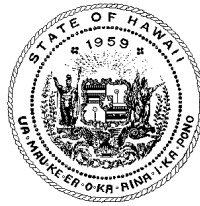


DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1177, HOUSE DRAFT 1  
RELATING TO PUBLIC SAFETY.

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 13, 2019; 3:00 p.m.  
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of House Bill (HB) 1177, House Draft (HD) 1, which would provide for the initiation of negotiations towards the State of Hawaii's purchase of the Federal Detention Center (FDC), located on the west side of the Daniel K. Inouye International Airport.

Thank you for the opportunity to present this testimony.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Wednesday, February 13, 2019

3:00 pm

Room 325

### **OPPOSITION to HB 1177 HD1 - PURCHASE OF FDC AS REPLACEMENT FOR OCCC**

Aloha Chair Lee, Vice Chair SanBuenaventura 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 families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 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 more than 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 1177 HD1 appropriates funds to purchase the Honolulu Federal Detention Center. **THIS BILL IS MIND-BOGGLING.** The legislator who created the HCR 85 Correctional Reform Task Force, and who said little during the meetings he did attend, has now introduced this bill that was NEVER mentioned or discussed by task force. Why?

Purchasing the federal detention center, an old-style prison, has been in the ether for a long, long time. It is ironic that the bill actually says:

Furthermore, the number of Honolulu Federal Detention Center inmates should likely decrease further after resident Donald Trump signed in December 2018 a bipartisan criminal justice reform bill called the First Step Act of 2018, which, in part, is aimed to reduce recidivism and decrease the number of inmates currently housed in federal correctional facilities.

Imagine if Hawai'i implemented REAL sentencing reform as so many conservative states have done! They have received the benefit of reduced harm and crime in their communities, smaller imprisoned populations and many have averted the need for new facilities! Sadly, Hawai'i has taken the incremental route - 1 step forward; 2 steps back. And progress has been minimal as is evidenced

by the fact that 74% of all the individuals incarcerated by the state are imprisoned for the lowest felonies, misdemeanors, violations, petty misdemeanors, and parole and probation violations.

At the final meeting of the HCR 85 Correctional Reform Task Force, former Judge Michael Town said that he cannot believe the things that are now felonies...things that were misdemeanors before! He favors defelonization! At another recent event, a former Hawai'i Supreme Court Justice said basically the same thing... Too many felonies for crimes that should be misdemeanors.

## **WE NEED SENTENCING REFORM - NOT NEW CORRECTIONAL FACILITIES!**

### **THE FEDERAL DETENTION CENTER:**

The Federal Detention Center (FDC) at 351 Elliot Street by Honolulu International Airport is almost 20 years old. It opened in 2001 with a capacity of 695. FDC is a prison. Prison and jail environments are, or should be, quite different. FDC is an old-style prison that this bill suggests imprison pre-trial detainees, HOPE probation violators, and individuals sentenced to one year or less.

Research and data show that proposals like this this will lead these folks to prison. Is this bill about job security or community safety?

### **WHY IS THE COMMUNITY LEFT OUT OF THESE DISCUSSIONS?**

The community will ultimately foot the bill for this yet there has NEVER been a discussion with interested community members and organizations regarding corrections should look like in the next 50-100 years. WE HAVE BEEN LOCKED OUT OF THE DISCUSSION.

We implore the legislature to stop running amok over the community. These discussions about new buildings are devoid of the fact that the people who live there are our family members and loved ones.

Stop thinking only about buildings and focus on the harms caused by the state that is hiding away our social challenges rather than addressing them!

Please hold this bill until there has been a full and robust engagement of the community in this process.

Mahalo for this opportunity to testify.

**LATE**

HOUSE OF REPRESENTATIVES  
THE THIRTIETH LEGISLATURE  
REGULAR SESSION OF 2019

**Testimony in Support of HB 1177, HD1**

By, James Waldron Lindblad

[James.Lindblad@mail.com](mailto:James.Lindblad@mail.com)

808-780-8887

COMMITTEE ON JUDICIARY

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Rep. Dee Morikawa

AMENDED NOTICE OF HEARING

DATE: Wednesday, February 13, 2019

TIME: 3:00pm

PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

HB 1177, HD1  
(HSCR69)  
Status

RELATING TO PUBLIC SAFETY.  
Appropriates funds to purchase the Honolulu Federal  
Detention Center. (HB 1177 HD1)

Testimony in Support HB 1177 HD1. By, James Waldron Lindblad.

Chair Lee, and Vice Chair Buenaventura, and Members of the Committee:

I support the intent of House Bill (HB) 1177, HD1, which would provide for the initiation of negotiations towards the State of Hawaii's purchase of the Federal Detention Center (FDC), located on the west side of the Daniel K. Inouye International Airport.

