

DAVID Y. IGE  
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STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Deputy Director  
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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2388, HOUSE DRAFT 2  
RELATING TO CORRECTIONAL FACILITIES

By  
Nolan P. Espinda, Director

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair

Wednesday, February 24, 2016; 2:00 p.m.  
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Department of Public Safety (PSD) **supports** the enactment of House Bill (HB) 2388, House Draft (HD) 2 as it addresses the dire need to relocate the Oahu jail (OCCC) out of the urban core community of Kalihi and also appropriates funds to relocate the Maui Community Correctional Center (MCCC).

The OCCC facility's aged and deteriorating infrastructure and the grossly outdated and inefficient layout of the current campus call for a complete architectural redesign and structural relocation.

For more than a century, the Kalihi community has endured the presence of the Oahu jail, as well as, hosted the old Hawaii State Prison (HSP) up until the late 1980s. It is true that when originally established, the institution sat alone amongst agricultural farms. The reality is that over the years, residences, industrial and commercial enterprises, and even schools, moved in around OCCC, just next door to its armed and razor-wired perimeter. Being in such close proximity to the jail must be a constant safety concern to the residents, business owners and their employees, educators, and students in the neighborhood.

The development of Honolulu's new rail system, with plans to locate transit stops near the OCCC property, offers the potential of revitalizing Kalihi, if all or part of the

main jail complex can be redeveloped with the mind to enhancing and supporting the rail and Kalihi communities.

Additionally, the MCCC population is at more than double the campus' design capacity, and there is no room to properly expand on the current site. Funding for a new MCCC campus would allow the State to pursue a new Maui facility, building upon progress made over the past few years.

The Department would like to propose the deletion of the words "turnkey" on Page 4, Line 20 and "turn-key" on Page 10, Line 7 of the bill to allow for more flexibility in the procurement method to be employed for the new facilities. In addition, we propose clarifying the type of population primarily served by jails by adding "or detainees" to two parts of Paragraph (1) of subsection (b) on Page 3, Lines 13 and 15, so that it reads:

"(1) The percentage of low, medium, and high security inmates or detainees and the number of prison or jail beds needed to incarcerate each of the foregoing classes of inmates or detainees;"

The redevelopment of both MCCC and OCCC are important projects to help ensure the safety and well-being of staff, detainees, and the communities in which the facilities reside.

Thank you for the opportunity to present this testimony.



**HB2388 HD2**  
RELATING TO CORRECTIONAL FACILITIES  
House Committee on Finance

February 24, 2016

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB2388 HD2.

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.**<sup>1</sup> Proactive efforts to reduce the number of non-violent inmates, a disproportionate number of whom are Native Hawaiian,<sup>2</sup> 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.<sup>3</sup>

Mahalo for the opportunity to testify on this measure.

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<sup>1</sup> 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](http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>2</sup> 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](http://www.oha.org/sites/default/files/ir_final_web_rev.pdf).

<sup>3</sup> 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SYLVIA LUKE, CHAIR**  
**HOUSE COMMITTEE ON FINANCE**  
**Twenty-Eighth State Legislature**  
**Regular Session of 2016**  
**State of Hawai`i**

February 25, 2016

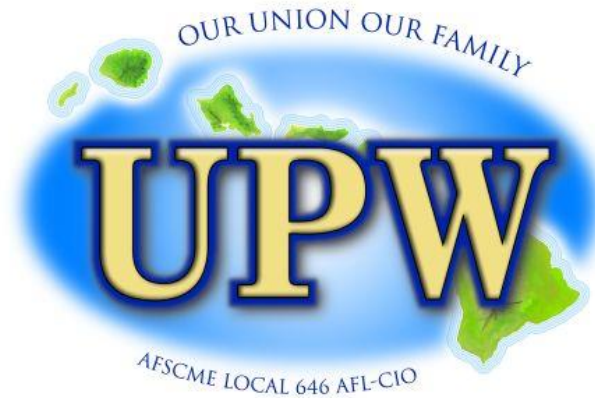
**RE: H.B. 2388, RELATING TO CORRECTIONAL FACILITIES.**

Chair Luke, Vice-Chair Nishimoto and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of H.B. 2388, and more specifically, supports Part IV and V regarding building a new correctional facility to replace Oahu community correctional center (“OCCC”). The Department takes no position on other portions of the bill .

