

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, HOUSE DRAFT 1  
RELATING TO PUBLIC SAFETY.

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Thursday, February 21, 2019; 12:30 p.m.  
State Capitol, Conference Room 311

Chair Luke, Vice Chair Cullen, and Members of the Committee:

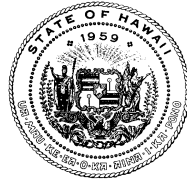
The Department of Public Safety (PSD) supports House Bill (HB) 1551, House Draft (HD) 1, which would establish a 450-bed Minimum-Security facility for short term offenders. The target population includes short-term adult offenders who have violated probation; parole violators; furlougees who have violated 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, HD 1 would serve to alleviate the jails' overcrowded conditions. PSD also recognizes the target population's need for specialized services and appreciates the Department of Health's commitment, expressed in testimony to the House Committee on Public Safety, Veterans, and Military Affairs, in a hearing on February 1, 2019, of providing continued assistance with substance

Testimony on HB 1551, HD1  
House Committee on Finance  
February 21, 2019  
Page 2

abuse treatment, support services, cognitive behavioral intervention, and transitional programs.

Thank you for the opportunity to present this testimony.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of (HB 1551 HD 1)**  
**RELATING TO PUBLIC SAFETY**

REPRESENTATIVE SYLVIA LUKE, CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 21, 2019      Room Number: 308

1    **Fiscal Implications:** Undetermined

2    **Department Testimony:**

3            The Department of Health (DOH) supports HB 1551 HD 1 which establishes  
4    a four-hundred fifty (450) bed minimum-security facility for short term offenders as  
5    outlined in this measure. The DOH has worked closely with the Department of Public  
6    Safety (PSD) on the Hawaii Opioid Initiative and other related projects and welcomes  
7    the 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

DWIGHT K. NADAMOTO  
ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE SYLVIA LUKE, CHAIR  
HOUSE COMMITTEE ON FINANCE**

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

February 21, 2019

**RE: H.B. 1551, H.D. 1; RELATING TO PUBLIC SAFETY.**

Chair Luke, Vice-Chair Cullen, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 1551, H.D. 1.

The purpose of H.B. 1551, H.D. 1 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, H.D. 1, 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, H.D. 1. Thank you for the opportunity to testify on this matter.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON JUDICIARY

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Thursday, February 21, 2019

12:30 pm

Room 308

## OPPOSITION TO HB 1551 HD1 - CORRECTIONAL TREATMENT PRISON

Aloha Chair Luke, Vice Chair Cullen 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. 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.

When Justice Wilson presented the final report of the HCR 85 Correctional Reform Task Force, he spoke about a correctional treatment facility. **THE HCR 85 TASK FORCE DID NOT RECOMMEND A CORRECTIONAL TREATMENT PRISON.**

Therefore, we find it troubling that this would be proposed with no information or research to support it. When Justice Wilson 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 neither discussed nor in the recommendations.

This is another proposal that comes out of nowhere with no supporting data and one that has had no discussion by the task force, the legislature, or the community. What is going on???

Mahalo for this opportunity to testify.

**HB-1551-HD-1**

Submitted on: 2/20/2019 11:33:18 AM

Testimony for FIN on 2/21/2019 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**HB-1551-HD-1**

Submitted on: 2/17/2019 3:22:50 PM

Testimony for FIN on 2/21/2019 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Comments	No

Comments:

These programs must be publicly accountable and NOT be administered by the Prisons For Profit Industry.

[www.WeAreOne.cc](http://www.WeAreOne.cc)

February 20, 2019

TO: Committee on Finance  
RE: HB 1551, HD 2  
HEARING DATE: Thursday, February 21, 2019  
TIME: 12:30 PM  
CONF. ROOM: 308  
POSITION: **SUPPORT WITH AMENDMENT**

Dear Chair Luke, Vice Chair Cullen and members of the committee:

I support the intent of HB 1551, HD 2 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 however, that before embarking the construction of a 400-bed facility, the State and stakeholders consider whether some of the target population of the bill could be served as well 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, HD 2 in one or more of the communities where the target population resides, rather than at or near "a community correctional center and a prison".

Thank you for the opportunity to comment on this bill.



**HB-1551-HD-1**

Submitted on: 2/20/2019 9:45:30 AM

Testimony for FIN on 2/21/2019 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments:



**LATE**

**HB1551 HD1**  
**RELATING TO PUBLIC SAFETY**  
Ke Kōmike Kumuwaiwai

Pepeluali 21, 2019

12:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB1551 HD1, which would establish a housing facility and program for short-term adult offenders who may be struggling with substance abuse and addiction issues. OHA appreciates the intent of this measure to reduce recidivism and the incarcerated population through a minimum-security, treatment-oriented facility, and offers the following comments for the Committee's consideration.

**Decades of a traditional criminal justice approach have led to mass incarceration in our State, levying tremendous corrections costs but producing poor results.** Over recent decades, Hawai'i's prison population has increased to a historic high;<sup>1</sup> the Native Hawaiian community has been particularly impacted by this increase, making up nearly 40% of our prison population for at least the past ten years.<sup>2</sup> In its recently published 2018 report, the HCR85 Task Force on prison reform contended that our retributive approach to justice has resulted Hawai'i's mass incarceration phenomenon; the Task Force further found that this approach has broken individuals, families, and communities, but has not yielded acceptable outcomes in terms of recidivism or public perception.<sup>3</sup>

**To mitigate the impacts of our traditional criminal justice approach, and to develop alternative approaches that can address our ever-growing incarcerated population and its tremendous costs, Hawai'i should envision creative solutions for**

---

<sup>1</sup> From 1978 to 2016, the combined jail and prison populations increased 670% from 727 prisoners to 5,602.

