- Rather than examining only the punishment and rehabilitation of individuals, the research identifies particular places and emerging strategies for investing public resources in order to address the urban conditions from which prisoners come and to which most of them return.

We appreciate the opportunity to testify and are available for questions.

² White Paper: Adults With Behavioral Health Needs Under Correctional Supervision: A Shared Framework for Reducing Recidivism and Promoting Recovery. (2012) Fred Osher, David D'Amora, Martha Plotkin, Nicole Jarrett, Alexa Eggleston. <http://nicic.gov/library/026605>

³ Columbia University Graduate School of Architecture, Planning and Preservation. (2009) https://www.prisonlegalnews.org/media/publications/columbia_justice_reinvestment_in_architecture_new_orleans_feb_2009.pdf

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 11:06 AM
To: pbstestimony
Cc: leilani.maxera@gmail.com
Subject: *Submitted testimony for HB1721 on Feb 4, 2016 10:00AM*

HB1721

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	The CHOW Project	Oppose	No

Comments:

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HB1721

Submitted on: 2/2/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kaelan	Individual	Support	No

Comments:

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HB1721

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Oppose	No

Comments:

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Cc: gladys.baisa@mauicounty.us
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HB1721

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Oppose	No

Comments: The decisions made in the earliest stages of a project have the most profound effect on design and operations. Site selection is among the most important early decisions because it can be a contentious political issue and because the site selected will affect the operations and the cost of the new jail now and in the future. The time, effort, and dollars spent on site evaluation and selection will pay large dividends for a long time. There has been no public participation to date on this project and now the administration is asking for \$489.3 million of taxpayer money for the largest state project ever with no input and no publicly available data or analysis.

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COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair
Rep. Kyle T. Yamashita, Vice Chair

Dear Honorable Committee Members,

Strong Opposition to HB 1721 – Relating to correctional facilities

Mahalo for your public service. I am the executive director of Hawai'i Friends of Restorative Justice a 30+ year old non-profit dedicated to improving our justice system.

We have been working with Hawai'i prisons developing and researching reentry programs for over ten years. Most of our work is published and widely disseminated in the United States and abroad.

We strongly oppose this measure to build a new prison in Hawai'i because we are aware of no plans by the state to reduce the number of people it imprisons.

Hawai'i currently prison imprisons about 6000 people at the cost of about \$250 million a year. Proper reentry, educational, and social programs can be used to help reduce the number of people imprisoned, which would save both physical, as well as human resources.

Spending on imprisonment takes away needed educational and social resources and seriously damages our community.

The average grade level for an imprisoned person in Hawai'i is the only sixth grade, many of the incarcerated suffer mental health problems, and a disproportionate number of Native Hawaiians are in prison. Educational and social issues are contributing to imprisonment, which are things that the state has the means to control, e.g. ensuring all people coming out of prison have legal identification, a place to live, job skills or participation in some meaningful activity, repaired family relationships, etc.

Imprisoning people at the high rate Hawai'i does, makes our communities unsafe, it damages families, and it diminishes the potential for individuals with social disadvantage to do well.

Until there are concrete plans to reduce the number of people in prison, no new prison plans should be considered.

Please contact me at (808) 218-3712 and lorenn@hawaii.rr.com for further information about our support for this measure.

Mahalo again for your service to the community.

Aloha,

Lorenn Walker, JD, MPH

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HB1721
RELATING TO CORRECTIONAL FACILITIES
House Committee on Public Safety

February 4, 2016

10:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the OHA Board of Trustees offer the following **COMMENTS** on HB1721, which appropriates funds to replace the O‘ahu Community Correctional Center at the Hālawā Correctional Facility with a new, multi-story building.

OHA appreciates the intent of this measure to alleviate the substandard conditions and overcrowding at the O‘ahu Community Correctional Center. **However, OHA first encourages the full exploration and execution of programs and policies that effectuate evidence-based alternatives to incarceration, that could improve public safety and effectively rehabilitate pa‘ahao, while also saving taxpayer dollars.**¹ Proactive efforts to reduce the number of non-violent inmates, a disproportionate number of whom are Native Hawaiian,² must continue to be prioritized prior to and alongside planning for construction of any new facility to house the record-high and growing pa‘ahao population in Hawai‘i.³

Mahalo for the opportunity to testify on this measure.

¹ In its 2012 report, the Native Hawaiian Justice Task Force recommended several options to address systemic issues resulting in the disproportionate overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua, and bolstering reintegration programs and services to better prevent recidivism. OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012), http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

² A 2010 OHA study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up “24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population.” Moreover, controlling for many common factors such as type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 28-38 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

³ The number of people incarcerated in Hawai‘i has increased by more than 900 percent between 1977 and 2008. *Id.* at 19. More recent figures indicate that our prison population has now increased by 1,400 percent since 1977.



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William Booth
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Andre Cox
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James Knaggs
Territorial Commander

John Chamness
Lani Chamness
Divisional Leaders

Melanie Boehm
Executive Director

The Salvation Army

Addiction Treatment Services and Family Treatment Services

LATE

2-3-16

HB1721 Relating to Correctional Facilities: Replace the existing OCCC to Halawa Correctional Facility including a study on the feasibility of State redevelopment on current OCCC land.

HOUSE COMMITTEE ON PUBLIC SAFETY:

Representative Gregg Takayama, Chair; Representative Kyle Yamashita, Vice Chair

- Thursday, Feb. 4, 2016; 10:00 a.m.
- Conference Room 309

The Salvation Army Addiction Treatment Services (ATS) Supports HB1721 with Recommendation:

GOOD MORNING CHAIR TAKAYAMA, VICE CHAIR YAMASHITA AND DISTINGUISHED COMMITTEE MEMBERS. My name is Melanie Boehm. I am the current executive director of The Salvation Army Addiction Treatment Services.

The Salvation Army Addiction Treatment Services (ATS) supports the feasibility study to transfer inmates out of OCCC since this facility is obsolete. Moreover, the feasibility study could include spatial designs and specific structure to accommodate offenders according to risk assessments which help determine potential risk to re-offend.

We recommend that the study consider the research that indicates rehabilitation efforts have better outcomes if low risk offenders are separated in jails from high risk offenders. (Andrews & Dowden, 2007).

- Separate high risk offenders from medium to low risk offenders
- Match offenders with a high risk for recidivism, per assessment scores, with more intensive services

Therapeutic treatment while incarcerated can be effective. If treatment is provided to low risk offenders then the low risk offenders need to be separated as much as possible from high risk offenders. High risk offenders require more structured intensive treatment and require multiple interventions targeting multiple need areas. Adequate and therapeutic class space should be designated for delivery of appropriate evidence-based treatment services for inmates.

Andrews, D.A. and C. Dowden. 2007. "The Risk-Need-Responsivity Model of Assessment and Human Service in Prevention and Corrections: Crime-Prevention Jurisprudence." *Canadian Journal of Criminology and Criminal Justice* 49 (4): 439—464

Participating Agency



Aloha United Way

Addiction Treatment Services

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