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. 2388—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. 2388. Thank you for this opportunity to testify.



THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Twenty-Eighth Legislature  
Regular Session of 2016

COMMITTEE ON FINANCE

The Honorable Sylvia J. Luke, Chair  
The Honorable Scott Y. Nishimoto, Vice Chair

DATE OF HEARING: Wednesday, February 24, 2016  
TIME OF HEARING: 2:00 p.m.  
PLACE OF HEARING: State Capitol, 415 South Beretania Street  
Conference Room 308

**TESTIMONY IN SUPPORT OF HB2388 HD2 RELATING TO CORRECTIONAL FACILITIES**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers (UPW),  
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, and AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

HB2388 HD2 exempts the State from environmental impact statement or assessment for a jail facility on an existing parcel of the Halawa Correctional Facility. It clarifies the governor's authority to contract for construction of correctional facilities. The bill also provides funding for a new Oahu Community Correctional Center and for the relocation of the Maui Community Correctional Center and further requires a feasibility report on development of the Oahu Community Correctional Center land.

The UPW strongly **supports** HB2388, HD2. Thank you for the opportunity to submit this testimony.

**Testimony to the House Committee on Finance  
Wednesday, February 24, 2016 at 2:00 P.M.  
Conference Room 308, State Capitol**

**RE: HOUSE BILL 2388 HD 2 RELATING TO CORRECTIONAL FACILITIES**

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports the original version of HB 2388**, which would create an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and authorize funding for purchasing a jail facility for up to 1,000 beds to be located on the existing state owned lands used to house the Halawa Correction Facility. H.B. 2388, HD 2, amended the original language by:

- Removing the exemption from environmental impact statement or assessment requirements for a correctional facility built on an existing parcel of the Halawa Correctional Facility; and,
- Restoring the sixty day public comment period following notification of either an environmental assessment or environmental impact statement.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The normal trigger for a Chapter 343 HRS document is the use of state/county owned lands or funds. However in this case, the new jail facility is essentially another building within the existing grounds of the Halawa Correction Facility. It would be viewed as adding another building on the grounds of the Halawa Correction Facility. Requiring an environmental assessment or environmental impact statement for another building on the grounds of the existing Halawa Correction Facility seems to be a bit extreme.

Perhaps another way to provide clarification would be to provide specific language in Chapter 343 HRS that would allow for agencies to provide new facilities if the new facilities are consistent with the existing uses on the property.

With the overcrowding of the existing Oahu Community Correctional Center (OCCC), and the site being located near a proposed transit station, the opportunity to not only relocate the existing OCCC facilities to a new, modern facility but also capture the value of redeveloping the



# Chamber *of* Commerce HAWAII

*The Voice of Business*

existing OCCC site with higher densities and mixed uses that would be consistent with Transit Oriented Development (TOD).

There have been several prior efforts to address the overcrowding and need to modernize the existing OCCC facilities. None of these prior efforts or discussions have resulted in any tangible plan. House Bill No. 2388, as originally drafted, provides a unique opportunity to move the state in the right direction and provide a center piece for the redevelopment along the transit corridor in Kalihi.

We strongly support the original language proposed in H.B. 2388 and appreciate the opportunity to express our views on this matter.



COMMITTEE ON FINANCE  
Rep. Sylvia Luke, Chair  
Rep. Scott Nishimoto, Vice Chair

Hearing: Wednesday February 24, 2016, Room 308

Dear Honorable Committee Members,

Strong Opposition to HB 2388 HD2 – 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 services 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 scarce resources needed for educational and social services, which 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 are Native Hawaiians. 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, housing, 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 devastates 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](mailto: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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 6:55 AM  
**To:** FINTestimony  
**Cc:** amara@mindspring.com  
**Subject:** \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amara Karuna	Laakea community LLC	Oppose	No

Comments:

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## Testimony to the House Committee on Finance Wednesday, February 24, 2016 State Capitol - Conference Room 308 2:00 p.m.

### **RE: HB 2388 HD2: Relating to Correctional Facilities.**

Dear Chair Luke, Vice-Chair Nishimoto, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA Hawaii is in strong support of the original version of H.B. 2388, which would create an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and authorize funding for purchasing a jail facility for up to 1,000 beds to be located on the existing state owned lands used to house the Halawa Correctional Facility. H.B. 2388, HD 2, amended the original language by:

- Removing the exemption from environmental impact statement or assessment requirements for a correctional facility built on an existing parcel of the Halawa Correctional Facility; and,
- Restoring the sixty day public comment period following notification of either an environmental assessment or environmental impact statement.

The normal trigger for a Chapter 343 HRS document is the use of state/county owned lands or funds. However, in this case, the new jail facility is essentially another building within the existing grounds of the Halawa Correctional Facility. It would be viewed as adding another building on the grounds of the Halawa Correctional Facility. Requiring an environmental assessment or environmental impact statement for another building on the grounds of the existing Halawa Correctional Facility seems to be a bit extreme.

Perhaps another way to provide clarification would be to provide specific language in Chapter 343 HRS that would allow for agencies to provide new facilities if the new facilities are consistent with the existing uses on the property.

With the overcrowding of the existing Oahu Community Correctional Center (OCCC), and the site being located near a proposed transit station, the opportunity to not only relocate the existing OCCC facilities to a new, modern facility but also capture the value of redeveloping the existing OCCC site with higher densities and mixed uses that would be consistent with Transit Oriented Development (TOD).

There have been several prior efforts to address the overcrowding and need to modernize the existing OCCC facilities. None of these prior efforts or discussions have resulted in any tangible plan. House Bill No. 2388, as originally drafted, provides a unique opportunity to move the state in the right direction and provide a center piece for the redevelopment along the transit corridor in Kalihi.

We strongly support the original language proposed in H.B. 2388 and appreciate the opportunity to express our views on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 12:53 PM  
**To:** FINTestimony  
**Cc:** teresamlee.51@gmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa L. Nakama	BIFA	Oppose	No

Comments: No private, government or public must not be and shall not be exempted from any existing governing rules that protects we the public from erroneous wrong doing that will inevitably do and cause harm. Laws are in place and whether private, government or public must abide by rules and laws that are in place...no exceptions.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 9:02 AM  
**To:** FINTestimony  
**Cc:** meridianwoman@yahoo.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donna Grabow	Individual	Oppose	No

Comments: Aloha, There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration! Not following the environmental laws leads to expensive law suits, and writes a new law to completely do away with the community input portion of project development, in order to accommodate the special interests of a single project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. ~~~~~ #HB2388 "Exempts the State from environmental impact statement or assessment requirements for a jail facility on an existing parcel of the Halawa Correctional Facility." Mahalo for listening, Donna Grabow Moku o Keawe

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 9:01 AM  
**To:** FINTestimony  
**Cc:** kealii8@hotmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kealii Makekau	Individual	Oppose	No

Comments: Defer or kill this bill

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**Sent:** Tuesday, February 23, 2016 8:42 AM  
**To:** FINTestimony  
**Cc:** svickery@hawaii.rr.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Vickery	Individual	Oppose	No

Comments: Need EIS for this proposed project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. Respect!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 7:55 AM  
**To:** FINTestimony  
**Cc:** raulg@nohea.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raul Nohea Goodness	Individual	Oppose	No

Comments: I oppose this bill. There should be no exceptions to EIS statement requirements. The Halawa Valley is a known archaeological site where many iwi kupuna are placed.

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**To:** FINTestimony  
**Cc:** fitzformaui@gmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Fitzpatrick	Individual	Oppose	No

Comments: Aloha Kakou, I oppose the state being exempt of doing environmental impact statements. Especially when projects are funded by tax payers, we should make sure the projects do not cause detrimental harm to the environment. It shows a bad precedent to exempt the government from things that the private sector is required to do. In addition, we should consider why we have to expand and move our correctional facilities. Lets work on rehabilitating people, giving them good jobs so they don't have to steal, and providing an amazing public education. We can decriminalize marijuana at a state level so we don't lock up people smoking pot, particularly when the heavy drug dealers usually have the best lawyers and get a lighter sentence then the small guy. Lastly, stop investing in jails and start investing in schools. Mahalo for you time, Fitz

