

STATE OF HAWAI‘I  
OFFICE OF THE PUBLIC DEFENDER

Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on  
Corrections, Military, & Veterans

February 5, 2021

H.B. No. 1082: RELATING TO CORRECTIONAL FACILITIES.

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Office of the Public Defender **supports** H.B. No. 1082, which establishes a moratorium on the construction of any new correctional facilities in the State and prohibits the construction of new or the expansion of existing correctional facilities without the approval of the Hawai‘i correctional system oversight commission.

Hawai‘i does not need bigger jails and prisons. What it truly needs is drastic reform of an incarceration system that is not only woefully outdated, but also severely unfair to people living in poverty, with mental health and substance use disorders, women, and Native Hawaiians, Pacific Islanders and Black communities.<sup>1</sup>

Currently:

- **40 percent** of people incarcerated under Hawai‘i’s jurisdiction in 2018 were reported by the Department of Public Safety as being Native Hawaiian though Native Hawaiian make up just 18 percent of the State’s adult population.<sup>2</sup>
- The number of women incarcerated in Hawai‘i grew **1265 percent** between 1990 to 2017.<sup>3</sup>
- **40 percent** of individuals at the O‘ahu Community Correctional Center have not stood trial or are awaiting sentencing.<sup>4</sup> Many if not

---

<sup>1</sup> American Civil Liberties Union, “Blueprint for Smart Justice Hawai‘i” (2019), <https://50stateblueprint.aclu.org/states/hawaii/>.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai‘i Legislature 2019 Regular Session, “Creating Better Outcomes, Safer Communities” (December 2018) at 63, [https://19of32x2y133s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform\\_Final-Report\\_12.28.18.pdf](https://19of32x2y133s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf).

most of these individuals are locked up because they can't afford to meet bail.

No conclusive research has indicated that increased jail incarceration has a meaningful impact on crime reduction.<sup>5</sup> In Hawai'i, our prison population has increased 670% in the last 40 years.<sup>6</sup> And our incarceration rate has risen to the point that if we were a nation instead of a state, we would rank fifth in the world, behind United States, El Salvador, Turkmenistan and Cuba (excluding the other 49 states).<sup>7</sup> But this has not made us one of the safest places in the world.<sup>8</sup>

Incarceration does not come cheap. In 2017, Hawai'i spent \$255 million on corrections, accounting for 3 percent of the state's total general fund spending that year.<sup>9</sup> Corrections general fund spending increased by 263 percent between 1985 and 2017.<sup>10</sup> Feeding and caring for an incarcerated person costs \$198 a day in Hawai'i.<sup>11</sup> Pre-COVID19 we were spending around \$209,000 a day (\$76 million annually) to incarcerate more than 1,000 people statewide simply because they were too poor to afford bail.<sup>12</sup>

These costs come with trade-offs in other state spending priorities like education, healthcare, and social services. Between 1987 and 2007, corrections budgets rose by 127 percent while higher education funding increased by only 21 percent, forcing the cost of attending higher education to increase each year. The cost of attending

---

<sup>5</sup> VERA, "The Prison Paradox: More Incarceration Will Not Make Us Safer" (2017), [https://www.vera.org/downloads/publications/for-the-record-prison-paradox\\_02.pdf](https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf)

<sup>6</sup> HCR 85 Report at 3.

<sup>7</sup> Prison Policy Initiative, "States of Incarceration: The Global Context." *See* <https://www.prisonpolicy.org/global/2018.html>; *See also* World Prison Brief, Institute for Criminal Policy Research (ICPR), Data for Sweden, <http://www.prisonstudies.org/country/sweden>. (Hawai'i incarceration rate of 390 prisoners per 100,000 population would put Hawai'i in the top 20 incarcerators in the world).

<sup>8</sup> VERA, "Incarceration Trends in Hawaii." *See* <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-hawaii.pdf>

<sup>9</sup> State of Hawaii Department of Budget and Finance, "Executive Biennium Budget, Fiscal Biennium 2017-2019, Operating and Capital Budget-Department of Public Safety," <https://budget.hawaii.gov/wp-content/uploads/2016/12/24.-Department-of-Public-Safety-FB17-19-PFP.pdf>

<sup>10</sup> National Association of State Budget Officers, State Expenditure Report series, <https://www.nasbo.org/reports-data/state-expenditure-report/state-expenditure-archives>.

<sup>11</sup> State of Hawaii Department of Public Safety Annual Report FY 2019, <https://dps.hawaii.gov/wp-content/uploads/2019/11/PSD-ANNUAL-REPORT-2019.pdf> at 16.

<sup>12</sup> These numbers have decreased during the COVID19 pandemic but will soon go back to the preCOVID19 numbers unless we adopt the policies recommended in the HCR 85 Task Force.

the University of Hawai‘i at Mānoa for the 2019-2020 school year, including tuition, room, board, books, supplies, and personal expenses, was \$30,000.<sup>13</sup> With the daily savings from bail reform, we could pay all expenses for a full year of education for 7 students at U.H. Mānoa, and with the savings from a year of bail reform, we could pay all expenses for more than 2,500 students.

The State should divert the over half billion taxpayer funds from the construction of the large new jail and towards community reentry programs, transitional housing, criminal justice and bail system reforms, and community-based programs that have a proven track record to be effective.

As recommended in the House Concurrent Resolution 85 Task Force on Prison Reform, as embodied in its final report (“HCR 85 Report”), the State should “transition from a punitive to a rehabilitative correctional system”<sup>14</sup> and “immediately stop planning a large new jail to replace OCCC and establish a working group of stakeholders and government officials to rethink the jail issue and create a jail that is smaller, smarter, and less expensive than the one now under consideration.”<sup>15</sup>

Mass incarceration is a result of many systems failing to support basic community needs people need to thrive and survive. To end it, we must develop policies that better address inadequacies throughout our education, health care, and economic systems – to name a few. Until then, the State should not move forward with building any new or expanding any correctional facilities.

We thank you for the opportunity to comment on H.B. No. 1082.

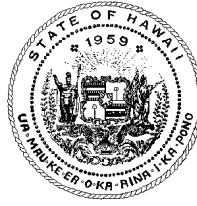
---

<sup>13</sup> University of Hawaii at Mānoa, 2019-2020 Cost of Attendance, Accessed December 31, 2019, <https://www.collegesimply.com/colleges/hawaii/university-of-hawaii-at-manoa/price/>.

<sup>14</sup> HCR 85 Report at xiv.

<sup>15</sup> HCR 85 Report at xvii-xviii.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

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

**TESTIMONY ON HOUSE BILL 1082  
RELATING TO CORRECTIONAL FACILITIES.**

by  
Max N. Otani, Director

House Committee on Corrections, Military, and Veterans Affairs  
Representative Takashi Ohno, Chair  
Representative Sonny Ganaden, Vice Chair

Friday, February 5, 2021; 10:00 a.m.  
State Capitol, Via Video Conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

House Bill (HB) 1082, seeks to establish a moratorium on the construction of any new correctional facilities in the State on or after July 1, 2021, including the planned construction of a new facility to replace the existing Oahu Community Correctional Center (OCCC). This measure also seeks to prohibit the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawaii Correctional Systems Oversight Commission (HICSOC).

Respectfully, the Department of Public Safety (PSD) must oppose this measure. As you are aware, Hawaii's correctional system includes eight (8) jails and prisons that are old and outdated, manpower-intensive, and constantly in need of repairs, if not, full-scale renovations or replacement. As of January 31, 2021, six (6) of the eight (8) facilities were operating above their design capacity and have been for some time (See attached January 2021 inmate population report). The newest correctional facility in Hawaii is the Halawa Correctional Facility (HCF), a medium to high security prison, which opened in 1985 and is

now over 35 years old. The remaining seven (7) facilities range in age from 40 to over 100 years old.

Despite the increases in both the prison and jail populations over the years, Hawaii has not built a new correctional facility in over 35 years. In 1995 following a consent decree brought by the U.S. Department of Justice (*Spear vs. Ariyoshi*) over issues of overcrowding and basic health and safety needs of inmates, PSD was forced to begin housing inmates out of State in various private prisons on the mainland. While it is unfortunate that approximately 1,000 Hawaii inmates must be housed on the mainland via private prison contracts, the use of private prisons is required to help mitigate overcrowding and to prevent costly litigation and additional consent decrees relating to overcrowding and inhumane conditions in our facilities. It should be noted, federal consent decrees can be very costly and could require the State to allocate hundreds of millions, if not, billions, of dollars to mitigate the legal concerns, including to build and modernize Hawaii's aging and decrepit facilities.

A moratorium on the construction of any new correctional facilities in the State, including the planned construction of a new facility to replace the existing Oahu Community Correctional Center (OCCC) and/or prohibition of the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the HICSOC is misplaced. This proposal is in direct contravention to the intent and purpose of the commission as established through Act 179 (2019). The HICSOC was created, in part, to serve in an advisory role and make recommendations to PSD, not be in a position to approve or deny any facet of PSD's operations, including decisions regarding correctional facilities. Doing so would increase costs because of the delays of adding another entity to the approval process. It is neither feasible nor practical to require PSD to obtain the approval of the HICSOC before moving forward on any project.

The Committee must understand that PSD is constitutionally required to house and care for offenders by order of the Courts, providing, at the minimum, all daily living necessities, 24/7, in decent, humane conditions. Overcrowding seriously degrades our efforts to do so. For example, the Judiciary currently has more than 24,000 offenders on probation supervision statewide, which includes over 13,000 convicted felons. If only 10% of the sentenced felony probationers (approximately 1,300) were re-sentenced to prison, it would overwhelm the State's correctional system, which is already severely strained and unable to house all of our inmates in Hawaii facilities.

We agree that action is needed, but prohibition of new or expanded facilities will not resolve critical systemic issues in Hawaii's correctional system.

Thank you for the opportunity to present this testimony.

Attachment

**DEPARTMENT OF PUBLIC SAFETY  
END OF MONTH POPULATION REPORT**

Date: January 31, 2021

FAC.	DESIGN BED CAP.	OPER. BED CAP.	HEAD COUNT ENDING																		
			TOT.	M	F	SENT. FEL.		SENT. FEL. PROB.		SENT. MISD.		PRETRIAL FEL.		PRETRIAL MISD.		OTHER JURIS.		PAR VIOL.		PRB VIOL.	
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
HCCC	206	226	277	228	49	26	4	33	7	6	1	113	23	11	2	3		15	4	21	8
SNF	90	132	90	90	0	90															
HMSF	496	992	798	798	0	222		8		1		14						547		6	
KCCC	110	128	134	116	18	33	3	19	7	9		40	5	8	1					7	2
KCF	200	200	138	138	0	138															
MCCC	209	301	308	259	49	25	5	34	6	4	1	128	23	6	1	2	0	28	2	32	11
OCCC	628	954	949	860	89	127		74	14	14		416	36	46	9					183	30
WCCC	258	260	209	0	209		145						1					62			1
WCF	294	334	218	218	0	144												74			
<b>TOTAL</b>	<b>2491</b>	<b>3527</b>	<b>3121</b>	<b>2707</b>	<b>414</b>	<b>805</b>	<b>157</b>	<b>168</b>	<b>34</b>	<b>34</b>	<b>2</b>	<b>711</b>	<b>88</b>	<b>71</b>	<b>13</b>	<b>5</b>	<b>0</b>	<b>664</b>	<b>68</b>	<b>249</b>	<b>52</b>

	CONTRACTED FACILITIES																			
	TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV		
				M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
RED ROCK CC, AZ	0	0	0																	
SAGUARO CC, AZ	999	999	0	956												43				
FEDERAL DET. CTR. <sup>1</sup>	10	4	6		1		1		1		1		2							4
<b>TOTAL</b>	<b>1009</b>	<b>1003</b>	<b>6</b>	<b>956</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>43</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>

FAC.	DESIGN BED CAP.	OPER. BED CAP.	ASSIGNED COUNT ENDING																		
			TOT.	M	F	SENT. FEL.		SENT. FEL. PROB.		SENT. MISD.		PRETRIAL FEL.		PRETRIAL MISD.		OTHER JURIS.		PAR VIOL.		PRB VIOL.	
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
HCCC	206	226	290	241	49	30	4	37	7	7	1	113	23	11	2	6		15	4	22	8
SNF	90	132	90	90	0	90															
HMSF	496	992	809	809	0	228		8		1		14						552		6	
KCCC	110	128	143	123	20	38	5	19	7	11		40	5	8	1					7	2
KCF	200	200	138	138	0	138															
MCCC	209	301	308	259	49	25	5	34	6	4	1	128	23	6	1	2	0	28	2	32	11
OCCC	628	954	968	879	89	135		75	14	15		417	36	47	9	2		2		186	30
WCCC	258	260	237	0	237		169		1	1		1						64			1
WCF	294	334	218	218	0	144												74			
<b>MAINLAND</b>			999	999	0	956												43			
<b>TOTAL</b>	<b>2491</b>	<b>3527</b>	<b>4200</b>	<b>3756</b>	<b>444</b>	<b>1784</b>	<b>183</b>	<b>173</b>	<b>35</b>	<b>38</b>	<b>3</b>	<b>712</b>	<b>88</b>	<b>72</b>	<b>13</b>	<b>10</b>	<b>0</b>	<b>714</b>	<b>70</b>	<b>253</b>	<b>52</b>

LATE

**HB-1082**

Submitted on: 2/4/2021 1:09:39 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Patterson	Hawaii Correctional System Oversight Commission	Support	No

Comments:

The Hawaii Corrections System Oversight Commission therefore concurs that the planning for the new OCCC should be paused and that an Advisory Committee be convened to review, and if necessary, revise, the planning that has been done to date, and to actively participate in the planning process going forward. This committee should include a wide range of community stakeholders who should be full partners in the planning process.



**HB-1082**

Submitted on: 2/3/2021 3:00:34 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Hawai'i Friends of Justice & Civic Education	Support	No

Comments:

The Hawai'i Friends of Restorative Justice supports this measure to establish a moratorium on the construction of new and/or expanded correctional facilities without the approval of the Hawai'i Correctional Oversight Commission.

Our state spends about \$230 million annually on incarcerating people. Our state is facing severe budget shortfalls. Any funding from the state for incarcerating people will come from funds needed to help others including the education of K-12 school students.

The state has already wasted over \$16 million alone for only *planning* new jail and prison construction. The state has does little work to reduce recidivism and address the causes of repeat crime and substance abuse. It can be argued the state's efforts toward those it incarcerates leads to further harm for our community. It is outrageous that anyone who the state incarcerates is ever released without photo identification and a place to live. These are two of the most basic elements needed for a law abiding life.

Please support this measure and end the state's waste of taxpayer dollars on correctional institutions that harm our people and community.

Please contact me at [lorenn@hawaiiifriends.org](mailto:lorenn@hawaiiifriends.org) if you have any questions about our support for this much needed law in Hawai'i.

Mahalo for your public service.

Lorenn Walker, JD, MPH

Director, Hawai'i Friends of Restorative Justice

# 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 CORRECTIONS, MILITARY AND VETERANS

Rep. Takashi Ohno, Chair

Rep. Sonny Ganaden, Vice Chair

Friday, February 5, 2021

10:00 AM

### **STRONG SUPPORT FOR HB 1082 MORATORIUM ON CONSTRUCTION OF NEW CAGES**

Aloha Chair Ohno, Vice Chair Ganaden, 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 more than 4,100 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 1,000 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.

Community Alliance on Prisons is in strong support of this measure that establishes a moratorium on the construction of any new correctional facilities in the State, including the planned construction of a new facility to replace the existing OCCC and requires PSD to obtain the approval of the Hawai`i Correctional System Oversight Commission before constructing any new correctional facility or expanding any existing correctional facility.

Act 179, that formed the Correctional Oversight Commission, outlined the duties of the still unfunded and unstaffed Oversight Commission (that has been meeting regularly all year) is to set capacities at all correctional facilities. How can they do that if the state insists on building humongous facilities with no input from the community, families, formerly incarcerated persons, advocates, etc.?

The big disconnect between the government and the community is that the government believes that buildings are more important than people. Prisons are about PEOPLE; NOT BUILDINGS!

The state must stop this multi-million dollar largesse to consultants. In the community we understand what this means – campaign donations! To the community it means that the state has decided to spend money enriching consultants at the expense of addressing the social disparities that have served to destroy the safety net for our struggling individuals and families.

The state could learn a lot from the way that the Oversight Commission seeks community input. They actually ask the community for help!

I admit that I am not confident that the state cares about what the people think. This administration has made it abundantly clear that we don't matter, and that incarcerated people matter even less, as evidenced by the lack of concern about the pandemic in our jails and prisons. The outbreaks were preventable. However, the lack of leadership allowed the virus to rage in 3 facilities...and then the director of PSD was allowed to 'retire.' No sanctions. This is unconscionable.

How can we have a transparent, accessible, and accountable process to discuss the future of corrections in Hawai'i nei? The decisions made today will influence corrections for the next 50 years – please, let's be mindful of the harms that the state has wreaked upon so many by ignoring the needs of the people.

In a recent Judiciary webinar, Prosecutor Alm showed a graph illustrating that crime in Hawai'i is down. The rhetoric is dangerous and sparks scary bills like 'stand your ground' that have proven to increase homicides.

Please read the Final Report of the HCR 85 Task Force "Creating Better Outcomes, Safer Communities" [https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85\\_task\\_force\\_final\\_report.pdf](https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf) that gives the real facts about who is incarcerated by the state...74% are serving time for the lowest felonies, misdemeanors, parole and probation violations.

Is Hawai'i more interested in making criminals or improving the quality of justice? We urge the committee to pass this important bill.

Mahalo for this opportunity to testify.

**Testimony on HB621, HB1080, HB1082, and HB1389**  
**February 4, 2021**  
**House Committee on Housing, State of Hawaii**

Aloha Honored Members of our State House Committee on Housing,

We fully support HB621, HB1080, HB 1082 and HB1389, all of which address important changes to our State corrections system.

- HB621 establishes a community working group to guide the redevelopment of the current Oahu Correction Center site. Acreage under the current Oahu Correction Center Site is a key community asset that should be redeveloped using principles and strategies that ensure their alignment with 'aina values and the sustainability, resilience, and health of current Kalihi residents. For the last two years, Kokua Kalihi Valley has been working with a collaborative of leaders focused on increasing community voice in urban development in Kalihi. We look forward to fully participating in this essential working group.
- HB1082, HB1080, and HB1389 phase out the use of private correctional facilities, transfer the Hawaii Correctional System Oversight Commission to the State Department of Human Services, and place a moratorium on the construction of new private correctional facilities in the State until such time as a reconfigured commission reviews, advises, and approves new construction and any correction facility expansions. We fully support this legislation. Many of our Kalihi subcommunities are over-represented in our prison systems, due to significant economic, social, and cultural barriers to equity and empowerment. Prisoners are among our beloved friends and family members and deserve a correctional system that minimizes the perverse and harmful incentives of the for-profit prison industry and that maximizes opportunities for humane and caring rehabilitation that employs the best practices of community, social and human service. Phasing out dependence on the for-profit prison industry and transferring the commission to the Department of Human Services are both important steps in creating a correctional system the better aligns with Hawaii's unique cultural and community values.

Thank you.

  
Dr. David Derauf  
Executive Director  
Kokua Kalihi Valley  
2239 North School Street  
Honolulu, Hawaii 96819  
808 791 9400  
[dderauf@kkv.net](mailto:dderauf@kkv.net)

  
Michael Epp  
Special Projects Coordinator  
Kokua Kalihi Valley  
[mepp@kkv.net](mailto:mepp@kkv.net)

LATE

**HB-1082**

Submitted on: 2/4/2021 10:53:08 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald S. Fujiyoshi	Ohana Ho`opakele	Support	No

Comments:

Ohana Ho`opakele strongly supports HB 1080, a bill "Relating to Correctional Facilities."

We agree that there should be a moratorium on the construction of any new correctional facilities in the State.

Our organization has consistently stood for healing rather than punishment. We advocate that the process of ho`oponopono be used to heal broken relationships and that Pu`uhonua or Wellness Centers be built as an alternative to the present prison system.

Many of that laws that incarcerate our people in Hawai`i are federal laws. On the federal level there has been powerful voices that have advocated that incarcerating more and more people into prisons are not working. Professor Ruth Wilson Gilmore in her book Golden Gulag, a study of the prison system in California shows clearly that the building of prisons was done when violent crimes were on the decrease. Even, Attorney General Eric Holder (under President Obama) claimed that "We are just warehousing the most vulnerablen members of our society." Prisons are not working!

Study Michelle Alexander's book, The New Jim Crow and Ruth Wilson Gilmore's book.

It is time to get away from using our pa`ahao as a political ploy to gain votes under the slogan, "Tough on Crime." It is time to heal, to care about some of our most vulnerable members of society, our ohana members that can become contributors for the good of us all.

Mahalo for the opportunity to testify!



Hawai'i

LATE

Committees: House Committee on Corrections, Military, & Veterans  
Hearing Date/Time: Friday, February 5, 2021, 10:00 a.m.  
Place: Via videoconference  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 1082, Relating to Correctional Facilities

Dear Chair Ohno, Vice Chair Ganaden, and members of the Committee,

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in support of H.B. 1082**, which establishes a moratorium on the construction of any new correctional facilities in the State, including the planning of the new facility to replace the Oahu community correctional center ("OCCC"), and prohibits the construction of new correctional facilities or the expansion of existing facilities without the approval of the Hawai'i Correctional System Oversight Commission ("Oversight Commission"). Moving forward with plans to build a \$525 million jail in the midst of an economic crisis, against the recommendations of the Commission tasked with overseeing the State's correctional system and as well as those of the Task Force responsible for making recommendations for the design of future correctional facilities<sup>1</sup> is imprudent and harmful to Hawai'i's communities.

The Legislature has created multiple task forces, an Oversight Commission, and a criminal justice research institute, for the purpose of examining the state's criminal justice system, and the Legislature should heed these groups' recommendations. The H.C.R. 85 Task Force and the Oversight Commission *both* recommended that the State immediately halt plans for the costly new jail to replace OCCC until meaningful changes to our criminal legal system have been implemented.<sup>2</sup> This is necessary to shift the State's corrections system to a rehabilitative and therapeutic model. Halting construction of the jail is also fiscally wise. The Oversight Commission estimated that "each bed in the new jail would cost taxpayers \$380,000 and the cost of housing a large number of pretrial detainees statewide is over \$180,000 per day."<sup>3</sup>

Before moving ahead with plans for a costly new jail, Hawai'i must dramatically change its approach to corrections. This starts with reforming our pretrial system. Pretrial incarceration is one of the major drivers of overcrowding in Hawai'i's jails. Currently, roughly one-third of the

---

<sup>1</sup> House Concurrent Resolution No. 85 (Regular Session 2016), [https://www.capitol.hawaii.gov/session2016/bills/HCR85\\_SD1\\_.htm](https://www.capitol.hawaii.gov/session2016/bills/HCR85_SD1_.htm).

<sup>2</sup> See, Final Report of House Concurrent Resolution No. 85 Task Force Summary, *available at* [https://www.oha.org/wp-content/uploads/HCR85Summary\\_FINALv2.pdf](https://www.oha.org/wp-content/uploads/HCR85Summary_FINALv2.pdf); Hawai'i Correctional System Oversight Commission, *2020 Annual Report* (December 2020), *available at* <https://ag.hawaii.gov/wp-content/uploads/2021/01/HCSOC-Final-Report.pdf>.

<sup>3</sup> Hawai'i Correctional System Oversight Commission, *2020 Annual Report* (December 2020).

individuals jailed in Hawai‘i’s correctional facilities have not been convicted of any crime and are merely awaiting trial,<sup>4</sup> most often because they cannot afford the amount of bail set in their case. While recent changes to pretrial practices are steps in the right direction,<sup>5</sup> there is a long way to go before Hawai‘i can claim to have substantially ended its reliance on cash bail and reformed its pretrial system.

The ACLU of Hawai‘i believes that Hawai‘i’s families will continue to bear the human and financial cost of incarceration until we implement meaningful, community-based solutions and alternatives to incarceration. Countless research, from university-based studies to reports from street-level service providers, find time and time again that approaches that use community-based solutions to harm and violence, have exponentially better outcomes. Outcomes that keep families intact, assist loved ones to overcome the hardships of addiction, reduce the likelihood of repeated harm, increase community stability—rather than locking people up. Many groups, including the ACLU of Hawai‘i,<sup>6</sup> have proposed pathways for divestment from incarceration and reinvestment in our communities. Prior to authorizing any new correctional facility, the Legislature should implement the recommendations presented by community members, civil rights and criminal legal reform experts, and the task forces and commissions that it created for the purpose of proposing changes to our corrections system.

Finally, H.B. 1082’s requirement that any expansion or construction of a correctional facility be approved by the Oversight Commission is a sensible one; the Commission, created by Act 179, is tasked with:

- (1) Overseeing the State’s correctional system, investigating complaints at correctional facilities, and facilitating a correctional system transition to a rehabilitative and therapeutic model;
- (2) Establishing maximum inmate population limits for each correctional facility and formulating policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;

---

<sup>4</sup> State of Hawai‘i Dep’t of Pub. Safety, Weekly Population Report (February 1, 2021).

<sup>5</sup> See, e.g., Act 277 Session Laws of Hawai‘i 2019.

<sup>6</sup> In 2019, the American Civil Liberties Union, in partnership with the ACLU of Hawai‘i and Urban Institute, released the Blueprint for Smart Justice Hawai‘i. This report resulted from a two-year research project dedicated to identifying key reforms in Hawai‘i that would cut the state’s incarcerated population in half and reduce racial disparities in Hawai‘i’s corrections system. The report is available at <https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-HI.pdf> and may serve as a resource as the Legislature considers further reforms.

- (3) Working with the department of public safety in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
- (4) Ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the maximum terms have been served instead of delaying the release for lack of programs and services.

It aligns with the purview and expertise of the Oversight Commission to make this decision. For these reasons, we request that the Committee support this measure. Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*



LATE

**HB-1082**

Submitted on: 2/4/2021 2:46:55 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Nash	Habilitat	Support	No

Comments:

Aloha,

We fully support HB1082. Having witnessed more than one major public works boondoggle, we need a moratorium to halt frivolous actions to spend huge sums of our tax money on yet another project.

Currently we have a corrections oversight committee which is not funded. That speaks volumes about the priority with this issue. The notion that building a bigger facility will solve our corrections problems is very short sighted. We have an ineffective system for which we need systemic change and improvements. Building a bigger, newer facility will only yield a bigger, newer broken system. We need to create the will to address these major challenges prior to committing hundreds of millions of tax dollars to a project like this. Any changes should have the full support of the oversight commission and the support of the community.

Please stop this project until we iron out the systemic issues facing Hawaii's correction system. If we are going to spend that kind of money it should be done right. Nothing gets done right when we rush.

Respectfully,

Jeff Nash

Habilitat, Inc



**HB-1082**

Submitted on: 2/3/2021 10:45:59 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Foy	Individual	Support	No

Comments:

This moratorium on correctional facilities is essential, and - along with Rep. Ganaden's other Criminal Justice reform bills - gives the state the opportunity to pause and re-asses its approach to prisons & rehabilitation. We are entering a new era, where the carcel system that the state of Hawaii has invested its resources in for the past several decades is (rightfully) under legitimate scrutiny. I would like to see Hawaii move in the direction of a restorative - NOT carcel - criminal justice system. Where persons who've committed crimes are given adequate services, like access to drug & mental health therapy, that allow them to address past trauma & adequately heal. And I would like to see the state invest in programs - like housing, education, and healthcare (including mental health) - that can address the core reasons why people commit crimes in the first place.

**HB-1082**

Submitted on: 2/3/2021 11:27:20 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jamaica Osorio	Individual	Support	No

Comments:

To the Corrections, Military, and Veterans committee of the Hawaii State Legislature.

I write this testimony in full support of HB1082.

In Hawai'i we are in dire need of reform to our current policing and prison system—where three in four arrests are for non-violent, non-property offenses. Meaning that the primary number of people in our prisons are there because of “crimes of poverty.” The reduction of these “crimes” is not possible through an increase in policing and incarceration but rather with an increase of proper social and health programs to invest in the wellbeing and safety of our entire community. Furthermore, far too many of our people remain incarcerated simply because they (and their families) cannot afford bail. This system is specifically targeting our most vulnerable communities, including our Native Hawaiian community, and there are many more just solutions that we could invest in. Ultimately our goals should be to shrink our prison footprint, rather than expand it.

It should also be clear that in addition to phasing out the use of private prisons that Hawai'i must cease the planning and construction of any/ all new correctional facilities. We are in a dire economic situation in Hawai'i and these resources could be spent elsewhere and would have a far more positive impact on the safety of our communities—including those who are currently and have previously been incarcerated.

The ongoing covid-19 crisis is offering us an opportunity as a community to realize just how violent and backwards our system of policing and prisons truly is. We must pay attention to the way this current pandemic has highlighted the health and safety concerns present in our prisons (there are current 400 active Covid-cases in OCC that our mayor refuse to recognize), while also not simply blaming those realities on the

current health crisis. Our system of policing and prisons will continue to require ongoing reform, well after the threat of covid-19 has passed.

Specifically,

Hawai'i needs increased funding for residential treatment programs & outpatient mental health and substance abuse treatment services. Funding treatment programs not only prevents people from doing time to begin with, but also helps those coming home transition more successfully back into the community—and would, over time, limit our need to expand our prison system (and instead allow us to shrink the major footprint of our prisons in the best interest of our citizens).

Our people also need adequate access to healthcare. Regular and preventive care for people of all ages and backgrounds has been proven to have a positive effect on all aspects of community stability and sustainability. These resources must be specifically expanded to support our at risk, and previously incarcerated citizens.

And finally, since the majority of “crimes” in Hawai'i are crimes of poverty our community needs to expand job training programs and living wage jobs for all workers, including undocumented workers. Access to meaningful work and job training, education and healthcare, should be a core value and top funding priority for any city or county that values community stability, health, and wellbeing. Furthermore, these kinds of programs have been documented to support in the reduction of recidivism.

All people in Hawai'i have the right to healthcare, housing, and a living wage. These rights should certainly extend to our at risk and formally incarcerated peoples. In 1998, Hawai'i was one of the first states to pass Ban the Box legislation, but we must do more to change attitudes of discrimination in the hiring of people with records.

Mahalo,

Dr. Jamaica Heolimeleikalani Osorio  
Assistant Professor  
Indigenous & Native Hawaiian Politics  
Department of Political Science

University of Hawai'i at Mānoa  
2424 Maile Way, Saunders  
Honolulu, HI 96822

**HB-1082**

Submitted on: 2/3/2021 2:45:07 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John NAYLOR	Individual	Support	No

Comments:

Aloha, Let's take a break from building more jails and fund some community based solutions!

**HB-1082**

Submitted on: 2/3/2021 3:15:57 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Foy	Individual	Support	No

Comments:

I work at Avivo, a nonprofit in Minnesota that serves nearly 13,000 individuals each year; helping them achieve recovery, find housing stability, and achieve employment and economic advancement. What our country needs is more affordable, accessible housing. More access to mental health services. More access to employment services. What our country does NOT need are more ineffective prisons.



**HB-1082**

Submitted on: 2/3/2021 3:16:12 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica dos Santos	Individual	Support	No

Comments:

Perhaps we should invest in education and social services rather than putting on a bandaid non-solution with more prisons.

**HB-1082**

Submitted on: 2/3/2021 3:35:23 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments:

Support

**HB-1082**

Submitted on: 2/3/2021 3:42:55 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luella Nohea Crutcher	Individual	Support	No

Comments:

Aloha, my name is Luella Nohea Crutcher and I'm in strong support of HB 1082.

I believe we need community-based solutions and alternatives to incarceration -- such as Pu`uhonua in each district. If we committed to bail, sentencing, and restorative justice reforms we'd see a significant decrease in our incarcerated population eliminating the need for a costly new jail. A new jail incentivizes policy makers and private prison corporations to lobby for tough on crime measures that lock people and justify wasteful spending on new jails instead of addressing harm and violence in our communities. Our state needs to build up people not prisons. Please vote YES in support of HB 1082 Thank you for the opportunity to testify.

**HB-1082**

Submitted on: 2/3/2021 3:54:24 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Will Caron	Individual	Support	No

Comments:

Aloha committee members,

Please support HB1082. Hawai'i does not need new jail and prison facilities to address our overcrowding problem. Overcrowding is a result of mass incarceration. To end overcrowding, we must end mass incarceration. Building new jails is counter-productive to ending mass incarceration, which is both a racial justice issue and community health issue.

Instead, Hawai'i must pursue the many smart justice policies available that will move us toward a more effective and less costly (in every sense of the word) restorative justice system. Expand parole and probation to get more people under community supervision; end the war on drugs and put the campaign to curb drug use under the Departments of Health and of Human Services, where it belongs; end the over-policing of communities of color & reduce the scope of police purview along with departmental budgets that, again, would be put to better use through DOH & DHS; work to address racial injustice by passing antiracist policies. Do these things, and the incarcerated population will fall on its own--drastically.

This way we can simply upgrade and improve existing facilities for less money. We will also save a ton of money by ending mass incarceration. That's money that can be used to improve our schools and to create opportunities for the people of Hawai'i to thrive, which will do far more to reduce crime than incarceration, with its high rates of recidivism, is capable of doing.

Mahalo for the opportunity to testify,

**HB-1082**

Submitted on: 2/3/2021 4:15:53 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara L. George	Individual	Support	No

Comments:

SUPPORT!

**HB-1082**

Submitted on: 2/3/2021 4:22:42 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Albertini	Individual	Support	No

## Comments:

I support HB 1082 for a Moratorium on the construction of any new jails and prisons for principled reasons and cost-cutting for the state amid this pandemic. I urge Pu'uhonua as healing alternatives to jails and prisons and the broader use of Ho'oponopono from charter schools on up to resolve problems and differences before they escalate into crime and the judicial system. Since 60% or more of people incarcerated in Hawaii and Hawaiians, the Hawaiian trusts, with money and land should get involved in establishing Pu'uhonua and the broader use of Ho'oponoponi as alternatives to jails and prisons. This will not only save the state money but will help heal our people and communities. It will benefit everyone. Mahalo.

**HB-1082**

Submitted on: 2/3/2021 5:21:43 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Strong support of HB1082. Please do not divert resources and energy to building or adding to correctional facilities when we are in dire need of community based resources/beds in mental health care and rehabilitation. During the 1/14/21 info briefing to the legislature, Parole Chair Fred Hyun expressed difficulty in finding dual diagnosis or sober living beds in the community (wait lists of over 100 people for both). This is where efforts need to be focused. In addition, our state should be following the recommendations of the HCR85 Task Force which has solutions for reducing overcrowding in our correctional facilities. The HCR85 task force specifically says that these issues must be addressed before moving ahead with any planning towards a new correctional facility. Thank you- Raelyn Reyno Yeomans

**HB-1082**

Submitted on: 2/3/2021 5:38:46 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carla Allison	Individual	Support	No

Comments:

I strongly support HB1082, the proposed moratorium on the construction of any new correctional facilities in HI. Research & studies repeatedly conclude community-based solutions have significantly better outcomes than incarceration. There are existing reports ordered by our legislature detailing solutions that have not been acted upon...solutions to ease our overcrowded jails/prisons. People with mental & drug disabilities and the unhoused don't belong in jails nor should citizens be jailed without a trial because they can't afford bail. We need programs that keep families intact, assist loved ones to overcome addiction, provide treatment for mental disabilities and house the unhoused. Please support this moratorium. Thank you!



**HB-1082**

Submitted on: 2/3/2021 5:40:08 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Colleen Rost-Banik	Individual	Support	No

## Comments:

*Aloha, my name is Colleen Rost-Banik and I'm in strong support of HB1082. I believe we need community-based solutions and alternatives to incarceration. If we committed to bail, sentencing, and restorative justice reforms we'd see a significant decrease in our incarcerated population eliminating the need for a costly new jail. A new jail incentivizes policy makers and private prison corporations to lobby for tough on crime measures that lock people and justify wasteful spending on new jails instead of addressing harm and violence in our communities. Our state needs to build up people not prisons. Please vote YES in support of HB1082. Thank you for the opportunity to testify.*

**HB-1082**

Submitted on: 2/3/2021 5:46:30 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Van Wishingrad	Individual	Support	No

Comments:

The prision system is barbaric and unjust and should be abolished. It's past time we move toward more humane practices.

**HB-1082**

Submitted on: 2/3/2021 5:52:08 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Blair	Individual	Support	No

Comments:

Please pass.

**HB-1082**

Submitted on: 2/3/2021 6:12:09 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cathy lee	Individual	Support	No

Comments:

Mass incarceration has become a business and each of us should be ashamed that we as a society have allowed it to metastasize as much as it has. Further, there are studies upon studies that clearly show how disproportionately this practice has affected people of color in this country, and Hawaii is no exception. We should instead focus on creating safer communities by funding addiction treatment, restorative justice programs, job training, providing housing. Building larger and larger jails has only served to grow the incarcerated community and is not a means to any end. We should be spending our time re-evaluating the systemic issues at play that have clearly led to an increase in the jail population. To that end, I absolutely support pausing and any all efforts to a new correctional facility.

**HB-1082**

Submitted on: 2/3/2021 6:21:30 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Gannon	Individual	Support	No

Comments:

I am Joan Gannon of West Hawaii asking you to please vote for HB 1082

thanks you

**HB-1082**

Submitted on: 2/3/2021 6:21:50 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra Fujita	Individual	Support	No

Comments:

I am in support of HB1082. Jails are not an effective solution. Community-based solutions have better results.

**HB-1082**

Submitted on: 2/3/2021 7:05:05 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kiana Otsuka	Individual	Support	No

Comments:

*Aloha,*

*My name is Kiana Otsuka and I'm in strong support of HB 1082. I believe we need community-based solutions and alternatives to incarceration, not a new jail. Countless research, from university-based studies to reports from street-level service providers, find time and time again that community-based solutions to harm and violence have exponentially better outcomes. Outcomes that keep families intact, assist loved ones to overcome the hardships of addiction, reduce the likelihood of repeated harm, and increase community stability—rather than locking people up.*

*If we committed to bail, sentencing, and restorative justice reforms we'd see a significant decrease in our incarcerated population eliminating the need for a costly new jail. A new jail incentivizes policy makers and private prison corporations to lobby for tough on crime measures that lock people and justify wasteful spending on new jails instead of addressing harm and violence in our communities. Our state needs to build up people not prisons. Please vote YES in support of HB1082. Thank you for the opportunity to testify.*

Mahalo,

Kiana Otsuka

**HB-1082**

Submitted on: 2/3/2021 7:18:43 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carolyn Eaton	Individual	Support	No

Comments:

Aloha, my name is Carolyn Eaton and I am strongly in support of HB 1082. I believe Hawai'i needs community-based alternatives to most incarceration. If the State were to commit to bail, sentencing and restorative justice reforms, we would see a significant decrease in the numbers of our fellow citizens incarcerated. We could eliminate the need for a large new jail. I stand resolutely for the changes recommended by the HCR 85 Task Force on Prison Reform. Outcomes for all in our island communities will improve when we let go of old modes of punishment, replace them with evidence-based humane practices.



**HB-1082**

Submitted on: 2/3/2021 7:59:28 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R Siciliano	Individual	Support	No

Comments:

We do not need more prisons or bigger prisons. We need to provide appropriate and adequate services to the members of our community who struggle with drug addiction, mental health issues, and poverty.

**HB-1082**

Submitted on: 2/3/2021 8:14:06 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jessica hernandez	Individual	Support	No

Comments:

Jails and prisons are a waste of money. They don't create safety. Jails and prisons are expensive even though they do nothing to actually help rehabilitate the people inside them. It's rare for inmates to receive adequate meals and adequate medical care. It's inhumane. We can take back our humanity in a more cost effective manner by investing in taking care of our families and communities.

Let's use the money that would've gone towards a new jail to invest in our communities to prevent people from ending up in the criminal legal system. This means funding substance abuse and mental health treatment programs, schools and other youth development programs, and housing. We need to attack the root of the issue, not just keep hiding our family and friends in cages that only serve to tear families apart and continue the cycle of pain and trauma.

**HB-1082**

Submitted on: 2/3/2021 8:31:31 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alani Bagcal	Individual	Support	No

Comments:

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice-Chair

*House Committee on Corrections, Military, & Veterans*

Dear Chair Ohno, Vice-Chair Ganaden, and esteemed members of the committee

My name is Alani Bagcal and I am writing today in support for HB 1082.

I admire this bill and its moratorium of construction of any new jails in Hawai'i. I also appreciate the acknowledgment of the constructions of jails and prisons has led to disproportionately negative impacts on communities of color, especially indigenous populations which is appalling as much as it is systemic. This is a racial injustice issue, and needs to be addressed as so.

I also appreciate the obligation to invest in rehabilitation programs that have shown time again to be effective in a person's sense of belonging. When I think of rehabilitation programs I also think of healing, I have had the privilege of rehabilitation programs be accessible to me and they were able to give me the tools to learn how to heal from past traumas. They have ultimately played a huge role in the success of my education, career and overall wellbeing. Everybody deserves access to rehabilitation, which is the right way to go, as opposed to locking people up.

Thank you for the opportunity to testify in support for this bill,

Alani Bagcal

96815

**HB-1082**

Submitted on: 2/3/2021 9:11:24 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amber Rinker	Individual	Support	No

Comments:

Aloha,

I have been a citizen of Hawaii for 10 years now. I moved from Texas where I was born and raised. One of the motivations for the move was that I did not want to raise my children in a police state. This world is beautiful and the people are capable of real change but it has been proven that this does not come from punishment. Please choose wisely in your decision making. Hawaii and the rest of the United States needs to move forward to end mass incarceration. We should instead focus on programs to end poverty, early prevention programs, and crises de escalation versus arresting and imprisonments.

Mahalo,

Amber Rinker

**HB-1082**

Submitted on: 2/3/2021 9:33:04 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Puppione	Individual	Support	No

Comments:

*Aloha, my name is Greg Puppione and I'm in strong support of [HB 1082]. I believe we need community-based solutions and alternatives to incarceration. If we committed to bail, sentencing, and restorative justice reforms we'd see a significant decrease in our incarcerated population eliminating the need for a costly new jail. A new jail incentivizes policy makers and private prison corporations to lobby for tough on crime measures that lock people and justify wasteful spending on new jails instead of addressing harm and violence in our communities. Our state needs to build up people not prisons. Please vote YES in support of [HB 1082]. Thank you for the opportunity to testify.*

**HB-1082**

Submitted on: 2/3/2021 11:20:00 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
RaeDeen Keahiolalo	Individual	Support	No

Comments:

February 3, 2021

**DEAR REPRESENTATIVES GANADEN, KAPELA, OHNO, PERRUSO, TAM, and WILDBERGER:**

**RE: HB 1082 Moratorium on New Construction and Expansion of Jails and Prisons in Hawaii without the Approval of the Hawaii Correctional System Oversight Commission**

I submit this letter of **support** for HB 1082. Hawaii has seen a decline in crime for decades, yet the state continues to direct massive amounts of tax dollars toward incarceration and prison building, including \$millions spent for planning and consultation. Now, we are almost one year into a global pandemic, which brings us near or at the brink of economic disaster.

Any plans for new construction or expansion of jails and prisons would be unconscionable.

Furthermore, the Correctional System Oversight Commission was formed for the very purposes of reviewing and approving matters such as prison and jail expansion and construction.

**Please support HB 1082 to place a moratorium on new construction and expansion of jails and prisons in Hawaii without the approval of the Hawaii Correctional System Oversight Commission.**

Mahalo,

RaeDeen M. Keahiolalo, PhD

rbkarasuda@hotmail.com

808.429.7166 (mobile)



**HB-1082**

Submitted on: 2/3/2021 11:29:53 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Support	No

Comments:

Aloha legislators,

Instead of building new jails, we should be increasing community services for mental health, drug addiction, domestic violence, troubled teens, and more.

mahalo, Cory Harden



**HB-1082**

Submitted on: 2/4/2021 2:56:40 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tia pearson	Individual	Support	No

## Comments:

Countless research, from university-based studies to reports from street-level service providers, find time and time again that community-based solutions to harm and violence have exponentially better outcomes. Outcomes that keep families intact, assist loved ones to overcome the hardships of addiction, reduce the likelihood of repeated harm, and increase community stability—rather than locking people up.

**HB-1082**

Submitted on: 2/4/2021 7:36:16 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments:

Chair Ohno and Vice Chair Ganadin,

Thank you for hearing HB 1082, which would place a moratorium on jail or prison construction. This would follow the advice of two committees/commissions established by the legislature in the past four years. We need a complete rethinking of what kind of jail or prison we should have and how big it needs to be. The incarceration rate in the state has been falling, so the sizes of facilities projected several years ago are no longer appropriate. In addition, the proposed design of a new OCCC is hardly "modern,"--it makes use of a discredited system of 24 hour surveillance which was proposed by Jeremy Bentham in the late 1700's--for prisons, not for jails! Instead, the State should be looking toward the experience of other countries that have reshaped their criminal justice system in ways that have simultaneously reduced incarceration and increased public safety by treating prisoners humanely.

Please pass HB 1082!

Barbara Polk

February 4, 2021

Rep. Takashi Ohno, Chair  
Rep. Sonny Ganadan, Vice Chair  
Committee of Public Safety, Veterans & Military Affairs  
Friday, February 5, 2021  
10:00 a.m.  
Conference Room

**RE: Support HB 1082 RELATING TO PUBLIC SAFETY  
Moratorium on Building and Expanding Jails and Prisons in Hawai'i**

Dear Chair Ohno, Vice Chair Ganaden and Committee Members:

My name is Carrie Ann Shirota, and I am writing in support of HB1082 that would establish a Moratorium on the construction of any new correctional facilities in the State on, or after 7/1/2021, including the planned OCCC.

As background, I am an attorney and have experience enforcing state and federal fair employment, housing and public accommodation laws. Additionally, I have previously served as the Director for Maui Economic Opportunity's Reintegration Program, and have had family members impacted by the criminal legal system.

