

HB-1719

Submitted on: 1/31/2018 9:00:02 AM

Testimony for PBS on 2/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi		Support	No

Comments:

LATE



Aloha Chair Takayama, Vice Chair Gates, and members of the Committee on Public Safety,

The Young Progressives Demanding Action – Hawai‘i **have reservations** regarding HB 1719. While we agree that returning inmates housed in out-of-state facilities to Hawai‘i, where they can reconnect with family, community and land—crucial components of identity that are necessary for the healing process—is a good thing, we are wary that this bill will incentivize the creation of new jail and/or prison facilities in Hawai‘i, something that our nearly 600 registered members are adamantly opposed to.

We cannot support a measure that would leave Hawai‘i open to committing a serious mistake on one of the most important issues of our day. A reliance on prisons as the primary form of punishment for crime in our society is antiquated and backward. There exist far better, evidence-based forms of corrections that heal and rebuild the individual offender, rather than degrade and worsen his or her condition. Inmates, with rare exceptions, will be released at some point, and prisons have been shown to make these individuals more dangerous, desperate and dependent on criminal behavior than they were when they were initially convicted. We unequivocally opposed the construction of new incarceration facilities, whether publicly run or privately run. However, we absolutely support the reduction of our incarcerated population to address over-crowding through alternative means.

We recommend that this bill be amended to include language that strictly prohibits the construction of new incarceration facilities and, instead, directs the state to free up bed space in our existing facilities before the deadline through alternative means. We further recommend that these alternative means be expressly spelled out in this bill and that they include, but are not limited to, the following: decriminalizing individual possession and use of marijuana, diverting offenders of Class-C felonies and misdemeanors to housing first, substance abuse, mental illness or place-based restorative justice programming through initiatives like LEAD, and away from incarceration in our facilities, and eliminating cash bail so that offenders who are assessed as non-dangerous to the community and themselves and non-flight risks may be released to their communities and families on their own

recognizance. These steps will greatly reduce our incarcerated population faster, more effectively and for far less taxpayer money than the construction of new facilities, and we urge this committee and this legislature to take bold and immediate action on this before the state walks any further down a disastrous path of further criminalization, over-incarceration and reliance on the rampantly unjust and inequitable prison-industrial complex.

Mahalo,

Will Caron
Social Justice Action Committee Chair
Young Progressives Demanding Action – Hawai‘i



LATE

HB1719
RELATING TO PUBLIC SAFETY
House Committee on Public Safety

February 1, 2018

10:00 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees offer the following COMMENTS on HB1719, which would require the the return of pa'ahao currently housed in out of state facilities to be returned to Hawai'i, place a prospective limit on the number of pa'ahao who may continue to be housed out of state, and require the Department of Public Safety (PSD) to develop sufficient facilities or incarceration alternatives to return pa'ahao home.

OHA appreciates the intent of this measure, to bring pa'ahao home as was recommended by the Native Hawaiian Justice Task Force in its 2012 Report.¹ However, we express concerns regarding the sufficiency of the proposed approach. This measure would have PSD return pa'ahao from out of state facilities, and impose a cap on the number of inmates that may be sent out of state in the future, *provided there is sufficient bedspace in Hawai'i facilities*. Unfortunately, there are currently over 1,600 Hawai'i inmates being held out of state, and no current vacancy in Hawai'i facilities to accept them. On the contrary, our in-state facilities have been grossly overcrowded for many years. In order to bring pa'ahao home, we must either increase bedspace or reduce the incarcerated population significantly.

To address this shortage, this measure further proposes that PSD construct new facilities to develop additional bedspace, and develop alternative programs to detain the returning inmates. However, while OHA understands that PSD is currently planning to replace the outdated and overcrowded O'ahu Community Correctional Facility and expand its available bedspace, this bedspace would be unable to receive almost any returning prisoner inmates due to restrictions on custody classifications. Moreover, if the new facility project proceeds as currently planned, it will not be completed until 2023, long after this measure's 2019 deadline. In other words, it would be virtually impossible to locally house the total number of pa'ahao we incarcerate in any reasonable amount of time, and certainly not within the construction deadline proposed in this measure. **Put simply, we incarcerate more people than we can hold or afford.**

Prudent planning therefore requires the full exploration and execution of programs and policies that effectuate evidence-based alternatives to incarceration, which help to