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**Sent:** Tuesday, February 23, 2016 7:47 AM  
**To:** FINTestimony  
**Cc:** katc31999@gmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katarina Culina	Individual	Oppose	No

Comments: Aloha, I strongly oppose this bill. There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration!!! Not following the environmental laws leads to expensive law suits (think Super Ferry) and writes a new law to completely do away with the community input portion of project development in order to accommodate the special interests of a single project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. HB 2388 is another attack on government transparency and accountability. Please kill this bill and stop introducing bills to exempt yourselves from public input. Mahalo, Katarina Culina Po box 2142 Pahoa, HI 96778

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**To:** FINTestimony  
**Cc:** Hapagurl7669@yahoo.com  
**Subject:** \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theodora Akau Gaspar	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 7:25 AM  
**To:** FINTestimony  
**Cc:** hypnosusan@sbcglobal.net  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Bambara	Individual	Oppose	No

Comments: I strongly oppose this bill. There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration!!! Not following the environmental laws leads to expensive law suits (think Super Ferry) and writes a new law to completely do away with the community input portion of project development in order to accommodate the special interests of a single project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. HB 2388 is yet another attack on government transparency and accountability. Please kill this bill and stop introducing bills to exempt yourselves from public input. Thank you for your kind attention to this matter.

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**Sent:** Tuesday, February 23, 2016 6:17 AM  
**To:** FINTestimony  
**Cc:** tree@hawaii.rr.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen Luksic	Individual	Oppose	No

Comments: Aloha, Please stop circumventing our processes. I think time would be better spent on finding ways to reduce prison population through rehabilitation and reducing sentences for non violent crimes. Mahalo, Stephen Luksic

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 4:57 AM  
**To:** FINTestimony  
**Cc:** OccupyHiloMedia@yahoo.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerri Marks	Individual	Oppose	No

Comments: I strongly oppose this bill. There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration!!! Not following the environmental laws leads to expensive law suits (think Super Ferry) and writes a new law to completely do away with the community input portion of project development in order to accommodate the special interests of a single project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. HB 2388 is another attack on government transparency and accountability. Please kill this bill and stop introducing bills to exempt yourselves from public input.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 9:27 AM  
**To:** FINTestimony  
**Cc:** j.lilinoe@gmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josephine Keliipio	Individual	Oppose	No

Comments: I oppose HB 2388 which Exempts the State from environmental impact statement or assessment requirements for a jail facility on an existing parcel of the Halawa Correctional Facility. There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration!!! Not following the environmental laws leads to expensive law suits (think Super Ferry) and writes a new law to completely do away with the community input portion of project development in order to accommodate the special interests of a single project. The Halawa Valley is a known archaeological site where many iwi kupuna are placed. No, no, no!!! Do not support this bill. Mahalo, Josephine Keliipio Kailua Kona, Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 9:27 AM  
**To:** FINTestimony  
**Cc:** jami.kawa@gmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Moana Kawauchi	Individual	Oppose	No

Comments: I "strongly oppose", HB 2388 HD 2, as it attempts to exempt this administration from the law that others must abide and follow. An environment review is a disclosure document in direct regard to health and safety requiring the developer to disclose potential impacts that a proposed development could have on the community, on traffic, on the environment, on cultural, natural and/or historical resources, etc. "§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that: (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses under section 205-2(d)(11) or 205-4.5(a)(13) shall only be required pursuant to section 205-5(b);" Please, follow the law and "VOTE NO", mahalo nui loa for your support and the opportunity to provide my mana'o. Me Ke Aloha Pumehana, Jamie M. Kawauchi POB 573 Naalehu, Hawaii 96772 (808) 929-9076 (Home) jami.kawa@gmail.com

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Testimony Pertaining to HD2388, HD2 Relating to Correctional Facilities

I OPPOSE HD2388 HD2.

WHAT IS HAPPENING TO THIS STATE?? Everyone's become corrupt and colluding with each other to make exceptions for State endeavors, 'special projects'! This kind of action shouldn't be up to the legislature! It needs to go out to the people of Hawai'i for a vote (placed on the ballot).

