

DAVID Y. IGE  
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STATE OF HAWAII  
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No. \_\_\_\_\_

TESTIMONY ON 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.

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 Resolution (SR) 83.

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, 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 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

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Senate Committee on Public Safety,  
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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.



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

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**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

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 28, 2017 7:56 AM  
**To:** PSMTestimony  
**Cc:** icordeiro@hawaii.rr.com  
**Subject:** Submitted testimony for SR83 on Mar 28, 2017 13:20PM

**SR83**

Submitted on: 3/28/2017

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
IRNA CORDEIRO	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.

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)

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

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

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Sincerely,  
Salena and Rutherford Lee  
95-520 Wikao Street B106  
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