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**TESTIMONY ON SENATE CONCURRENT RESOLUTION 169, SENATE DRAFT 1
REQUESTING THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM,
ALSO IDENTIFY IN ITS FINAL REPORT SITES FOR A NEW CORRECTIONAL
FACILITY THAT ARE TEN ACRES OR LESS IN SIZE.**

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Matthew S. LoPresti, Vice Chair

Tuesday, April 13, 2017; 10:00 a.m.
State Capitol, Conference Room 312

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

The Department of Public Safety (PSD) offers the following comments on Senate Concurrent Resolution (SCR) 169, Senate Draft (SD) 1.

Utilizing funds appropriated by the 2014 Legislature, PSD has been working in concert with the Department of Accounting and General Services (DAGS) – Public Works Division on DAGS Job No. 12-27-5670, Oahu Community Correctional Center (OCCC), Planning for Relocation and Expansion. Our contractor, the local firm, Architects Hawaii Limited (AHL), has brought on board a respected Mainland consultant with years of specific expertise in the development of correctional facilities both here and across the nation, the Louis Berger Group. The scope of work includes, but is not limited to, evaluation of the existing OCCC site, site identification and selection, and development of an implementation plan.

The Department considers the services provided by AHL and Louis Berger to be thoughtful, well-planned, and thorough, and they have met every deadline with work of

extremely high quality. As part of Act 124, Session Laws of Hawaii 2016, Sections 52 and 52.1, the Legislature required that a progress report on the Planning for the Future of the OCCC be submitted to the 2017 Legislature by February 1, 2017. That report was submitted by the due date and discussed at a Joint Informational Briefing before the Senate Committee on Public Safety and Military Affairs and the House Committee on Public Safety the following day, on February 2, 2017.

In response to the recommendation of the Joint Committee that PSD broaden the scope of its site selection criteria to include sites of 4 acres or more, the Department directed its consultants to reinitiate the site search to include possible sites of 1 acre or more. This expanded search is ongoing and involves discussions with cooperating landowners as well as the State.

SCR 169 calls for the HCR 85 Task Force to include in its final report, which is due prior to the convening of the 2018 Legislature, the identification of sites of ten acres or less in size to reflect that modern facilities may be developed to expand vertically. PSD agrees that building vertically on a smaller site could be a viable alternative, and we are already looking into such options, as stated in the previous paragraph. And, although the members may be well-intentioned and possess expertise in criminal justice, the HCR 85 Task Force does not appear to have the specialized and technical background necessary, nor does it have the funding required to professionally conduct such a site search so as to do justice to this important process.

PSD and its consultants would report back to the Committees on Public Safety its findings on the expanded search of sites of 1 acre or more within the next few months. The Department is working expeditiously to move this process forward, as envisioned by the Legislature when it appropriated planning funds in 2014.

PSD also notes that the Department has an existing training academy for its corrections workforce and thus has already met the recommendation of the HCR 85 Task Force for the creation of such a correctional training academy.

Thank you for the opportunity to present this testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Matthew Lo Presti, Vice Chair

Thursday, April 13, 2017

10:00 am

Room 312

COMMENTS ON SCR 169 SD1

Aloha Chair Takayama, Vice Chair LoPresti 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 two decades. This testimony is respectfully offered on behalf of the almost 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 more than 1,600 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.

SCR 169 SD1 requests the task force established to study effective incarceration policies to improve Hawaii's correctional system, also identify in its final report sites for a new correctional facility that are ten acres or less in size.

Respectfully, this resolution is asking the task force to do something for which it has no expertise and/or experience and something that the taxpayers have already been paying consultants millions of dollars to do. What is going on here? Why do we continue to pay consultants to look for a site when the state has already determined that Halawa will be the site for a new jail and prison?

