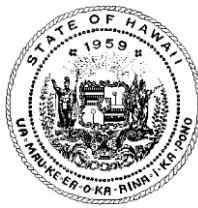


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
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NOLAN P. ESPINDA
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Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE CONCURRENT RESOLUTION 169
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THE
RECOMMENDATION OF THE TASK FORCE ESTABLISHED TO STUDY
EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S
CORRECTIONAL SYSTEM, TO DELAY PLANS TO BUILD A NEW
CORRECTIONAL FACILITY ON OAHU UNTIL THE TASK FORCE ISSUES ITS
FINAL REPORT THAT WILL PROVIDE A COMPREHENSIVE ROAD MAP FOR
REFORMING HAWAII'S CORRECTIONAL SYSTEM.

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, March 28, 2017; 1:20 p.m.
State Capitol, Conference Room 229

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

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

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 an interim 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 this Committee 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 and its consultants have already made significant progress, and to ask us to delay

Testimony on SCR 169
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs
March 28, 2017
Page 3

would be to stifle the tremendous progress and momentum already achieved in the site selection and planning process.

Thank you for the opportunity to present this testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, March 28, 2017

1:20 pm

Room 229

SUPPORT - SCR 169

COMPREHENSIVE ROADMAP FOR REFORMING HI'S CORRECTIONAL SYSTEM

Aloha Chair Nishihara, Vice Chair Wakai 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 approximately 1,700 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 requests the department of public safety, pursuant to the recommendation of the task force established to study effective incarceration policies to improve Hawai'i's correctional system, to delay plans to build a new correctional facility on O'ahu until the task force issues its final report that will provide a comprehensive road map for reforming Hawai'i's correctional system.

Community Alliance on Prisons is in support of this resolution that puts needs assessments and planning ahead of siting and building. The decisions we make today will lock us into how we do corrections for the next 50-100 years.

Let's stop and think about who is incarcerated and what better options exist to directly address that individual's pathway to crime.

Let's stop and think about how we can develop a network, a safety net, to help those struggling with mental health and substance misuse issues, unemployment, houselessness, and a variety of other social and public health challenges.

The HCR 85 Task Force is a great opportunity for the administration to take a breath, examine the research from around the world, find evidence-based strategies that can be based on Hawai'i's own data, create a system that actually CORRECTS behavior and, more than that, develop a system that helps human beings become productive members of our communities.

Community Alliance on Prisons urges the committee to pass this resolution.

Mahalo for this opportunity to testify.



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

**TESTIMONY FOR SENATE CONCURRENT RESOLUTION 169/SENATE
RESOLUTION 83, REQUESTING THE DEPARTMENT OF PUBLIC SAFETY,
PURSUANT TO THE RECOMMENDATION OF THE TASK FORCE ESTABLISHED
TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S
CORRECTIONAL SYSTEM, TO DELAY PLANS TO BUILD A NEW
CORRECTIONAL FACILITY ON OAHU UNTIL THE TASK FORCE ISSUES ITS
FINAL REPORT THAT WILL PROVIDE A COMPREHENSIVE ROAD MAP FOR
REFORMING HAWAII'S CORRECTIONAL SYSTEM**

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Hon. Clarence K. Nishihara, Chair

Hon. Glenn Wakai, Vice Chair

**Tuesday, March 28, 2017, 1:20 PM
State Capitol, Conference Room 229**

Honorable Chair Nishihara 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 strong support of SCR 169/SR 83, requesting the Department of Public Safety, pursuant to the recommendation of the task force established to study effective incarceration policies to improve Hawai'i's correctional system, to delay plans to build a new correctional facility on O'ahu until the task force issues its final report that will provide 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 support of this resolution.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



To Senator Clarence K. Nishihara, Chair, and Senator Glenn Wakai, Vice Chair,

The Hawai‘i chapter of the Young Progressives Demanding Action (YPDA) strongly supports this resolution and thanks Senators Dela Cruz and Kidani for introducing it. The issue of community corrections is intimately tied to socioeconomic factors and inequity across the spectrum of societal institutions—from education to housing, and everything in between. After two decades of study on this subject, one thing has become abundantly clear: our prison-industrial system does more harm to society than it does good and perpetuates the existence of a permanent underclass in America. We can and must do better.

