

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

**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

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

**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

Senate Committee on Ways and Means  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Tuesday, April 4, 2017; 9:45 a.m.  
State Capitol, Conference Room 211

Chair Tokuda, Vice Chair Dela Cruz, 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

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

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



## COMMITTEE ON WAYS AND MEANS

Sen. Jill Tokuda, Chair

Sen. Donovan Dela Cruz, Vice Chair

Tuesday, April 4, 2017

9:45 am

Room 211

### COMMENTS ON SCR 169 SD1

Aloha Chair Tokuda, Vice Chair Dela Cruz 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 question we must ask is, "Do we want a Criminal Justice System or a Criminal Processing System?"

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.

Mahalo for this opportunity to testify.

**Hearing with Senate Committee on Ways and Means on April, 4 2017 @ 9:45am**

**Testimony in SUPPORT WITH COMMENTS of SR83 SD1/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), and Cheryl Collins (LVCA Board Member)**

Our Launani Valley (LV) Community supports SR83 SD1/SCR169 SD1 and stands in strong opposition to locating a Jail in Mililani Tech Park (MTP) as currently proposed by OCCC Planners of the Hawaii Department of Public Safety. SR83 SD1/SCR169 SD1 could allow for assessments of more suitable locations to be conducted; however, **to be clear, the intent is to see MTP removed from the "Top 4" list of proposed sites now**- there is no reason to expend money and resources for a Technical or Environmental evaluation on the MTP site when it is clear that the Report (specifically Appendix C- Siting Study) prepared by the OCCC Planners and presented to the Legislature in February 2017 is inconsistent and misleading. The flawed study resulted in MTP being placed in the "Top 4" sites for further consideration, to include being subjected to a Technical/Environmental Study which is currently underway. Our concerns with the Siting Study include the following:

1. The Correctional Justice Task Force has not had the opportunity to complete its report. It is difficult to understand the reasoning behind the Department of Public Safety's decision to commit more money, time, and resources on the Environmental Impact Statement (EIS) process for its "Top 4" sites without having the recommendations in hand that could be offered through the Correctional Justice Task Force's report.
2. The point values in the scoring system for the Siting Study changed inexplicably between August and November 2016. For example, in August 2016, "Infrastructure" was shown to be allocated 25 points, but in November 2016, "Infrastructure" was shown to be allocated only 20 points. Scoring systems that change during the study period raise questions of credibility and objectivity.
3. Residents of the Launani Valley Community Association (LVCA) or any of the nearby residential communities were never contacted by the OCCC Planners to provide input during the study period that resulted in the proposal to build a Jail in MTP. Therefore, it is difficult to understand how the OCCC Planners could rate the category of "Community Acceptance" as "neutral" as shown in the report to the Legislature in February 2017. A statement of opposition from Mililani Tech Park Association (MTPA) was submitted to representatives of the Department of Public Safety on January 24, 2017 but evidently was not considered in the scoring for "Community Acceptance". Other proposed sites which were rated as "strongly negative" received scores of 0 points, while MTP received 5 points, contributing to the erroneous placement of MTP higher on the list than it should have been. As residents adjacent to the proposed site, we are extremely concerned about issues with safety, furlough programs, property values, traffic, and more.

4. Mililani Tech Park Association Covenants, Conditions, and Restrictions prohibit certain uses, to include Jails. According to the report published by the OCCC Planners, proposed OCCC sites should be free of restrictions and covenants.

5. The MTP site falls outside of the “preferred search area”; however, it does not appear that operational costs and logistical requirements to sustain an OCCC located in Central Oahu as compared to other sites were factored into the scoring system, which could have conceivably lowered the rating for MTP. Additionally, points assigned to MTP for “Proximity” to First Circuit Court and other supporting agencies are inconsistent when compared to other sites that have similar issues with distance/commuting time but ranked lower than MTP.

6. Adjacent Land Use of the proposed MTP site includes Residential Areas which were not considered. It is difficult to understand the rationale for recommending a Jail be placed adjacent to existing Residential Areas when other suitable locations are located in non-Residential Areas. According to the report published by the OCCC Planners, sites bordering upon residential neighborhoods, local parks and playgrounds, schools, religious and cultural sites, and similar land uses should be avoided. The MTP location received the maximum amount of points for this criteria (4 points indicating “likely compatible with surrounding land uses”), even though all of these non-compatible types of land uses are adjacent to the site.

7. In summary, it is clear that the OCCC Siting Study is inaccurate and the MTP site was not evaluated properly, resulting in the MTP site being ranked in the “Top 4” despite the following:

- the OCCC Siting Study Report is flawed to include changes in point values during the study period and inconsistent scoring;**
- the proposed MTP site is located outside of the preferred search area and is significantly further away from First Circuit Court and supporting facilities than other suitable sites, greatly increasing operational and logistical costs and creating issues with commuting/travel time;**
- adjacent land uses of the MTP site (including residential, park, preschool, and religious uses) are not “light industrial” as shown in the Siting Study Report and are not compatible with a Jail;**
- existing CC&R for the property prohibit Jails and overnight accommodations;**
- community opposition is “strongly negative” and never should have been rated “neutral”.**

We respectfully urge our leaders to ensure the report from the OCCC Planners is corrected before moving forward with the EIS on the proposed site in MTP. **Engagements with concerned citizens, multiple Neighborhood Boards, and elected officials have resulted in an overwhelming show of opposition to locating the OCCC in MTP, with formal statements forthcoming.** Thank you in advance for your support and the opportunity to provide testimony.

Sincerely,  
Jenny Fidelibus  
95-1209 Wikao St  
Mililani HI 96789  
[jfidelibus@yahoo.com](mailto:jfidelibus@yahoo.com)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 2, 2017 6:30 PM  
**To:** WAM Testimony  
**Cc:** maxinekla@gmail.com  
**Subject:** Submitted testimony for SCR169 on Apr 4, 2017 09:45AM

**SCR169**

Submitted on: 4/2/2017

Testimony for WAM on Apr 4, 2017 09:45AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maxine Anderson	Individual	Comments Only	No

Comments: Seriously? This task force was instituted in order to explore alternative constructs to our criminal justice system and now you are subverting that goal by having them designate a site for a new facility? How can we begin discussing sites for a facility when we haven't figured out the goal of what we are building for? We need to fully explore the LEAD program, bail reform, and other diversion programs before we begin discussing sites for a new facility.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 3, 2017 8:11 PM  
**To:** WAM Testimony  
**Cc:** bcsc@hawaii.rr.com  
**Subject:** \*Submitted testimony for SCR169 on Apr 4, 2017 09:45AM\*

**SCR169**

Submitted on: 4/3/2017  
Testimony for WAM on Apr 4, 2017 09:45AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William K. Chang	Individual	Support	No

Comments:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)