We fail to understand the rush to identify a site before there is any discussion about what corrections should look like for the next 50 -100 years. The decisions we make today will lock us into a particular system. Hawai'i is already an outlier as our sentences are too long, we incarcerate people for things that were violations only a few decades ago, and we hide away our social challenges because it's bad for tourism.

We need **thoughtful, open, transparent deliberation in all communities** about how Hawai'i should reform our correctional system. The questions we must ask: "Do we want a Criminal Justice System or a Criminal Processing System?" "What we do want/expect from our correctional system?" "How do we build the roadmap to reform?"

Community Alliance on Prisons offers an alternative version of this resolution for your consideration:

**REQUESTING THE TASK FORCE ESTABLISHED TO STUDY
EFFECTIVE INCARCERATION POLICIES TO IMPROVE
HAWAII'S CORRECTIONAL SYSTEM INCLUDE A
ROADMAP FOR REFORM IN ITS FINAL REPORT**

WHEREAS, the 2016 Legislature established to HCR 85 Task Force to study effective incarceration policies in Hawaii and other jurisdictions, and suggest improvements for Hawaii's correctional system, including recommendations for designs of future correctional facilities; and

WHEREAS the Task Force shall include in their report, identification and analysis of effective incarceration policies used in other states and countries; and

WHEREAS the estimated costs to develop and recommend methods and strategies that may be employed by Hawaii to improve its correctional system; and

WHEREAS the current HCR 85 Task Force has no community advocates with knowledge of the correctional system; and

WHEREAS greater collaboration with interested community members and inclusion from different sectors working on justice issues is a wise basic planning decision, and

WHEREAS the two community members on the Task Force shall be appointed by the Chairs of the House and Senate Public Safety committees who have the best knowledge of interested community members, and

WHEREAS the plans to replace OCCC and to build a large new prison on O`ahu appear to be fast-tracked, and

WHEREAS, the task force suggested at the February briefing that current planning for development of new correctional facilities may be premature as the task force is looking at options to significantly reduce the State's inmate population and create a more cost-effective system focusing on rehabilitation rather than punishment; and

WHEREAS, policies the task force is studying to reduce the incarceration rate include providing nonmonetary bail options, increasing substance abuse treatment programs, and improving support systems for parolees to reduce recidivism; and

WHEREAS, the task force is also recommending that the State expand its substance abuse treatment courts, create an academy to train correctional workers, and increase efforts to reduce the incarceration rate of Native Hawaiians; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the final report of the task force established pursuant to H.C.R. No. 85, H.D. 2, S.D. 1, Regular Session of 2016, which is due no later than twenty days prior to the convening of the Regular Session of 2018, shall offer a roadmap for reform including, but not limited to: identifying 1) viable strategies to reduce both the jail and prison populations; 2) policies that need to change; 3) design options appropriate for Hawai`i's diverse imprisoned population; 4) recommendations for expanding community-based services and programs, and

BE IT FURTHER RESOLVED that in the process of studying the correctional system, should developing a new correctional facility be considered an option, all state laws, including those laws pertaining to environmental impact statements and environmental assessments, and county ordinances shall be complied with; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the Chairs of the House and Senate Public Safety Committees, and Director of Public Safety; provided that the Director of Public Safety is requested to transmit copies of this Concurrent Resolution to the members of the task force created by H.C.R. No. 85, H.D. 2, S.D. 1, Regular Session of 2016.

Community Alliance on Prisons implores the committee to thoughtfully consider what is being proposed. If Hawai`i builds a huge jail and a humongous prison it will be filled. We cannot continue to lock away our social challenges. We must face them head on and find solutions. There are many examples of strategies that work to build community, rather than to tear it apart.

We can do this! We are Hawai`i. We care for and about each other.

In these perilous political times, let's remember that it is not us vs. them. It is JUST US!

Mahalo for this opportunity to testify.



TO: Chair Takayama
Vice Chair LoPresti
Committee on Public Safety

FR: Nanci Kreidman, M.A.

RE: SCR 126 SD1

Aloha. We are in support of this Resolution.