Hawai‘i has a serious problem when it comes to its prison system. As you well know, the state’s 40-year-old community correctional centers are dilapidated and horribly overcrowded, and the situation in these jails has now become a liability. Clearly something must be done to reduce crowding in these out-of-date facilities. But there exist two very different ideas of what that something should look like. More broadly, this situation represents a crossroad and we, as a society, have two possible ways to move forward.

The first path involves building newer, larger, expensive incarceration facilities and, thereby, anchoring our society more firmly to an antiquated and injurious punitive system that is sustained off of societal problems. The current price tag for a combination of neighbor island facility upgrades and a proposed new facility here on Oahu is now somewhere between 600 million and 1.3 billion dollars. The draconian austerity of the prison system incurs a high and multi-faceted cost on the inmate. It’s also, clearly, a strain on overburdened state budgets, and on the taxpayers themselves. On top of this, the prison system has been shown to be less effective at keeping communities safe than what David Karp and Todd Clear, in their essay *Community Justice: A Conceptual Framework (2000)*, refer to as community justice solutions.

These restorative, rather than punitive, solutions seek to heal and restore troubled people, returning

them back to society in a condition in which they can be productive and contribute to society. This is the alternative path, and the one advocated for by the Community Justice Coalition, of which YPDA is just one member organization.

While it's absolutely true that our facilities are disgraceful, and while it is possible that we will always need some form of incarceration facility to host certain violent individuals, Angela Davis points out, in her 2003 book, *Are Prisons Obsolete?*, that relying on jails and prisons to house our exploding incarcerated population becomes a self-fulfilling prophecy, while the underlying causes of crime are not addressed.

“The prison,” she writes, “functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers ... It relieves us of the responsibility of seriously engaging with the problems of our society, especially those produced by racism and, increasingly, global capitalism ... Mass imprisonment generates profits as it devours social wealth, and thus it tends to reproduce the very conditions that lead people to prison.”

The “tough-on-crime” mentality forged from the failure that is the “War on Drugs” has resulted in staggering racial disparities within the criminal justice system. Black individuals are imprisoned at nearly six times the rate of their white counterparts, while Latinos are locked up at nearly double the rate of white counterparts. While these groups engage in drug use, possession and sales at rates comparable to their representation in the general population, people of color are disparately impacted by the system. For example, black individuals comprise 13 percent of the U.S. population and 14 percent of drug users, yet they account for 37 percent of the people arrested for drug offenses and 56 percent of those incarcerated for drug crimes. The 2012 Native Hawaiian Justice Commission (NHJC) report notes a similar situation for Native Hawaiians, who represent less than 10 percent of the population in Hawai‘i, but comprise almost 40 percent of the population within the criminal justice system.

But beyond the moral argument against prisons, there are three very practical reasons to spend that \$1.3 billion on community-based restorative justice programs instead of a new prison, and they each come with 20 years worth of data to support them:

1. Incarceration is Costly for Communities and Taxpayers

The past 45 years of criminal justice policymaking have been characterized by over-criminalization, increasingly draconian sentencing and parole regimes, mass incarceration of impoverished communities of color, and rapid prison building. These policies have come at a great expense to taxpayers. But budget short-falls of historic proportions have finally prompted some states across the country to realize that less punitive approaches to criminal justice not only make more fiscal sense but also better protect our communities.

Given the current budget climate, we have a—perhaps—unprecedented opportunity for reform on the one hand, and a costly entrenchment in a failing system on the other. Policy leaders must see this as a chance to retool the sentencing and corrections systems in our state. With stronger community corrections, we wouldn't need to lock up so many people at such a great cost. By redirecting a portion of the dollars currently spent on imprisoning the lowest-risk inmates, we could significantly increase the intensity and quality of supervision and services directed at the same type of offenders in the community instead of behind bars.