Once this kind of exception goes through, it will open doors to more. Why make laws or rules when the legislature can vote to override them at a whim!

Yes, the governor will accept public review and comments, but whatever happens with that?? Just going through the motion and conducting it but to no avail! It would already be a done deal as with other issues!

We need a new slate of legislators!

Submitted and Signed (Patricia P. Ikeda, Captain Cook, HI)

February 23, 2016



**From:** mailinglist@capitol.hawaii.gov  
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**To:** FINTestimony  
**Cc:** keauea@hawaii.rr.com  
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**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ana Kahoopii	Individual	Oppose	No

Comments: There can not be two sets of rules one for the community and one for the state. Follow the rules, that's how justice works. You need to do an EIS like the rest of the citizens. Dodging your required due diligence leads to expensive litigation. Do your due diligence and follow thru on doing the EIS. Follow your own laws.

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**To:** FINTestimony  
**Cc:** pualeafarm@hawaiiantel.net  
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**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eloise Engman	Individual	Oppose	No

Comments: No entity should be exempt from EIS requirements. It sets a terrible precedent.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 10:46 AM  
**To:** FINTestimony  
**Cc:** slwsurfing@yahoo.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon willeford	Individual	Oppose	No

Comments: Need EIS for everything! Build homes and better school - not Private \$\$\$ making prisons. Magalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 10:53 AM  
**To:** FINTestimony  
**Cc:** carolinesdelano@aol.com  
**Subject:** \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Delano	Individual	Oppose	No

Comments:

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2/23/16 - 11:00am

Testimony of Robert Petricci

Rm 308

Feb 24, 2016 2:00 PM

Re: HB2388

FIN

Rep. Sylvia Luke, Chair

Rep. Scott Y. Nishimoto, Vice Chair

Aloha chair Luke, vice chair Nishimoto, and committee members.

This type of legislation to do away with public participation and environmental review for the benefit of special interest and expediency is historically problematic and as we saw in the recent TMT case, and the Supper Ferry case also does not serve the interest of the public.

Governor Ige talked about this in his recent state of the state address. He referred to the state trying an end run on the Supper Ferry and concluded the state was at fault for not following state law. Trying to change the law to get around public participation will result in legal challenges and long delays, IMO.

Please read the Hawaii Supreme Court decision in the recent TMT case and you will see why this will not be a short cut but a road to failure.

I support Kat Brady's well reasoned testimony.

Passing new law to completely do away with the community input portion of project development in order to accommodate the special interests of a single project, will not withstand judicial review as the High court wrote about in the recent TMT case. Halawa Valley is a known archaeological site where many iwi kupuna are placed.

For the reasons stated, I strongly oppose HB2388. Please do not pass this special interest legislation. If the project has merit it should follow existing law, those protections are there for good reason, trying to avoid them will not work and would certainly invite another long court battle that would nullify the law anyway, IMO. Again I point to the Hawaii Supreme Court ruling in the TMT case to support my conclusion.

Thank you for your consideration.

Robert Petricci

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 11:07 AM  
**To:** FINTestimony  
**Cc:** ponosize@hotmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pono Kealoha	Individual	Oppose	No

Comments: No Treaty/ No Annexation NO JURISDICTION Mahalo

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**To:** FINTestimony  
**Cc:** sairam2@hawaiiantel.net  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Geoffrey Lasr	Individual	Oppose	No

Comments: This trend of exempting environmental impact studies has to stop. It is all about money I stongly oppose this measure

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**Sent:** Tuesday, February 23, 2016 1:44 PM  
**To:** FINTestimony  
**Cc:** ronsan2224@aol.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald S. Fujiyoshi	Individual	Oppose	No

Comments: I oppose HB2388. Living in Hawai`i where already the most number of endangered species live, there should never be a waiver of an EIS, the process that protects the cultural heritage. The State Legislature passed Act 117 in 2012, which directed the Department of Public Safety to plan for a Pu`uhonua or Wellness Center. This and other bills that have been passed, if followed, will deal with the overcrowdedness in Hawai`i's prisons. Solve the problem of overcrowdedness first, before investing huge amounts of our tax-payers' money to build more prisons! Please join me in opposing this ill-advised bill. Mahalo!