And implore the Committee to consider including other community voices in the discussion. Public safety, most times, does not include crimes and circumstances impacting families who have suffered (or are suffering the harm) of domestic violence. It appears that testimony provided earlier in Session, about this Resolution, was not incorporated into the SD1.

Far too many defendants are incarcerated with too little support for rehabilitation, healing from trauma and development of personal strategies for re-entry. However, it has been our experience over decades that the same concerns and attention given to the jeopardy faced by the community when criminals are not sufficiently accountable does not include the realities facing families who have partners or parents charged or convicted of crimes after committing crimes of family violence.

Please give careful consideration to the appointed participants on the Task Force. The professional experiences of others in the community, in addition, to government agencies and attorneys would make an enormous difference.

Thank you very much.

DOMESTIC VIOLENCE ACTION CENTER

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LATE

46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR SENATE CONCURRENT RESOLUTION 169, SENATE DRAFT 1,
REQUESTING THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE
INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM,
ALSO IDENTIFY IN ITS FINAL REPORT SITES FOR A NEW CORRECTIONAL
FACILITY THAT ARE TEN ACRES OR LESS IN SIZE.**

**House Committee on Public Safety
Hon. Gregg Takayama, Chair
Hon. Matthew S. Lopresti, Vice Chair**

**Thursday, April 13, 2017, 10:00 AM
State Capitol, Conference Room 312**

Honorable Chair Takayama and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in opposition to, with proposed amendments for SCR 169, SD 1, requesting the task force established to study effective incarceration policies to improve Hawai'i's correctional system, also identify in its final report sites for a new correctional facility that are ten acres or less in size.

We urge your committee to amend this resolution by adopting the original contents of SCR 169, which called for a delay in building a new correctional facility on O'ahu until the task force provided a comprehensive road map for reforming Hawai'i's correctional system. HCR 85, Regular Session of 2016, established a task force to study effective incarceration policies to improve Hawai'i's correctional system. Composed of public safety officials, former prisoners, and chairpersons of the legislative committees that oversee public safety, the task force suggested, earlier this year, that current planning for development of new correctional facilities may be premature, as the task force is looking at options to significantly reduce the state's inmate population and create a more cost-effective system focused on rehabilitation rather than punishment.

The price of paradise applies to prisoners, too. According to the Hawai'i Department of Public Safety, the state spends about \$51,100 per year, or \$140 per day, to incarcerate a prisoner, approximately \$20,000 more than the national average. Our state attempts to save money by shipping inmates to Arizona's Saguaro Correctional Center, which costs \$76.78 per inmate per

day, or \$28,024 per year, about half of what it costs to house our inmates in the islands. Yet, each prisoner sent to the mainland is displaced from the relatives, friends, support network, and homeland that can be crucial in facilitating rehabilitation, a problem that is especially acute for Native Hawaiians displaced from their indigenous lands.

Currently, there are about 5,600 inmates housed in Hawai'i and out-of-state facilities, including those housed at Saguaro and the Federal Detention Center in Honolulu. Like mainland carceral institutions, Hawai'i struggles to overcome racial disparities in its approach to criminal (in)justice. According to 2010 census data, the incarcerated population of our state is almost 40 percent Native Hawaiian or part Native Hawaiian. Incarceration rates by race or ethnicity listed below are based on the number of incarcerated offenders per 100,000 people, as calculated by the Prison Policy Initiative:

- **Non-Hispanic whites:** 412 per 100,000 people;
- **Hispanics:** 415 per 100,000 people;
- **African-Americans:** 1,032 per 100,000 people;
- **American Indian/Alaskan Natives:** 624 per 100,000 people; and
- **Hawaiian/Pacific Islander:** 1,615 per 100,000 people.