I have worked in and around jails and prisons since 1974 and have personally viewed at least 50 jails and prisons in Oregon, Washington state, and Nevada including the Federal Detention Center in Honolulu and I have visited every other jail, police station and prison in Hawaii.

I have a client (with children and a wife) who was sentenced to a very long time in prison due to an offense committed long ago. I also have a pretrial client who was denied contact visits with his newly born child for seven months before he could make bail. These situations focus me on the idea of a new correctional facility, as I know that treatment of local prisoners is sometimes substandard, vicious, and lacking in compassion. We have at least 1500 persons in mainland jails or prisons. As to jail and prison, I did my own personal poll asking many of my clients and every single one of them prefers mainland incarceration for one reason alone: cleanliness.

Hawaii needs bed space, pure and simple and the Federal Detention Center serves that purpose very specifically and quickly and any quibbling about jail v prison is nonsense. The Federal Detention Center will work and will serve our needs in Hawaii right now. Anyone with personal experience working in or around the courts, the police and the prison or jails all know full well we must provide the needed infrastructure if we want to improve results. No one wants

jails or prisons but people commit crimes and society must deal with criminals. I have great faith in our DPS having worked in and around DPS since 1980. I think we, the people, must provide the needed tools for DPS to succeed and it is in the public interest to take the advice of those professionals working inside the correctional system who work on the front lines in Hawaii and we must provide the needed basics and fundamentally required facilities and the Federal Detention Center is one such option.

We know from California proposition 47 that bail reform will bring about a spike in property crimes and we know in order to improve the success rates for pretrial release we must have jail as a last resort. In my experience, family members of some defendants rely on jail as a last resort. While Hawaii is a leader in pretrial justice in America today ranking very high among the states in having the fewest numbers in pretrial status per capita the fact is, we need jail space now and have needed jail space since at least 1980. Buying the Federal Detention Center is a great opportunity and must be explored. We should not force our judges to release persons due to crowding. Of the 500 felons and 77 misdemeanants at OCCC, left over after 20,000 arrests by HPD, dated on or around June 2018, all these remaining defendants have been thoroughly reviewed by the Hawaii Intake Service Center and the court and it was ruled by a judge that bail is required in part, to ensure public safety and to ensure appearance at court but if crowding persists and there is no adequate pretrial holding facility these persons must be released. At a minimum, pressure to release due to crowding is on our courts and on the Director of Public Safety and we know the results and failure rates when minimum release standards cannot be met and the resulting spikes in crime rates affecting public safety. A line in the sand being jail, as a last stop and required is very important for a high-functioning criminal justice system.

I attended almost every HCR 85 Task Force meeting and submitted testimony along with over 100 emails containing additional support and data. I submitted three sets of testimony to HCR 134 Task Force Members and offered oral testimony at the public meeting, October 13, 2017. <http://808bail.com/honolulu/> My blog contains links to relevant data and reports. I have invited person interested in pretrial justice to my office and to view bail hearing and to visit the jails, booking facilities and prisons so that they may know how hard all this is. I believe the hard decisions our judges face are very difficult because I see the before and after effects to both defendant and their families as well as victims and this is why I think our community and tax payers will support our providing improvements.

I think buying the Federal Detention Center will improve pretrial justice and improve fairness in Hawaii and will jumpstart the needed infrastructure and foundation required to maintain our high-functioning pretrial process in Hawaii as HCR 134 Task Force members report.

Please support HB 1177, HD1, subject to amendments suggested here.

Thank you for the opportunity to present this testimony.

James Waldron Lindblad  
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808-780-8887.  
[James.Lindblad@gmail.com](mailto:James.Lindblad@gmail.com)

OPPOSITION TO HB1177 HD1 regarding purchase of the Federal Detention Center.

TO: Chair Chris Lee, Vice Chair Joy San Buenaventura and  
Members of the Committee on the Judiciary

FROM: Barbara Polk

I am surprised to see this bill at this time, since it apparently had no discussion in the legislatively established *HCR 85 Task Force on Effective Incarceration Policies and Improvement of Hawaii's Correctional System*, nor has it had discussion in the public nor, openly, among legislators. It endorses a leap into a "solution" to our problem of an over-crowded jail without adequate time to assess the adequacy of this "solution."

This proposal, while superficially attractive, appears to come from a "lock 'em up" mentality, rather than a shift toward rehabilitation, as recommended by the Task Force. I do not believe legislators have had the time to think carefully about whether the changes in our criminal justice system that the Task Force recommended can be implemented in that setting. If we go forward without that evaluation, we will be stuck for decades with a facility that is costly, wastes human lives, and does not increase public safety.

I don't think the State of Hawaii, which has generally been progressive, wants to be seen as almost a century behind the times in its approach to criminal justice

I urge the committee to defer HB1177 HD1.



**HB-1177-HD-1**

Submitted on: 2/11/2019 9:07:30 PM

Testimony for JUD on 2/13/2019 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Oppose	No

Comments: