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LATE

THE HONORABLE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Thirtieth State Legislature
Regular Session of 2019
State of Hawai'i

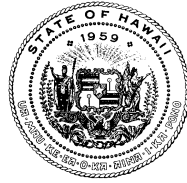
February 1, 2019

RE: H.B. 1551; RELATING TO PUBLIC SAFETY.

Chair Takayama, Vice-Chair Gates, and members of the House Committee on Public Safety, Veterans & Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 1551.

The purpose of H.B. 1551 is to establish a minimum-security housing program which provides treatment and support services for short-term adult offenders. The Department has always supported the implementation, continuation and expansion of treatment programs and services that are being provided for adult as well as youth offenders in correctional facilities. Based on the findings of the House Concurrent Resolution 85 Task Force on Prison Reform, approximately 90% of Hawai'i's prisoners have addiction problems which if left unaddressed, adds to the cycle of recidivism through the criminal justice system. Thus, the proposed language in H.B. 1551, not only addresses the Department's concern for the need of more treatment programs and services, but also attempts to address the need for a transitional phase for offenders as they reintegrate back into the community.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 1551. Thank you for the opportunity to testify on this matter.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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Testimony in SUPPORT of (HB 1551)
RELATING TO PUBLIC SAFETY

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

Hearing Date: February 1, 2019

Room Number: 430

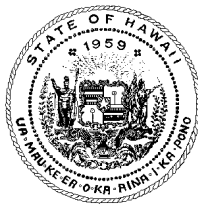
1 **Fiscal Implications:** Undetermined

2 **Department Testimony:**

3 The Department of Health (DOH) supports HB 1551 which establishes a four
4 hundred fifty (450) bed minimum-security facility for short term offenders as outlined
5 in this measure. The DOH has worked closely with the Department of Public Safety
6 (PSD) on the Hawaii Opioid Initiative and other related projects and welcomes the
7 opportunity to continue to work with PSD to address these target populations.

8 The DOH stands ready to assist the PSD in providing substance abuse
9 treatment, support services, cognitive behavioral intervention and transitional
10 programs.

11 Thank you for the opportunity to provide testimony.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1551
RELATING TO PUBLIC SAFETY.

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety, Veterans, and Military Affairs
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Friday, February; 10:00 a.m.
State Capitol, Conference Room 430

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

The Department of Public Safety (PSD) supports House Bill (HB) 1551, which would establish a 450-bed Minimum-Security facility for short term offenders. The target population includes short-term adult offenders who have violated probation; parole violators; furlougees who have violated terms of their furlough agreement by testing positive for the use of illicit substances; sentenced felon probationers; or sentenced misdemeanants identified as high risk for illicit substance use and/or recidivism.

Currently, individuals in the above-mentioned target group are held at the Department of Public Safety's Community Correctional Centers (Jails), contributing to overcrowding of community correctional facilities throughout the State. The facility proposed in HB 1551 would serve to alleviate the jails' overcrowded conditions. PSD also recognizes the target population's need for specialized services and would welcome the Department of Health's assistance in providing substance abuse treatment, support services, cognitive behavioral intervention, and transitional programs.

Thank you for the opportunity to present this testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

Friday, February 1, 2019

9:30 am

Room 430

OPPOSITION to HB 1551 - CORRECTIONAL TREATMENT PRISON

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 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.

Again, this is another bill that was mentioned by the community representative on the task force, Prosecutor Keith Kaneshiro and recently "retired" MCCC Warden, James Hirano, however, it was never discussed as an option. Their remarks centered around MCCC's Track 4, prison for people who relapse in Drug Court. **THE HCR 85 TASK FORCE DID NOT RECOMMEND A CORRECTIONAL TREATMENT PRISON.**

Community Alliance on Prisons contacted the head of the Maui Drug Court to ask if there was any evaluation done on Track 4. No response. When I asked several people from Maui and researchers who do evaluations if they ever saw an evaluation of Track 4, no one ever had seen one. We, therefore, can only conclude that there have not been evaluations of this program.

Therefore, we find it troubling that this would be proposed with no information or research to support it. When Justice Wilson presented the HCR 85 Task Force report to the legislature, he described a correctional treatment facility run by department of health. People in the community approached me after the presentation to ask what he was talking about since that was not in the recommendations.

As Steven Stills wrote,

"There's something happening here; what it is ain't exactly clear..."

So, what is going on committee members? Does this seem right to you???

Mahalo for this opportunity to testify.



O`ahu County Committee on Legislative Priorities (OCCL)

COMMITTEE ON SAFETY, VETERANS & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

DATE: Friday, February 1, 2019

TIME: 10:00 a.m.

PLACE: Conference Room 430, State Capitol

RE: HB 1551 Relating to Public Safety

Aloha mai kakou Chair Takayama, Vice Chair Gates, and Members of the Committee on Safety, Veterans & Military Affairs:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 1551 relating to Public Safety.**

HB 1551 establishes a minimum-security housing program in a county with a population of more than 750,000 for short-term adult offenders and provides capacity for a furlough program. HB 1551 appropriates funds for this project.

DPH have been inspired by the movements for criminal justice that directly address the discriminatory treatment of Native Hawaiians, Pacific Islanders and other disadvantaged ethnicities to rebuild trust in the criminal justice system. DPH requires that convicted Native Hawaiians, Pacific Islanders and all other races and ethnicities who reside within the State of Hawai`i remain incarcerated in the State of Hawai`i. *Democratic Party of Hawai`i Platform (2018), p. 8, ln. 51-54.*

For the foregoing reasons, i.e., to keep convicted Hawai`i residents in Hawai`i, OCCLP supports HB 1551 and urges its passage out of the Committee on Safety, Veterans & Military Affairs.