Native Hawaiians, then, are four times as likely as whites to be housed in Hawai'i's prisons, while African-Americans are over twice as likely to be imprisoned. These statistics show that what Michelle Alexander calls "the New Jim Crow"—mass incarceration of and disproportionate penalties for minorities and economically disadvantaged populations that result in a racially coded system of social control—clouds the islands' (in)justice system, as it does those of the mainland.

As restorative justice advocates around the nation maintain, we must build people, not prisons. We must lay the groundwork for greater social and economic equality, not the cornerstone for hopeless incarceration. We must overcome the structural racism that prevents minorities from prospering on our shores and presents prison life as a natural path for Hawai'i's poor. Mahalo for the opportunity to testify in opposition to this resolution.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 13, 2017 8:29 AM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SCR169 on Apr 13, 2017 10



SCR169

Submitted on: 4/13/2017

Testimony for PBS on Apr 13, 2017 10:00AM in Conference Room 312

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

Comments: We SUPPORT this resolution.

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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Hearing with Senate Committee on Public Safety on April, 13 2017 @ 10:00a.m.

Testimony in SUPPORT WITH COMMENTS of SCR169 SD1 (Requesting the Task Force Established to Study Effective Incarceration Policies to Improve Hawaii's Correctional System, also Identify in its Final Report Sites for a New Correctional Facility that are Ten Acres or Less in Size)

**Prepared by: Members and Friends of the Launani Valley Community Association (LVCA)
Represented by: Tom Strout (LVCA President), Jenny Fidelibus (LVCA Vice President), Randy Francis (LVCA Treasurer), Cheryl Collins (LVCA Secretary), and Jennifer Kormos (LVCA Board Member)**

I am Jenny Fidelibus, Vice President of Launani Valley Community Association and I am writing to you on behalf of residents, neighbors, and friends of Launani Valley/Mililani Tech Park. We support SCR169 SD1 with comments. In summary, SCR169 SD1 calls for the Correctional Justice Task Force to identify in its final report, sites for a new correctional facility that are ten acres or less in size. Our large (and growing) group has significant concerns with the Siting Study produced by the OCCC Planners presented to the Legislature in February. The scoring system used in the Siting Study is inconsistent and misleading and the Study failed to take into account many other viable options, resulting in a flawed shortlist of recommended sites for a new OCCC. It is difficult to understand the reasoning behind the Department of Public Safety's decision to continue spending more money, time, and resources on the EIS process for the "Top 4" sites, to include the Mililani Tech Park site, without having the recommendations in hand that could be offered through a more thorough and accurate assessment of possibilities. Some of the issues with the Siting Study pertaining to the Mililani Tech Park site include the following:

- 1. Adjacent Land Use includes Residential Areas which were not factored into the score for the Mililani Tech Park site.**
- 2. Community Acceptance for the Mililani Tech Park site was scored as "neutral" despite the OCCC Planners never contacting any of the members or Boards of the adjacent Residential areas.**
- 3. Covenants and Restrictions for Mililani Tech Park include prohibited uses, to include Jails.**
- 4. The Mililani Tech Park site received a higher score for Proximity to First Circuit Court and Supporting Agencies than other locations with similar issues with distance/commuting.**
- 5. The Scoring System changed between August 2016 and November 2016.**

The existing Siting Study is flawed and the decisions related to building a new OCCC require better analysis than has been provided by the OCCC Planners. Furthermore, there is no reason for the EIS process to continue for the Mililani Tech Park site as more suitable sites are being identified. We appreciate the opportunity to provide testimony.

Sincerely,

Jenny Fidelibus
Vice President, Launani Valley Community Association
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Mililani HI 96789
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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 12, 2017 7:48 AM
To: pbstestimony
Cc: maukalani78@hotmail.com
Subject: Submitted testimony for SCR169 on Apr 13, 2017 10:00AM

SCR169

Submitted on: 4/12/2017

Testimony for PBS on Apr 13, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Comments Only	No

Comments: This resolution have two important issues under one resolution. Recommend separating them.

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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