<sup>2</sup> 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." THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 10 (2010), available at [http://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf). 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. More recently, the HCR85 Task Force noted that Native Hawaiians continue to be overrepresented in our prison system, constituting just 21% of the statewide population, and just 18% of the adult population, but 37% of the incarcerated population. HCR 85 (2016) TASK FORCE, SUMMARY AND KEY RECOMMENDATIONS 2 (2018), available at [https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR85Summary\\_FINALv2.pdf](https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR85Summary_FINALv2.pdf).

<sup>3</sup> See generally, HCR 85 (2016) TASK FORCE *supra* note 2.

**the manifold social and public health problems that have been relegated to the criminal justice system.** As this measure recognizes, many among Hawai'i's incarcerated population battle drug dependency; however, few receive treatment for what is effectively an issue of public health, and that may be key to breaking the cycle of incarceration such individuals may find themselves trapped in.<sup>4</sup> The aforementioned HCR85 Task Force specifically noted that incarceration has proven ineffective at rehabilitating individuals struggling with addiction, and that "most of those prisoners will continuously cycle through the criminal justice system," keeping recidivism rates and corrections costs perpetually high.<sup>5</sup> The Task Force averred that **treatment courts are the most effective mechanism currently available in our system, and that expanding these as well as drop-in and residential drug treatment programs should be prioritized;**<sup>6</sup> the Task Force also noted that these recommendations would specifically address the overrepresentation of Native Hawaiians in the criminal justice system.<sup>7</sup> Accordingly, initiatives and programs that reflect well-established best treatment practices and incarceration alternatives for those struggling with addiction may provide significant relief to our mass incarceration challenges and costs, and reduce the burden of our criminal justice system on the Native Hawaiian community.

In light of the above, OHA appreciates that this measure seeks to balance competing objectives, needs, and philosophies by envisioning an intermediate approach between community-based alternative treatment programs and a rehabilitative correctional facility. **Notably, a facility dedicated to the treatment of a low-level offending population with complex needs would require the expertise, whole-hearted support, and integrated guidance of the Department of Health (DOH).** Therefore, we are encouraged that DOH has already committed its support to the immense effort envisioned by this bill.

The HCR85 Task Force, in its final report, set forth a framework to guide the conception of smaller, smarter, more humane future jail and prison facilities, and we believe many of those principles would also apply to the facility contemplated here. Specifically, any minimum-security housing facility and program established as a result of this measure should:

- Maintain rehabilitation as its primary focus, and be designed to support its therapeutic programs and services;

---

<sup>4</sup> The NHJTF noted that "about half of state and federal prisoners meet criteria for drug abuse and/or dependence, yet fewer than 20% actually receive treatment." *Id.* at not 35. Data demonstrating the proportion of Hawai'i's incarcerated population with drug dependency issues specifically is unavailable. However, the HCR85 Task Force noted that "74% of Hawai'i's prisoners are incarcerated for relatively low-level offenses (class C felonies and below), including non-violent and drug offenses." *Id.* at 51. The HCR85 Task Force also found that 43% of the Honolulu Police Department's 16,000 arrests in 2016 were homeless people, and that 72% of these detainees were mentally ill or under the influence of drugs. HCR 85 (2016) TASK FORCE, CREATING BETTER OUTCOMES, SAFER COMMUNITIES: FINAL REPORT OF THE HOUSE CONCURRENT RESOLUTION 85 TASK FORCE ON PRISON REFORM TO THE HAWAII LEGISLATURE 66 (2018), available at [https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform\\_Final-Report\\_12.28.18.pdf](https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf).

<sup>5</sup> *Id.* 41.

<sup>6</sup> *Id.*

- Employ evidence-based practices regarding comprehensive treatment of substance abuse co-occurring with mental health conditions, including individualized treatment plans and access to medically assisted detoxification and relapse prevention therapies;
- Offer culturally based programming;
- Be sited in a location with easy access to work furlough opportunities;
- Be designed to accommodate small units in accordance with population risks and needs to facilitate successful rehabilitative relationships and population management;
- Integrate normalcy principles to provide a therapeutic environment and reduce stress, anxiety, and anti-social behaviors by de-institutionalizing physical structures to avoid alienation, ensuring greater freedom of movement, and increasing access to natural environmental elements and private and collective spaces to replicate normal activities such as cooking, studying, recreating, and exercising; and
- Offer strong reentry planning and reintegration support services, including housing and human service resources and continuing access to substance abuse treatment, as needed, and healthcare after release.

Particularly with DOH's leadership, and with rehabilitation as a paramount priority, we believe the minimum-security housing program contemplated in this measure has the potential to realize the benefits of alternative approaches to our costly and ineffective traditional incarceration system.

Mahalo nui loa for the opportunity to testify on this measure.

Wayne Tanaka 2/20/2019 6:17 PM

Deleted: .