2. Incarceration is Ineffective

Recidivism refers to a person's relapse into criminal behavior, often after the person has received punitive sanctions for a previous crime. The economic and social impacts of incarceration, in particular, have been shown in multiple studies to be high factors in contributing to recidivism.

A June 2012 report from the National Institute of Justice examines the barriers that criminal records present to securing jobs, housing and benefits. These barriers heighten the difficulty of reentry into society for prisoners after they are released. The costs of recidivism are high. As a result, government agencies should be focused on the reentry population with initiatives aimed to improve outcomes in health, housing, education, employment and other areas.

3. Incarceration Doesn't Make Us Safer

In *Everyone Pays: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai'i* (June, 2009), authors Thomas Lengyel and Marilyn Brown write that:

“Up to this point, Hawai'i's citizens, elected representatives and state administrators have not had access to a serious accounting of the costs of putting their fellow citizens in prison. These costs and benefits of prison time are much more diverse and affect far more people than has been portrayed in the local media, whose reports often focus narrowly on the cost of the prison bed. As the title of this work implies, costs and benefits spread across society, and the costs for the state, for the prisoner, and for the prisoner's family far outweigh the benefits.”

In short, incarceration is damaging to the men and women who are placed into the prison system. It seems like an obvious and inane point to make; after all, isn't that part of the point of a punitive system? Some offenders may commit crimes so heinous that we deem them unfit to ever reenter society. But the majority of prisoners will be released at some point. How they behave upon reentry into society is based largely on whether their experience was punitive or rehabilitative.

There are a host of factors involved in determining the best possible solution to reduce crime, maintain safe communities and help at-risk populations avoid incarceration and remain productive members of society. But one common theme that emerges from the bulk of the research being done in this area of study is that simply locking people up, and offering no programs to help with prevalent public health issues, educational issues and issues with transitioning back into society, does more harm than good in the long run. But it doesn't have to be like this.

Seattle Washington, San Francisco California and Santa Fe New Mexico have implemented LEAD programs that allow law enforcement officers to divert low-level drug and prostitution offenders into community-based treatment and support services including housing, healthcare, job training, treatment and mental health support, instead of processing them through traditional criminal justice system avenues. By diverting eligible individuals to services, LEAD is improving public safety and reducing the criminal behavior (recidivism) of people who participate in the program.

LEAD is not only saving on jail costs. Studies have shown that over a five year period (October 2009 to July 2015) participants were 58 percent less likely than control group participants to be rearrested. Other studies have shown that LEAD participants were 50 percent more likely to have shelter, 46 percent more likely to be on an employment continuum (either vocational training or employed in the

legitimate market) and 33 percent more likely to have income/benefits. This is just one among several community-based, restorative or diversion-focused programs that would net the state and our society a far greater “band for our buck.”

But moving Hawai‘i away from the prison system won’t be easy. Every president since Richard Nixon—who first announced the “War on Drugs” in 1971—has adopted a “tough on crime” stance that is often replicated all the way down to the municipal level of government. This attitude, and its resulting policies, has resulted in the highest incarceration rate in the world. Between 1970 and 2010, the number of people incarcerated in the United States grew by 700 percent. We now incarcerate almost a quarter of the prisoners in the entire world, while representing only 5 percent of the world’s population. At no other point in U.S. history—even when slavery was legal—have so many people been deprived of their liberty.

We need our lawmakers to be brave and take a bold stance on this issue. We need our lawmakers to understand that establishing a suite of community programs aimed at achieving a restorative justice system is the only reasonable, conscionable strategy to take in reducing the population of our prisons.

The programs must include “job and living wage programs, alternatives to the disestablished welfare program, community-based recreation, and many more,” writes Angela Davis. “Positing decarceration as our overarching strategy, we [should] try to envision a continuum of alternatives to imprisonment—demilitarization of schools, revitalization of education at all levels, a health system that provides free physical and mental care to all, and a justice system based on reparation and reconciliation rather than retribution and vengeance.”