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**Sent:** Tuesday, February 23, 2016 12:13 PM  
**To:** FINTestimony  
**Cc:** danamalina@yahoo.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Keawe	Individual	Oppose	No

Comments: There should be NO EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENTS for special projects of the administration!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 2:52 PM  
**To:** FINTestimony  
**Cc:** panther\_dave@yahoo.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dave Kisor	Individual	Oppose	No

Comments: Prior to doing anything, a detailed EIS should be performed. Even before picking a contractor.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 3:28 PM  
**To:** FINTestimony  
**Cc:** Alana.Ross@hotmail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
AlanaRoss	Individual	Oppose	No

Comments: Please OPPOSE this bill. I do not believe ANYONE should be allowed to construct ANYTHING of this magnitude without an Environmental Impact Statement. Especially not in Hawaii! We not only live in a very fragile eco system, but we have much history buried deep within our soil. I was an Archaeologist with the Bishop Museum working in the Halawa valley when the H3 Freeway went in. We found some rich historical sites and archaeological evidence that if we were not there - would have been bulldozed and destroyed forever. We can NOT ALLOW big corporations with their big interest to destroy sacred lands or erect their monuments without due diligence. I urge you to OPPOSE this bill and do NOT ALLOW our Sacred rights and sacred land to be trampled by big machinery, and big ideas with big money by big corporations who do not care about our historical significance or importance of what they may be desecrating. Mahalo for OPPOSING this bill. Alana Ross, Hana, Maui

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 4:11 PM  
**To:** FINTestimony  
**Cc:** bmurphy420@mail.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Oppose	No

Comments: Aloha Rep. Sylvia Luke, Scott Y. Nishimoto, and Committee Members, I OPPOSE HOUSE BILL 2388 RELATING TO CORRECTIONAL FACILITIES. There must be an environmental impact study. The area has changed drastically since the last study. How the planned changes will affect the new environment must be studied. I oppose public-private-partnerships. Government and corporations should remain separate. Conflicts of interest, revolving doors, insider deals, etc., have become the status quo. Too much collusion invites abuse of government powers, and personnel. Hawai'i needs new jail space; so Hawaiian prisoners can STAY IN HAWAI'!! However, rushing through a poorly studied project for expediency invites many problems down the road, and does not address many basic problems that, if solved, might alleviate the need for so many jail cells. Mahalo for your kind consideration, Brian Murphy

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 4:10 PM  
**To:** FINTestimony  
**Cc:** mary@mauivortex.com  
**Subject:** Submitted testimony for HB2388 on Feb 24, 2016 14:00PM

**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Overbay	Individual	Oppose	No

Comments: Aloha Rep. Sylvia Luke, Scott Y. Nishimoto, and Committee Members, I OPPOSE HOUSE BILL 2388 RELATING TO CORRECTIONAL FACILITIES. There must be an environmental impact study. The area has changed drastically since the last study. How the planned changes will affect the new environment must be studied. I oppose public-private-partnerships. Government and corporations should remain separate. Conflicts of interest, revolving doors, insider deals, etc., have become the status quo. Too much collusion invites abuse of government powers, and personnel. Hawai'i needs new jail space; so Hawaiian prisoners can STAY IN HAWAI'!! However, rushing through a poorly studied project for expediency invites many problems down the road, and does not address many basic problems that, if solved, might alleviate the need for so many jail cells. Mahalo for your kind consideration, Mary Overbay

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 24, 2016 9:05 AM  
To: FINTestimony  
Cc: lzhong103@gmail.com  
Subject: \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*



**HB2388**

Submitted on: 2/24/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lin ter Horst	Individual	Oppose	No

Comments:

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To: FINTestimony  
Cc: lzhong103@gmail.com  
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**HB2388**

Submitted on: 2/24/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lin ter Horst	Individual	Oppose	No

Comments:

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Sent: Tuesday, February 23, 2016 11:24 PM  
To: FINTestimony  
Cc: rkailianu57@gmail.com  
Subject: \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*



**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Oppose	Yes

Comments:

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Sent: Tuesday, February 23, 2016 11:23 PM  
To: FINTestimony  
Cc: rkailianu57@gmail.com  
Subject: \*Submitted testimony for HB2388 on Feb 24, 2016 14:00PM\*



