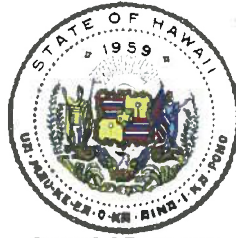


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
DEPUTY DIRECTOR
ADMINISTRATION

DEPUTY DIRECTOR
CORRECTIONS

Shawn H. Tsuha
DEPUTY DIRECTOR
LAW ENFORCEMENT

No. _____

TESTIMONY ON HOUSE BILL 840
RELATING TO CORRECTIONAL FACILITIES

By

Nolan P. Espinda, Director
Department of Public Safety

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

Thursday, February 5, 2015, 9:00 AM
State Capitol, Conference Room 309

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

The Department of Public Safety (PSD) supports the intent of House Bill (HB) 840, which would direct the Executive Branch to prepare a preliminary design and a request for proposals for the design, construction, and operation of a correctional facility.

Following the completion of the ongoing systemwide needs assessment being conducted by a consultant, PSD will be better prepared to assert precisely what kind (prison/jail/combo) of facility would best serve our system at or near the site of the Halawa Correctional Facility.

Thank you for the opportunity to testify on this bill.

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 8:19 AM
To: pbstestimony
Cc: sarah.allen@hawaii.gov
Subject: Submitted testimony for HB840 on Feb 5, 2015 09:00AM
Attachments: HB840-T_SJA_15-02-05 FINAL.pdf

HB840

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Allen	State Procurement Office	Support	Yes

Comments: The State Procurement Office's (SPO) comments are limited to SECTION 2 (c) of this bill, specifically subsection (5), which reads: "(5) Any proposed legislation required for the implementation of the final design, construction, purchase, and operation of the correctional treatment facility."

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HB840

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	No

Comments: We strongly oppose this bill specifically on the grounds that this bill is premature. The Governors proposed appointment for the Public Safety Department, Nolan Espinda had not provided any clear & concrete plans for the building of a new facility, or whether or not he is for the building of a new prison. If he is supportive of building a new prison, what kind of facility will it be, e.g. High Security, Medium Security, Minimum/Community Facility, or mental health facility? Who will build the prison: Private or Public? How many beds will it have? Where will it be built? Will this new facility allow the State to end its private prison contracts? How will the facility be staffed, given the numerous unfilled positions for Corrections Officers that has plagued the Department for years? Without any specifics, it would be unwise to waste valuable tax payer dollars on, as it stands right now, a "Pipe Dream" reminiscent of politicians who offer empty & vague promises that they could not fulfill. This bill should be killed in the interest of the Hawaii Taxpayers!

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COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Kyle Yamashita, Vice Chair

Thursday, February 5, 2015

9:00 a.m.

Room 309

COMMENTS on HB 840 - Construction of Correctional Treatment Facility

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 for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who 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 840 directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility and appropriates moneys.

Community Alliance on Prisons acknowledges the sub-standard and shameful conditions in which Hawai'i's incarcerated people are forced to live. Frankly, it is difficult for us to understand why the state doesn't maintain these facilities

This bill appears to be from the Lingle administration. Section 1 is full of mis-information; some of it is old and some is just incorrect. Although the title does not identify it as such, this bill is for the design and RFP of a correctional treatment facility.

Before the Legislature proceeds with this plan, we respectfully remind you of two laws passed by prior Legislatures.

In 1998 the Hawai'i State Legislature passed two laws that are now in statute:

§353-16.35 Development or expansion of in-state correctional facilities. (a) Notwithstanding any other law to the contrary, the governor, with the assistance of the director, may negotiate with any person for the development or expansion of private in-state correctional facilities or public in-state turnkey correctional facilities to reduce prison overcrowding; provided that if an environmental assessment or environmental impact statement is required for a proposed site or for the expansion of an existing correctional facility under section 343-5, then notwithstanding the time periods specified for public review and comments under section 343-5, **the governor shall accept public comments for a period of sixty days following public notification of either an environmental assessment or an environmental impact statement.**

(b) Any development or expansion proposal shall address the construction of the facility separate from the operation of the facility and shall consider and include:

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

(2) The facility's impact on existing infrastructure, and an assessment of improvements and additions that will be necessary;

(3) The facility's impact on available modes of transportation, including airports, roads, and highways; and

(4) A useful life costs analysis.

(c) For the purposes of this section, "useful life costs" means an economic evaluation that compares alternate building and operating methods and provides information on the design, construction methods, and materials to be used with respect to efficiency in building maintenance and facilities operation. [L 1998, c 227, pt of §5; am L 2003, c 221, §1]

The purpose of public outreach is to help ensure that a comprehensive environmental impact document would be prepared that provides a firm basis for the decision-making process. The intent of the public outreach process is to:

Inform agency representatives, elected officials, **and interested members of the public about the proposed action**, the roles and responsibilities of PSD and the U.S. Department of Justice in implementing the proposed action, as well as activities to ensure compliance with HRS 343 and NEPA.