Please support this resolution and continue to push our society in the direction of restorative, rather

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**Hearing with Senate Committee on Public Safety, Intergovernmental, and Military Affairs on
March 28, 2017 @ 1:20pm**

**Testimony in SUPPORT WITH COMMENTS of SR83/SCR169 (Delay Plans to Build a New
Correctional Facility Until the Correctional Justice Task Force Issues Its Final Report)**

**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/SCR169 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/SCR169 could allow for assessments of more suitable locations to be conducted and would also serve as a temporary solution to addressing our concerns. **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.

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.
2. Residents of the Launani Valley Community Association (LVCA) 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. As residents adjacent to the proposed site, we are extremely concerned about issues with safety, furlough programs, property values, traffic, and more. Other proposed sites on the list which were rated as “strongly negative” received scores of 0 points, while MTP received 5 points, erroneously placing MTP higher on the list than it should have been.
3. 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”. Additionally, MTPA 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.
4. The point values in the scoring system 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 raise questions of credibility and objectivity.

5. Operational costs and logistical requirements to sustain an OCCC located in Central Oahu as compared to other “preferred search areas” were not factored into the scoring system, which could have conceivably lowered the rating for 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. 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 rated lower than MTP.

8. 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.

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. Our large (and growing) group is actively engaged in countering the Department of Public Safety's Report that resulted in Mililani Tech Park being included in the “Top 4” and appreciate the opportunity to submit Testimony along with our ongoing Petition.

In summary, it is clear that the OCCC Siting Study is a flawed report and the MTP site was not evaluated accurately, resulting in the MTP site being ranked in the “Top 4” despite the following:

- not located within the preferred search area;
- inconsistent scores related to distance factors compared to other possible sites;
- incompatible surrounding land uses (including residential, park, preschool, and religious uses);
- existing CC&R and Unilateral Agreement requirements for the property prohibiting jails and overnight accommodations;
- strongly negative community opposition.

We are in the process of compiling an overwhelmingly negative response from the people impacted by the flawed Siting Study provided by the OCCC Planners and your support is greatly needed for this critical issue. 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.
Thank you in advance for your consideration of our request.

Sincerely,
Christiana Jamile
95-877 Wikao St
Mililani HI 96789
Christiana.jamile@gmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 27, 2017 8:15 PM
To: PSMTestimony
Cc: tomstrout@msn.com
Subject: Submitted testimony for SCR169 on Mar 28, 2017 13:20PM

SCR169

Submitted on: 3/27/2017

Testimony for PSM on Mar 28, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
thomas strout	Individual	Support	No

Comments: 3-27-17 Testimony of Thomas Strout 808 255 8274 I am a resident of Launani Valley and also am on the Board of Directors of the Launani Valley Community Assoc. I along with the other Directors have been getting approached by many other residents from the valley who are all voicing in strong opposition of having LOT #17 in MILILANI TECH PARK (MTP) As being on the short list of 4 suitable locations for the new location of the OCCC Jail. We the residents of Launani Valley are trying to understand why this site is on the shortlist out of the 11 sites (which currently are not corrections facilities) this is the only one that would be a new location for a jail that borders on residential property, is within 2/10s of a mile from preschools, churches and parks. Launani Valley is a community of 830+ residents and neighboring our community is Waikalani Dr. and approx. 400+ more residents. We are also almost 2 times the distance from urban downtown then the other 3 short list sites. We are questioning the method that was used for the site location ratings. Who the consultants had spoken to get the ratings they used. How many correctional officers had they asked their opinion, how many professional legal places or people to get their feedback, we discovered that the rating had changed in a couple months, which we believe would therefore changing the sites.

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: Monday, March 27, 2017 7:04 PM
To: PSMTestimony
Cc: jessiemitchellbcba@gmail.com
Subject: Submitted testimony for SCR169 on Mar 28, 2017 13:20PM

SCR169

Submitted on: 3/27/2017

Testimony for PSM on Mar 28, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Mitchell	Individual	Support	No

Comments: I SUPPORT SCR169/SR8 and believe that the DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THE RECOMMENDATION OF THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM, TO DELAY PLANS TO BUILD A NEW CORRECTIONAL FACILITY ON OAHU UNTIL THE TASK FORCE ISSUES ITS FINAL REPORT THAT WILL PROVIDE A COMPREHENSIVE ROAD MAP FOR REFORMING HAWAII'S CORRECTIONAL SYSTEM.

