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DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

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TESTIMONY OF
RODERICK K. BECKER, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE ON FINANCE
ON
WEDNESDAY, MARCH 28, 2018
3:00 PM
CONFERENCE ROOM 308

S.B. 2858, S.D. 2, H.D. 1

RELATING TO PUBLIC SAFETY.

Chair Luke, Vice Chair Cullen, and Members of the Committee, thank you for the opportunity to submit testimony on S.B. 2858, S.D. 2, H.D. 1.

The Department of Accounting and General Services (DAGS) opposes this bill for the following reasons:

1. As noted in our testimony regarding H.B. 2452, H.D. 1, there are no established parameters or standards that consider the increase in the cost of construction to provide a shelter room or area capable of protecting individuals from category 3 hurricanes. FEMA document P-361, Safe Rooms for Tornadoes and Hurricanes (March 2015) notes that provision of such shelters requires design and construction to exceed the requirements of model codes (including the codes in force throughout the State) and estimates construction cost increases of 5 percent to more than 30 percent for new construction.

2. The bill does not confine the scope to newly constructed buildings. We note that, in addressing construction, Hawaii Revised Statutes (HRS) Chapter 103D includes altering, repairing, improving and performing routine maintenance and repairs on existing facilities. The FEMA document cited above estimates that retrofitting existing facilities to provide such shelters may involve cost increases of 10 to 15 percent above the increased costs estimated for new construction; and, depending on the age of a structure and the purpose for which it was originally constructed, it is likely many structures within the State's inventory may be unsuitable for retrofit for shelter use.
3. The bill provides that State facilities constructed on or after July 1, 2018 include such shelters. The process of obtaining funding, planning, designing and permitting for construction typically involves a multi-year duration. This new provision will require that projects now ready or nearing readiness for construction be delayed (with an expectation of increased cost) for redesign to include the shelters, or cancelled due to lack of adequate funding to sustain the increased costs of providing the shelters.
4. The bill makes no distinction among the various types of state facilities that might be appropriate for provision of such shelters. While, for example, a new classroom building at a high school may provide good opportunity for such shelter, it is less likely that a restroom facility at a State park will provide the same opportunity.

5. The bill provides no statement of intent or other guidance regarding the number of individuals to be protected.
6. The requirements of this bill should be coordinated with all departments and agencies responsible for the health and safety of the public to ensure their needs and relevant knowledge, along with the needs of the State's diverse communities and geographic circumstances, are considered in the development of any codes or other regulations to specifically address the requirements of such shelters.

Thank you for the opportunity to submit testimony on this matter.



SB2858 SD2 HD1
RELATING TO PUBLIC SAFETY
House Committee on Public Safety

March 28, 2018

3:00 p.m.

Room 308

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees offer the following **COMMENTS** on SB2858 SD2 HD1, which would ensure state buildings built after July 1, 2018 adhere to State Civil Defense standards of disaster preparedness. Although protecting Hawai'i state buildings and citizens is a laudable goal, this draft would abandon the critically important purpose of previous drafts to require the Department of Public Safety (PSD) to collect, aggregate, and publicly report data relating to key enumerated performance indicators. **This previous draft would promote important legislative and community oversight, and provide information that may be critical to the enactment of much-needed reforms to our criminal justice system.**

Decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history. Between 1977 and 2008, the number of people incarcerated in Hawai'i increased by more than 900 percent, between 1977 and today, our incarcerated population increased by 1,400 percent.¹ The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our current prison population.² Moreover, the overrepresentation of Native Hawaiians in the criminal justice system indicates larger systemic issues, such as implicit bias and disparate treatment in interactions from arrest, to adjudication, to final release.³ **Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives, that can improve public safety, effectively rehabilitate pa'ahao, reduce recidivism, and save taxpayer dollars.**⁴

¹THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36.

³ OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." *Id.* at 10. Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

⁴ The Native Hawaiian Justice Task Force recommended several options to address systemic issues resulting in the overrepresentation of Native Hawaiians in the criminal justice system. These included reconsidering several legislative proposals from the 2011 Justice Reinvestment Initiative that were not originally passed or implemented, investing in early intervention programs, increasing public defender funding, expanding

The Native Hawaiian Justice Task Force, in its 2012 report, found that data collection, integration, and infrastructure needed to be improved at various levels within the criminal justice system.⁵ The Task Force noted that an analysis of additional control variables “would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system.”⁶ Consistent with the Task Force’s report, this measure could help to provide robust and comprehensive data, which can inform the exploration, development, and implementation of policies and programs that meaningfully address the costly and growing impacts of our criminal justice system on Native Hawaiians and the larger community.

Therefore, OHA respectfully requests that the Committee amend this bill, to revert to the original or amended Senate versions of this measure. Mahalo for the opportunity to testify on this measure.

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. *Id.* at 27-30.

⁵ OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012) at 8, *available at* http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

⁶ *Id.*

SB-2858-HD-1

Submitted on: 3/27/2018 11:23:10 AM

Testimony for FIN on 3/28/2018 3:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--|--------------------|--------------------|
| Melodie Aduja | Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i | Support | No |

Comments:

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice-Chair and the Members of the Committee on Finance:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2858 SD2 HD1** relating to Public Safety; Public Improvements; State Building Construction; Disaster Preparedness; and Hurricane; Standards

The OCC on Legislative Priorities is in favor of **SB2858 SD2 HD1** and supports its passage.

SB2858 SD2 HD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes and requires new construction to be consistent with specific standards.

The DPH Platform states that "We believe in a government that will adequately, efficiently, courteously, openly, ethically and fairly administer to the needs of the people." (Platform of the DPH, P. 5, Lines 245-246 (2016)).

"We support Federal initiatives, both from Congress and from the future administrations that would mitigate the catastrophic cultural, economic, and environmental damage created by federal policies on globalization." (Platform of the DPH, P. 10, Lines 503-505 (2016)).

Given that **SB2858 SD2 HD1** requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes and requires new construction to be consistent with specific standards, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities
Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

LATE



Aloha Chair Luke, Vice Chair Cullen and members of the House Committee on Finance,

The members of the Young Progressives Demanding Action – Hawai‘i offers comments on SB2858 SD2 HD1. While we do not oppose the construction of hurricane shelters and the concept of planning for increasingly destructive storms in the 21st century, we are nevertheless disappointed that the House Public Safety committee decided to gut an important bill that would have required the Department of Public Safety (DPS) to report on program outcomes.

We desperately need more information from the DPS in order to craft a “smart justice” policy that advances programming and restorative justice techniques over incarceration and punishment. Such an approach will save the state millions of dollars, and create far better outcomes for offenders who will be able to reintegrate in society effectively, reducing recidivism and keeping out communities safer.

The previous version of this bill represented a step toward accountability and transparency when dealing with corrections and the criminal justice system. People who are committed to this system are stripped of certain rights because they have been deemed to have violated some part of the social contract. They are also locked away from sight and mind of the public, physically, emotionally and mentally cut off from their loved ones and advocates. As a result, they are particularly vulnerable to civil and human rights violations.

We feel it is critical that some form of legislation advancing this data-driven approach to criminal justice reform be passed this year. So while we do not oppose this bill, we ask that the Finance Committee please schedule SB2861 SD2 HD1 and pass it.

This session has been a disappointment for criminal justice reform: Many good bills aimed at assessing and reforming pretrial incarceration, reforming the bail system and establishing more effective incarceration practices died. We currently have two task forces studying this issue, and these task forces were used as cover to kill many of these bills. However, without specific data, task forces currently

looking at both avenues of reform will continue to be limited in their ability to formulate good recommendations on policy for this legislature to act on.

Even basic information, like the demographics of our jail and prison population and the cost of incarceration, are only available upon request and are difficult to acquire from the department. More and more states are adopting data-driven approaches to incarceration to implement truly best practices in reducing rates of recidivism, taxpayer costs, and to improve the safety of their communities. And their progress has been well-documented now. Hawai‘i should join this “smart justice” approach and implement a comprehensive data collection system. This information must be made publicly available. These bills will help the state to develop sound policies that improve our communities, improve safety, and promote justice, and we ask that you support both and pass them through committee today.

Mahalo,

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