To address this issue, the legislature enacted the following statute:

§353-16.37 Community partnering. Regardless of the method for funding new prison facilities, the department of public safety shall develop and implement a community partnering process to be incorporated into the request for proposal; **this partnering process shall include a community hearing for the purpose of soliciting community input. Further, a community benefit and enhancement package shall be developed by the department and the affected community to mitigate the negative aspects of building a correctional facility in the community. The benefit and enhancement package may include but is not limited to:**

- (1) Infrastructure improvements;
- (2) Job training programs or improvements to schools and health care facilities;
- (3) Social programs; and
- (4) Other government functions. [L 1998, c 227, pt of §5; am L 1999, c 134, §4]

The legislative intent is clear. The legislature has directed the Department of Public Safety to involve the community at the earliest stage of planning.

When the Lingle administration's bill for a correctional treatment facility was going through the Legislature, three professors from UH Manoa wrote an Op-Ed that I have included below.

*Let's Not Build a Prison to Treat Drug Offenders:
A Review of What Works and What Doesn't*

Katherine Irwin, Department of Sociology
Robert Perkinson, American Studies Department
Meda Chesney-Lind, Women's Studies Program

Now that joint house-senate task force on ice and drug abatement has met for the final time and state lawmakers are busy writing legislation that will shape drug policies for years, we would like to share some findings from the scientific literature regarding what works and what does not work in combating drug abuse.

First, contrary to conventional wisdom, the current balance of scientific evidence suggests that incarceration does a poor job of reducing crime.

Texas provides a sobering example of incarceration failure. At the end of the century, Texas had the second highest per capita incarceration rate. Yet while almost every state in the union enjoyed decreasing crime rates in the 90s, Texas' crime rate dropped by only 5.1%, the smallest decrease among big population states. By contrast, in New York, where incarceration rates had been declining, crime rate dropped by 21%. The lesson? Locking up more people does not necessarily make our communities safer. Certainly, imprisonment keeps offenders from committing crimes while they are incarcerated. This 'incapacitation' effect ends, however, when ex-prisoners hit the streets, where roughly 67 to 80% of them are convicted of new crimes.

News reports suggest that the Lingle administration will likely seek construction of at least one 500-bed prison that emphasizes drug abuse treatment. This is a seductive proposal. It responds to community pressure for more drug treatment but remains tough on drug users. But what does the scholarly literature say about the effectiveness of drug treatment prisons? Are they different than regular prisons and therefore able to help reduce drug use and crime?

The current evidence is mixed. For example, while a 1997 UCLA study found that prison drug treatment plus six months of after-care cut recidivism by 70%, a recent meta-analysis of prison-based drug treatment found only a 10% decrease in recidivism rates. Why this huge variation?

If you look closely at the literature, you will discover a rigid set of criteria necessary to achieve high rates of success. Effective prison programs include costly components, such as separate and segregated units for those receiving treatment, extensive and on-going training for staff, and thoroughly planned interventions with on-going monitoring.

Will Hawai`i's under-funded, over-crowded prison system be able provide this type of comprehensive program, precisely as it was implemented during research trials? If not, taxpayers will have spent an enormous amount of money on a program that may not work.

Finally, there is no guarantee that a drug treatment prison today will remain a drug treatment prison tomorrow. Look again to Texas. In 1991, Governor Ann Richards received funding to add 12,000 beds for prison-based drug treatment. When George W. Bush took over in 1995, however, most of the treatment facilities were converted to regular prisons. In 2003, Governor Rick Perry cut back what prison treatment remained further still. What began as a quest for a new and promising approach to incarceration, therefore, ended in more of the same costly, ineffective imprisonment. Hawai`i should not follow this failed model.

Instead, we believe Hawai`i should do the following:

Invest in crime prevention strategies backed by solid social scientific evidence. Criminologists have deliberated over the 'what works' question for more than 20 years, and they have unanimously concluded that prevention programs do work. Because drug abuse and crime share similar causes, prevention programs can decrease the number of youths abusing drugs while at the same time decreasing the incidence of delinquent and criminal behaviors. Prevention is not only effective, it makes good fiscal sense. One California study estimated that in their first year, prevention programs saved the state anywhere from \$1,468 to \$15,000 depending on the kind of program implemented; thirty years out, the savings were from \$29,350 to \$221,750.

For those already drug addicted, we need to invest in community-based interventions. Extensive evidence suggests that drug treatment programs can decrease drug use, criminal activity, and arrest rates while increasing employment rates among treatment populations.

