

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

Wednesday, February 13; 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 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 Judiciary  
February 13, 2019  
Page 2

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

Thank you for the opportunity to present this 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 CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawai'i**

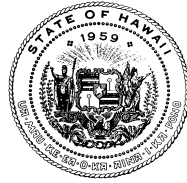
February 13, 2019

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

Chair Lee, Vice-Chair San Buenaventura, and members of the House Committee on Judiciary, 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.



**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 CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 13, 2019      Room Number: 325

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.

# 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. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Wednesday, February 13, 2019

3:00 pm

Room 325

### **OPPOSITION to HB 1551 HD1 - CORRECTIONAL TREATMENT PRISON**

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

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 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..."** – what *IS* clear, however, **IS THAT THIS IS NOT DEMOCRACY!** So, what is going on committee members? Does this seem right to you???

Mahalo for this opportunity to testify.

**LATE**

**HB-1551-HD-1**

Submitted on: 2/12/2019 10:21:52 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> |
|---------------------|---|---------------------------|---------------------------|
| 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: 2/12/2019 11:50:53 AM

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> |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert K. Merce     | Individual          | Support                   | Yes                       |

Comments:

**HB-1551-HD-1**

Submitted on: 2/11/2019 9:10:23 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          | Support                   | No                        |

Comments:



**HB-1551-HD-1**

Submitted on: 2/12/2019 4:14:53 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> |
|---------------------|---------------------|---------------------------|---------------------------|
| Steven Costa        | Individual          | Support                   | No                        |

Comments:

## **OPPOSITION TO HB1551 HD1** Minimum security jail

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

FROM: Barbara Polk

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 vague 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 make it difficult for men on furlough to come and go independently. 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, which I encourage all committee members to read.

I urge the Committee to defer HB1551.