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**TESTIMONY ON SENATE RESOLUTION 83, 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 (SR) 83, 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.

SR 83, SD1 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.

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 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,
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