¹ OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 10 (2012), http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

improve public safety, effectively rehabilitate pa‘ahao, and save taxpayer dollars.² In its 2012 report, the Native Hawaiian Justice Task Force recommended several such approaches, which would address our historic prison overcrowding, as well as the systemic issues that have resulted in the large and disproportionate overrepresentation of Native Hawaiians in our criminal justice system. **These approaches include revisiting proposed legislation from the 2011 Justice Reinvestment Initiative that were not originally passed or implemented, including: investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua, and bolstering reintegration programs and services to better prevent recidivism.** In addition, the HCR85 Task Force’s recent Interim Report asserts that sentencing reform and expanding early release opportunities will be the best path forward. These recommendations, if implemented, would have a much greater likelihood of reducing Hawai‘i’s incarcerated population to a reasonable and just level, that can be sustained long term.

Mahalo for the opportunity to testify on this measure.

² In its 2012 report, the Native Hawaiian Justice Task Force recommended several options to address systemic issues resulting in the disproportionate overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several proposals from the 2011 Justice Reinvestment Initiative legislation that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding implicit bias training, strengthening supervised release programs, executing compassionate release consistently, supporting indigenous models of healing alternatives such as pu‘uhonua, and bolstering reintegration programs and services to better prevent recidivism.

DAVID Y. IGE
GOVERNOR

LATE



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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TESTIMONY ON HOUSE BILL 1917
RELATING TO CORRECTIONS

by

Nolan P. Espinda, Director
Department of Public Safety

COMMITTEE ON PUBLIC SAFETY
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Thursday, February 1, 2018; 10:00 a.m.
State Capitol, Conference Room 312

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

The Department of Public Safety (PSD) **supports the intent** of House Bill (HB) 1917 and respectfully offers the following comments.

This bill seeks to return out-of-state inmates to Hawaii if adequate bed space exists in PSD facilities and would offer resources for facilities' improvements via the authorization of general obligation bonds. The Department agrees with the intent of HB 1917 to bring home offenders incarcerated out-of-state and has worked to return as many as possible within infrastructure and program cost limits. The problems of severe overcrowding of PSD's in-state facilities is well known. Without immediate changes to our current physical plants and infrastructure, there is no way in which our institutions can adequately and humanely house the additional inmates who are currently housed out-of-state.

The Department has also worked to strengthen its reentry programs, explored and initiated alternatives to incarceration, and mounted a carefully-considered planning effort to replace its significantly overburdened Oahu Community Correctional Center. PSD asks this Committee and the Legislature

to support the Department in these efforts to help us achieve the purposes of well-meaning proposals such as offered in HB 1719.

Thank you for the opportunity to present this testimony.



COMMITTEE ON PUBLIC SAFETY

LATE

Representative Greg Takayama, Chair
Representative Cedric Asuege Gates, Vice Chair

DATE: Thursday, February 1, 2018
TIME: 10:00 AM
PLACE: Conference Room 312

Dear Honorable Committee Members,

HB 1719 – Relating to Public Safety: Support with amendments.

We support this bill's goal to "return to Hawai'i all inmates that are detained or incarcerated in out-of-state prison or correctional facilities."

We believe that the department of public safety, with sufficient effort and consultation with other governments and prison reduction experts who have assisting in reducing mass incarceration in other states, does not necessarily need to construct new prison beds in order to bring our people home for correctional supervision and rehabilitation. The mandate in this bill section (1)(e) for additional correctional bed space should be eliminated.

Research has demonstrated the importance of keeping incarcerated people close to their loved ones. Family visits help prevent prison misbehavior recidivism. "Visitation, and more consistent visitation in particular, is associated with less prison misconduct" (Cochran, 2012, The ties that bind or the ties that break: Examining the relationship between visitation and prisoner misconduct, *Journal of Criminal Justice*, 40:5, 433-440, p. 433, <https://www.sciencedirect.com/science/article/pii/S0047235212000785>).

Research too from an independent evaluation by Janet Davidson, PhD, Chaminade criminology professor, of a reentry planning process that supports family connections, which was developed and tested in Hawai'i, reduced recidivism for a group of imprisoned people who had the process, compared to a control group that wanted, but did not receive the process (Walker & Davidson, in press, *Restorative justice reentry planning for the imprisoned: An evidence-based approach to recidivism reduction*, In Gavrielides, T., (Ed.) *The Routledge International Handbook of Restorative Justice* (2018). The Routledge International: London).

More restorative interventions should be pursued before building new prison beds. To date the state has provided no financial support for the reentry planning process, which in addition to reducing recidivism, is also healing for children and youth who lose a parent to incarceration (Please see: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666828).