**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

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Sent: Tuesday, February 23, 2016 10:58 PM  
To: FINTestimony  
Cc: cushmanzoo@hawaiiantel.net  
Subject: Submitted testimony for HB2388 on Feb 24, 2016 14:00PM



**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sharron Cushman	Individual	Oppose	No

Comments: I strongly oppose HB2388.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 23, 2016 5:35 PM  
To: FINTestimony  
Cc: begoniabarry@gmail.com  
Subject: Submitted testimony for HB2388 on Feb 24, 2016 14:00PM



**HB2388**

Submitted on: 2/23/2016

Testimony for FIN on Feb 24, 2016 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha Rep. Sylvia Luke, Scott Y. Nishimoto, and Committee Members, I OPPOSE HOUSE BILL 2388 RELATING TO CORRECTIONAL FACILITIES. There must be an environmental impact study. The area has changed drastically since the last study. How the planned changes will affect the new environment must be studied. I oppose public-private-partnerships. No private jails in Hawaii. Government and corporations should remain separate. Conflicts of interest, revolving doors, insider deals, etc., have become the status quo across the country. Too much collusion invites abuse of government powers, and personnel. Hawai'i needs new jail space; so Hawaiian prisoners can STAY IN HAWAI'!! However, rushing through a poorly studied project for expediency invites many problems down the road, and does not address many basic problems that, if solved, might alleviate the need for so many jail cells. Mahalo for your kind consideration,

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# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair  
Representative Scott Nishimoto, Vice Chair  
Wednesday, February 24, 2016  
2:00 p.m.  
Room 308

**LATE**

## OPPOSITION AND COMMENTS ON HB 2388 HD2

Aloha Chair Luke, Vice Chair Nishimoto 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, far from their ancestral lands.

HB 2388 HD2 has been somewhat amended, yet there are still have many issues that need to be addressed regarding rebuilding OCCC on an existing parcel of the Halawa Correctional Facility or on a smaller footprint at its current site as well as relocating Maui Community Correctional Center. It also requires a feasibility report on development of O'ahu Community Correctional Center land and relegates "community partnering" to a public hearing - THIS IS WHOLLY INADEQUATE!

Community Alliance on Prisons is glad that the bill deleted the Chapter 343 (EIS) exemption, yet we are puzzled that this deletion is mentioned only in relation to Maui Community Correctional Center (MCCC), but not in relation to the O'ahu Community Correctional Center (OCCC). Please ensure that any OCCC plans include an environmental review consistent with Chapter 343.

Our further concerns include, but are not limited to:

- **"Partnering" with Private Prison Corporations:**

Community Alliance on Prisons has deep concerns about any further contracting with Corrections Corporation of America (CCA). This "temporary solution" to overcrowding has led to 20 years of the banishment of our people to the hands of corporate profiteers. These profiteers have lulled the state into believing they are Hawai'i "partners". THEY

ARE NOT PARTNERS; CCA IS A CONTRACTOR AND MUST BE HELD ACCOUNTABLE AS A TAXPAYER-FUNDED CONTRACTOR. Over the years we have seen many contract violations that have not and are NOT enforced. The 2010 audit made clear that the Department of Public Safety has a cozy relationship with CCA; sadly at the expense of the health and safety of our people held in their prisons and taxpayers who have borne the costs of litigation and/or settlements of claims.

- **Page 5, line 9: “shall” replaced by “may”:**

*Any development or expansion proposal **may** address the construction of the facility separate from the operation of the facility...*

What does this mean? Does it mean that a corporate prison company could be contracted to build and operate new facilities in Hawai`i? The community has been repeatedly told that the state would operate all of our facilities. Why was “shall” changed to “may” if that is truly the intent?

- **On page 6, line 9: “...partnering process shall include a community hearing...”**

This section talks about community partnering as a community hearing. Please don't insult the community in this way. We have been to hundreds of “public hearings” over the decades and they could never be honestly construed as “partnering”. Excessive incarceration is tearing apart the social fabric of Hawai`i families and now this bill promises a DPS dog and pony show without even consulting the community/taxpayers on the best strategies for addressing Hawai`i's social problems? THIS IS INSULTING and diminishes the intent of the 1998 law that addresses consulting the community in the PLANNING process.

- **The rush to build:**

This proposal, with an undisclosed fiscal price tag (the request for OCCC was \$489.3 MILLION), is one of the largest public projects in Hawai`i outside of the ill-conceived rail debacle. Why is Hawai`i rushing into building buildings rather than building communities when the research and data show that providing community-based programming is a far better and less expensive option? Incarceration should be the LAST RESORT.

- **Implement Justice Reinvestment BEFORE building:**

Criminal justice reform is happening all around the nation. Hawai`i has a golden opportunity to implement Justice Reinvestment (JRI), yet this administration has decided to build facilities first and then implement JRI. This is completely backwards from the goals of this Department of Justice initiative, which is to REDUCE THE INCARCERATED POPULATION. As Jeremy Travis, president of the John Jay College of Criminal Justice at the City University of New York and one of the authors of the National Academies Press report on the Growth of Incarceration in the US has said, *“As a society we've become more and more punitive even though crime is at its lowest rate ever. We put people in prison for offenses that would have received a light sanction in former times.”*

- **Address social problems; DON'T HIDE THEM!**

Incarceration only serves to hide our community's challenges by warehousing people suffering from mental illness, homelessness, illiteracy, drug addiction in jails, prisons, and storage facilities. This does nothing to assist those needing help; rather it exacerbates their problems; costs the taxpayers millions of dollars; and destroys communities. As Professor Angela Davis has said, *"Prisons do not disappear social problems, they disappear human beings. Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages."*

- **Develop the "software" first; then the hardware:**

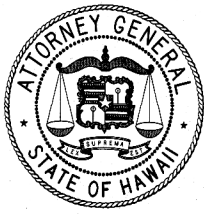
There are many factors that must be considered before any new facility is even considered. It is akin to developing software to fix a problem – this is the part that takes the most THOUGHT and PLANNING – and then you figure out the hardware to implement the software. We are doing this backwards. We are developing a building without first thinking about the people who live and work there.

- **Where did the almost \$20 million spent on OCCC and MCCC go?**

Community Alliance on Prisons agrees that OCCC and MCCC are in dire need of repair/renovation. However, last session the Governor allocated \$5 million for OCCC's planning to stop the OCC bill and in prior years, taxpayers have spent almost \$14 million planning a new MCCC. What is going on?

Community Alliance on Prisons respectfully asks the committee to please hold this bill until a thoughtful and comprehensive planning process that includes the community is developed. Howard Zinn said, *"I am convinced that imprisonment is a way of pretending to solve the problem of crime. It does nothing for the victims of crime, but perpetuates the idea of retribution, thus maintaining the endless cycle of violence in our culture."*

Mahalo for the opportunity to testify.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2016**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2388, H.D. 2, RELATING TO CORRECTIONAL FACILITIES.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**LATE**

**DATE:** Wednesday, February 24, 2016      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Diane Taira, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General provides comments and proposes amendments to this bill.

The purpose of this bill is to provide the Department of Public Safety with a wide range of options in pursuing development of new correctional facilities or increasing the capacity of existing facilities, and to provide funding for its current development needs with regard to the Oahu Community Correctional Center (OCCC).

We propose deleting the word “turnkey” on page 4, line 20, of the bill to allow for more flexibility in the procurement method to be employed for a new facility.

We also suggest that the clarifying wording, “or detainees,” be added to the end of paragraph (1) of subsection (b) on page 5, line 15, so that it reads:

- (1) The percentage of low, medium, and high security inmates and the number of prison or jail beds needed to incarcerate each of the foregoing classes of inmates or detainees;

This clarifies the type of population primarily served by jails.

We also propose the following amendments on page 10, lines 6 through 11, to allow more flexibility in the procurement method to be employed for the new facility:

for the purpose of purchasing, constructing, developing, leasing, or otherwise providing for jail facilities for up to 1,250 beds ~~on a turn-key basis~~, to include jail housing units and support buildings,

for ~~the~~ an Oahu community correctional center, ~~to be located on an~~  
~~existing parcel of the Halawa correctional facility.~~

We support passing this bill with the foregoing amendments.





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THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2016**

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