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To: PSMTestimony
Cc: mercer001@hawaii.rr.com
Subject: Submitted testimony for SCR169 on Mar 28, 2017 13:20PM

SCR169

Submitted on: 3/27/2017

Testimony for PSM on Mar 28, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert K. Merce	Individual	Support	No

Comments: I am sorry for the late testimony and for not being aware of this resolution sooner. I am a member of the HCR 85 Task Force and strongly support SCR 169 for all of the reasons stated in the Task Force's Interim Report to the 2017 Legislature, Chapter 5, pages 19-26

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**Hearing with Senate Committee on Public Safety, Intergovernmental, and Military Affairs on
March 28, 2017 @ 1:20pm**

**Testimony in SUPPORT WITH COMMENTS of SR83/SCR169 (Delay Plans to Build a New
Correctional Facility Until the Correctional Justice Task Force Issues Its Final Report)**

**Prepared by: Members and Friends of the Launani Valley Community Association (LVCA)
Represented by: Tom Strout (LVCA President), Jenny Fidelibus (LVCA Vice President), Randy
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1. The Correctional Justice Task Force has not had the opportunity to complete its report.
2. Residents of the Launani Valley Community Association (LVCA) 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. As residents adjacent to the proposed site, we are extremely concerned about issues with safety, furlough programs, property values, traffic, and more. Other proposed sites on the list which were rated as “strongly negative” received scores of 0 points, while MTP received 5 points, erroneously placing MTP higher on the list than it should have been.
3. 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”. Additionally, MTPA 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.
4. The point values in the scoring system 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 raise questions of credibility and objectivity.

5. Operational costs and logistical requirements to sustain an OCCC located in Central Oahu as compared to other “preferred search areas” were not factored into the scoring system, which could have conceivably lowered the rating for 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. 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 rated lower than MTP.

8. 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.

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. Our large (and growing) group is actively engaged in countering the Department of Public Safety's Report that resulted in Mililani Tech Park being included in the “Top 4” and appreciate the opportunity to submit Testimony along with our ongoing Petition.

In summary, it is clear that the OCCC Siting Study is a flawed report and the MTP site was not evaluated accurately, resulting in the MTP site being ranked in the “Top 4” despite the following:

- not located within the preferred search area;
- inconsistent scores related to distance factors compared to other possible sites;
- incompatible surrounding land uses (including residential, park, preschool, and religious uses);
- existing CC&R and Unilateral Agreement requirements for the property prohibiting jails and overnight accommodations;
- strongly negative community opposition.

We are in the process of compiling an overwhelmingly negative response from the people impacted by the flawed Siting Study provided by the OCCC Planners and your support is greatly needed for this critical issue. 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.
Thank you in advance for your consideration of our request.

Sincerely,
Jenny Fidelibus
95-1209 Wikao St
Mililani HI 96789
jfidelibus@yahoo.com

**Hearing with Senate Committee on Public Safety, Intergovernmental, and Military Affairs on
March 28, 2017 @ 1:20pm**

**Testimony in SUPPORT WITH COMMENTS of SR83/SCR169 (Delay Plans to Build a New
Correctional Facility Until the Correctional Justice Task Force Issues Its Final Report)**

**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/SCR169 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/SCR169 could allow for assessments of more suitable locations to be conducted and would also serve as a temporary solution to addressing our concerns. **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.

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.
2. Residents of the Launani Valley Community Association (LVCA) 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. As residents adjacent to the proposed site, we are extremely concerned about issues with safety, furlough programs, property values, traffic, and more. Other proposed sites on the list which were rated as “strongly negative” received scores of 0 points, while MTP received 5 points, erroneously placing MTP higher on the list than it should have been.
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OCCC Planners is corrected before moving forward with the EIS on the proposed site in MTP.
Thank you in advance for your consideration of our request.

Sincerely,
Salena and Rutherford Lee
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