Hawai'i Friends of Restorative Justice is a 30+ year old non-profit that works to generate evidence-based knowledge of what works to increase civic behavior, help people desist from crime, and assist those harmed by crime and social injustice. It has worked with imprisoned people since 2004. Numerous articles about its work have been published and disseminated. National and international governments and agencies frequently contact us for assistance with reentry programs and policies.

Mahalo for your public service. Please contact me at (808) 218-3712 and lorenn@hawaiiifriends.org for any questions about this testimony and our work. Aloha, Lorenn Walker, JD, MPH, Director

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COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, February 1, 2018

10:00 am

Room 312

LATE

OPPOSE HB 1719 - BUILDING FACILITIES WITH NO ANALYSIS

Aloha Chair Takayama, Vice Chair Gates 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 more than two decades. This testimony is respectfully offered on behalf of the approximately 5,500 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 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 Kanaka Maoli, far, far from their ancestral lands.

HB 1719 requires the return of all out-of-state inmates by 12/31/20 if adequate bed space exists in Hawaii's prisons and correctional facilities; provides that no more than 500 Hawaii inmates shall be detained in out-of-state prisons by 12/31/19; requires the Department of Public Safety to plan, design, and construct sufficient facilities to house inmates in Hawaii and to pursue to incarceration for returning inmates. Authorizes the issuance of general obligation bonds.

Community Alliance on Prisons believes that this bill is well-intended, however, it does the opposite of reforming our broken correctional system.

Hawai`i's contract with CCA/CoreCivic ends in 2018. On page 2, Section 1(d), lines 6-8 -state: *(d) Effective December 31, 2019, the director of public safety shall permit no more than a total of five hundred inmates from Hawaii, at any one time, to be incarcerated in out-of-state prisons or correctional facilities, thereby leaving the option open for Hawai`i to continue to contract with corporate prisons. The community does not want corporate prisons here and we don't want our people in corporate prisons over there.*

As of July 2017, there were 255 Hawai`i individuals classified as Minimum or Community custody in Saguro, a MEDIUM security corporate prison in Eloy, Arizona. What the heck are they doing there? Community Alliance on Prisons wonders: Cui Bono? Who benefits? (Besides CoreCivic/CCA).

The Section 1(e) states: The department shall plan, design, and construct sufficient facilities to house all prisoners committed to the department's custody to meet the requirements of subsections (a), (c), and (d). The department shall also develop alternative programs or forms of incarceration, such as electronic monitoring, to detain or house the Hawaii inmates returning to Hawaii from out-of-state prisons or correctional facilities.

Has the legislature been watching the JAIL FAIL currently happening? The state has wasted more than a million dollars BEFORE implementing:

- Justice Reinvestment Initiative (JRI) - where other jurisdictions are reaping benefits from JRI by reducing their incarcerated population and enhancing public safety at the same time, Hawai'i can reap those same benefits as our crime rate is the lowest since we have been collecting data. This is a trend across the U.S. continent as well.

And BEFORE the 2 Legislatively-Appointed Groups working on Correctional Reform and Pre-Trial Services Reform have completed their work - slated for the 2019 Legislative session:

- HCR 85 Correctional Reform Task Force: Their work will be done and the Final Report and Recommendations are due for the 2019 legislature. The recommendations could include reducing the imprisoned population
- HCR 134 Pre-Trial Task Force - exploring reforms from bail reform to the pretrial system and its services. Their work will be done and the Final Report and Recommendations are due for the 2019 legislature. The recommendations could include reducing the imprisoned population

This rush to increase beds is dangerous. We have been told "we have been talking about building prisons and jails for 20 years, we just need to do it." So? The crime rate is not what it was 20 years ago - it's lower! Good public policy is based on sound research, open and inclusive collaboration, thoughtful debate, and informed and open discussion.

We urge legislators to get off the "we need more beds" mantra and examine the data - it is all there. Our facilities are filled with people, most of whom would be better served in community-based programs that directly address their pathway to incarceration, then imprisoning them in places where they are schooled in the "dark arts". We need REAL criminal justice reform or we will continue creating our own challenges. Let's talk about restoration; not incarceration. Please hold this measure.

Prison is a recruitment center for the army of crime.

That is what it achieves.

Michel Foucault

LATE

HB-1719

Submitted on: 2/1/2018 5:37:13 AM

Testimony for PBS on 2/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	No

Comments:

We STRONGLY OPPOSE this bill, as it seeks to fast track the building of a new prison.