Mahalo nui loa
Me ka `oia`i`o

/s/ *Melodie Aduja*

Melodie Aduja
Chair, O`ahu County Committee on Legislative Priorities
of the Democratic Party of Hawai`i
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Email: legislativepriorities@gmail.com

HB-1551

Submitted on: 1/31/2019 7:47:13 AM

Testimony for PVM on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Oppose	Yes

Comments:

I oppose HB1551 for the following reasons:

>This plan has had no public discussion or review.

>Rather than looking for ways to decrease incarceration, this proposal seeks to increase it beyond the capacity of the jail that is under consideration. It is based on the assumption that people who have substance abuse or mental health issues should be locked up while being treated. "Minimum security" is, nonetheless, incarceration.

>DPS is not the appropriate department to deal with health matters. Most of the intended occupants of this facility should logically not be incarcerated or under the control of the Department of Public Safety. Bringing in the Department of Health in some way does not make it more acceptable

>A facility designed to hold 450 people is not appropriate for treatment of substance abuse or mental health issues, because it is much too big, and therefore must be too institutional. The facility sounds like a prison with some treatment involved, rather than a "housing program." Ideally, treatment facilities should be smaller, more home-like and be true housing. The bill offers no concept of how people incarcerated there would be housed—in dorm type rooms? In cells? There has been no planning or discussion.

>There is no reason why a "housing program" of any type should be located near a jail or prison. The Halawa location would not allow freedom to come and go independently, as needed, during treatment or when on furlough. This sounds in many ways like starting a new State Mental Hospital, but this time under DPS rather than DOH

>Drug and mental health treatment require facilities that provide social outlets and activities other than "treatment". There has been no discussion of what other facilities would be needed and what space would be required.

>The bill assumes that such a facility can be designed, built and operated in a two year period, when no discussion has been held or plans made as to how the facility would carry out its responsibilities. Section 5 appropriates funds to hire staff to run such a facility—starting in July of this year!

>Although claiming to be an “alternative” to incarceration, it is described as incarceration and does not show any evidence of incorporating the spirit of rehabilitation recommended by the HCR 85 Task Force

I urge that members of the committees to read the HCR 85 Task Force report, and to defer HB1551.

ROBERT K. MERCE

January 31, 2019

TO: House Committee on Public Safety, Veterans, & Military Affairs
RE: HB 1551
HEARING DATE: February 1, 2019
TIME: 10:00 AM
ROOM: 420
POSITION: **COMMENT**

Chair Takayama, Vice Chair Gates, and members of the committee:

I am a retired attorney and recently served as vice chair of the HCR 85 Task Force on prison reform.

I support the intent of HB 1551 which recognizes that drug addiction is a medical problem and that probation and parole violators who relapses while trying to recover from addiction do not necessarily benefit from incarceration. I suggest that before embarking the construction of a 400-bed facility, the State and stakeholders consider whether some of the target population of the bill would be better served by participating in an existing drug treatment program, whether it would be worthwhile to expand Oahu's community-based addiction treatment capacity to accommodate individuals who would otherwise be incarcerated, and whether there is a place for a state operated facility like the one described in HB 1551 in one or more of the communities where the target population reside.

Thank you for the opportunity to comment on this bill.

Bob Merce

HB-1551

Submitted on: 1/31/2019 8:37:07 AM

Testimony for PVM on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Bethel	Individual	Oppose	No

Comments:

It looks like HB 1551 is going to create a facility incarcerating drug dependent offenders. Research has shown that incarcerating drug offenders is not effective. It is also more expensive than drug treatment programs in the community.

Why not spend money on evidence-based programs that have been proven to work, rather than expensive and ineffective solutions that merely continue the status quo?

HB-1551

Submitted on: 1/31/2019 5:40:18 PM

Testimony for PVM on 2/1/2019 10:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Carla Allison	Individual	Oppose	No

Comments:

I oppose HB1551 because:

This bill revives another bad bill from 2004 (HB 2864)

<https://www.capitol.hawaii.gov/session2004/status/HB2864.asp>

Correctional Treatment Prisons are not supported by research.

The bill says that the Dept. of Health will be involved but is very vague, clarity is needed.

This will be a minimum security prison with treatment. Substance misuse is a public health issue and imprisoning people who relapse is not progress.

HB-1551

Submitted on: 2/1/2019 6:23:10 AM

Testimony for PVM on 2/1/2019 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strongly Oppose. This is just a prison. I support efforts put into increasing rehab opportunities and resources within the community not this measure which focuses on imprisonment. That's the problem that we have now.

HB-1551

Submitted on: 2/1/2019 9:19:22 AM

Testimony for PVM on 2/1/2019 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Individual	Oppose	No

Comments:

Dear Chairs, Vice Chairs and Members of the Community,

I oppose HB 1551. This proposed measure is part of a flawed and outdated approach to reducing our incarcerated population and addressing chemical dependency in our community.

Please enact legislation that embraces a "Systems thinking" approach to help individuals with chemical dependency and addiction issues to receive treatment and related services that will transform their lives, and divert them from our jails and prisons.

This proposed bill would add more jails and prison bed space - rather than reducing our incarcerated "bed" capacity. It also does nothing to address the fact that a substantial increase in our jail population in Hawaii consists of persons who are pre-trial status, meaning that they are awaiting trial and have never had their day in court.

Please hold this measure, and instead invest in evidenced based policies that work.

Sincerely,

Carrie Ann Shirota, Esq.