Finally, we should reduce reliance on incarceration for non-violent drug offenders. We know treatment outside of prison works. It costs less than incarceration and comes with fewer side effects. Prisons are blunt, expensive tools. They devour tax-payer money, chew up the lives of prisoners and their families, and do a poor job of reducing crime. Before investing Hawai`i's precious resources in new prisons, therefore, we urge lawmakers to think twice about cheaper, more effective alternatives.

It is well documented that community-based treatment is more effective than prison-based treatment because it is addressed in a public health modality; prison is all about security. Research shows that for every \$1 spent on drug treatment in the community, approximately \$18 is saved. Substance abuse treatment provided in the community is more cost-effective than imprisonment. Individuals with substance abuse histories compose a large portion of the prison population. Substance use/abuse plays a role in the commission of certain crimes. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes.¹

Increasing investment in community-based mental health treatment, improving diversion from prison and jail, and ensuring that those leaving prison have adequate care, all will reduce the financial burden of imprisoning community members suffering with a mental illness.

¹ The comparative costs and benefits of programs to reduce crime, Olympia: Washington State Institute for Public Policy, Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001.

Mental health litigation has established the legal right to treatment in custodial facilities -- for pretrial detainees as well as sentenced inmates. Among its benefits, good mental health treatment can reduce security risks by minimizing the symptoms of mental illness, thereby decreasing potential disruptions to jail routines and injuries to staff and detainees. The problems jails experience in connection with mentally ill detainees are associated with the absence of criminal justice policies, procedures, and standards specifically addressed to this group of offenders. Deficiencies in training, communication, and resources result from viewing the jail in isolation, rather than as an integral part of a criminal justice system (that includes the police, the courts, defense attorneys, and prosecutors) with linkages to mental health and other human services based in the greater community.²

A 2010 report from the Center for Economic and Policy Research³ concluded:

The United States has the highest incarceration rate in the world and also the highest rate in its history, with about 753 people per 100,000 in prison or jail in 2008. The number of incarcerated people in the United States has increased by more than 350 percent since 1980, while the overall population has grown by only 33 percent.

A reduction by one-half in the incarceration rate for non-violent offenders (who now make up over 60 percent of the prison and jail population) would lower the overall incarceration rate to the level reached in 1993 (which was already high by historical standards). This would also lower correctional expenditures by \$16.9 billion per year, with the large majority of these savings accruing to state and local governments. These projected savings would amount to almost one-fourth of total corrections budgets. The extensive research on incarceration and crime suggests that these budgetary savings could be achieved without any appreciable deterioration in public safety.

We are now holding people who are Community and Minimum Custody at Halawa, which is against all correctional best practices. There are a multitude of things we can do right now to reduce the incarcerated population, while saving lives and resources. Growing a criminal underclass by overclassifying individual's custody levels only serves to promote criminality. Let's figure out who we would be building the facilities for before committing resources.

Hawai'i needs real programs that have been proven to work. **Treatment Works; Prisons Don't.**

BUILD PEOPLE; NOT PRISONS!

Mahalo for this opportunity to testify.

² Providing Services for Jail Inmates with Mental Disorders, NIJ Research in Brief, Travis, Jeremy, and January, 1997. <http://www.ncjrs.gov/txtfiles/162207.txt>

³ The High Budgetary Cost of Incarceration, Center for Economic and Policy Research John Schmitt, Kris Warner, and Sarika Gupta , June 2010. <http://www.cepr.net/documents/publications/incarceration-2010-06.pdf>

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 3:41 PM
To: pbstestimony
Cc: lorenn@hawaii.edu
Subject: Submitted testimony for HB840 on Feb 5, 2015 09:00AM

HB840

Submitted on: 2/2/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Individual	Oppose	No

Comments: We need to spend our limited state resources on preventing crime. The department of public safety should be finding ways to decrease prison use. We do not need prison beds for about 6000 people in our small state. Also a "public private" partnership to finance a new prison is a terrible idea. An audit of PSD's "partnership" with the private prison provider CCA shows how badly it has been managed. Please see this January 2015 Star Advertiser oped on other bad reasons for building a new prison in Hawai'i <https://hawaiiifriends.files.wordpress.com/2015/01/honolulu-star-advertiser-1-1-7-15.pdf>

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Cc: theede@hawaii.rr.com
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HB840

Submitted on: 2/2/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

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

Comments: Aloha, Members of the Committee! Please reconsider this poorly written bill that will advocate locking up people with public health issues. NO MORE PRISONS FOR PROFIT. Let's fix the underlying issues with something better outlined.

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Cc: laurielindsay@ymail.com
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HB840

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Lindsay	Individual	Support	No

Comments: My Family & I strongly support the passing of Bill #HB840. We have been victims and would like to see a better reform system instead of the repeat criminals and offenders being set free to steal again. Mahalo

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