My message is simple: We need a broader vision for Reimagining Public Safety in Hawai'i. Jails and prisons make us poorer, not safer.

Building new jails and prisons, expanding them, contracting with private prisons or purchasing the Federal Detention Center are not solutions to overcrowding.

Reimagining public safety requires us to create, invest and sustain institutions, policies and programs that meet the needs of our community to divert and significantly reduce the number of youth and adults in our criminal legal system.

*How do we do this?* By shifting the state's budget priorities away from mass criminalization and incarceration towards health and human services, housing, education, rehabilitation and restorative justice.

The proposed Moratorium will help us to make this shift, and pivot from outdated and erroneous thinking that building more jails and prisons will address overcrowding and reduce crime. It will also require us to STOP spending millions on planning and design and consultants who profit from building and operating more jails and prisons.

In order to end overcrowding in our jails and prisons and stop our banishment policies to out-of-state private prisons, we must implement Justice Reinvestment strategies at different entry and exit points within the criminal legal system. We can look to other juris-

dictions that have successfully and significantly reduced their incarcerated population. Here are some concrete examples:

### New Jersey Outcomes

- Between 1999-2012, NJ state prison population reduced by **26%**, while the nationwide state prison population increased by 10%
- The population went from 31,493 persons to 23,225 persons (**decrease of 8,268**)
- NJ's violent crime rate fell by 30%, while the national rate decreased by 26%
- NJ's property crime rates also decreased by 31% compared to the national decline of 24%

### New York Outcomes

- Between 1999-2012, New York reduced its prison population by 26%, while the nationwide state population increased by 10%.
- Incarcerated population went from 72,896 persons to 54,268 persons (**decrease of 18,268**)
- NY's violent crime rate fell by 31%, compared to the national rate which decreased by 26%.
- NY's property crime rate fell by 29% compared to the national decline of 24%.

### California

- Between 2006 and 2012, California downsized its prison population by **23%**, compared to the nationwide state prison population decrease of 1%.
- 173,942 to 134,211 (**decrease of 39,731**)
- CA's violent crime rate drop of 21% exceeded the national decline of 19%.
- California's property crime rate dropped by 13%, but that rate was slightly lower than the national reduction of 15%.

We can also look to our own history. In 1970, Hawai'i had a prisoner population of 300 persons. By 1985, the prison population soared to 2,045. In 2000, Hawai's prison population increased to 5053. As of July 2018, our combined jail and prison inmate population was 5,570.

Our incarceration population soared even as crime rates decreased.

We created this over incarceration and overcrowding crisis by enacting laws that punish more behavior not considered "criminal" in the past (i.e. homelessness, mental illness), and by enacting more harsh sentencing, primarily through mandatory minimum sentencing.

For decades, we have moved away from a correctional model of rehabilitation to one based on punishment. Consistent with a philosophy of punishment, we have underfunded and reduced health care, treatment, educational, vocational and visitation opportunities - all of which have proven to REDUCE recidivism rates.

However, there are glimmers of hope. Our incarcerated population decreased in the midst of the COVID-19 pandemic not by coincidence but through deliberate strategies collaboration, and Court Orders involving the Attorney General's office, Police, Prosecutors, Public Defenders, Judiciary, and the Department of Public Safety.

We should also take lessons from our Juvenile Justice system. A Working Group studied the challenges, issued reports and recommendations. As a result of their leadership and commitment to implementing the recommendations, the the number of incarcerated youth from Hawai'i Youth Correctional Facility significantly reduced.

We need visionary leadership to chart a new course to transform our correctional system in Hawai'i. If we fail to do so, our children and their children will continue to bear the price of mass incarceration as we consciously choice to spend over \$60,000 to incarcerate an adult annually, and less than \$20,000 to educate a child in our public schools.

We will also bear the price of less safe neighborhoods as research from New York, New Jersey and California shows that crime rates decrease when jurisdictions implement Evidence based strategies to reduce the incarcerated population.

I am putting my faith and trust in this legislative body to chart a new course for corrections and ultimately Restorative Justice in Hawai'i. Please support HB 1082. This Moratorium is based on evidence based principles and is morally just, sustainable, and fiscally responsible.

Sincerely,

Carrie Ann Shirota, Esq.  
Honolulu, Hawaii  
(808) 269-3858  
cashirota808@gmail.com

**ROBERT K. MERCE**  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821  
(808) 398-9594

TO: Committee on Corrections, Military, & Veterans  
RE: HB 1082  
HEARING DATE: Friday, February 5, 2021  
TIME: 10:00 a.m.  
CONF. Via Videoconference  
POSITION: **Strong Support**

Dear Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

My name is Robert Merce. I am a retired attorney and in 2015 I travelled to Norway with Justice Michael Wilson, Representative Gregg Takayama and others to study the Norwegian Correctional System which is generally regarded as the best in the world. Upon returning to Hawaii I participated in the drafting House Concurrent Resolution 85, H.D. 2, S.D. 1 (2016) which created a task force to make recommendations to the Legislature on ways to improve Hawai'i's correctional system, including recommendations on costs, best practices, and the design of future correctional facilities.

I was subsequently appointed to the HCR 85 Task Force and served as its vice chair. I also chaired its Correctional Facility Design Subcommittee and I was the principal author of the Task Force's 2017 Interim Report to the 2018 Legislature and its 116-page final report to the 2019 Legislature.

I have spent much of the past five years reading the literature on jail planning and design and talking to many of the leading thinkers on the role of jails in the community including Greg Berman, Director of the Center for Court Innovation, Judge Jonathan Lippman (Ret.), Chair of the Independent Commission that recommended the closing of New York City's infamous Rikers Island Jail, Raphael Sperry, founder of Architects/Designers/Planners for Social Responsibility, and Dr. Marayca Lopez-Ferrer and Laura Maiello-Reidy of GCL Ricci Green Architects, New York.

**I. The Legislature Should Put A Moratorium on the Planning and Construction of Any New Facilities Including the New Jail To Replace OCCC And Require The Department of Public Safety To Appoint An Advisory Committee of Community Stakeholders to Review, And If necessary Revise, the Plans For The New Jail and Participate As A Full Partner In the Planning Going Forward.**

A. The HCR 85 Task Force's Interim Report to the 2017 Legislature

The HCR 85 Task Force spent 2 years studying Hawaii's correctional system and the plans to build a new jail to replace OCCC. In its Interim Report to the Legislature in 2017 it politely said that the jail planning

was going off the rails and recommended that the Department of Public Safety and DAGS suspend planning until the Task Force Issued its final report:

In our final report, we will provide recommendations on how the State can significantly reduce its jail population and ensure that the new jail does not replicate the conceptual and operational problems that have characterized OCCC and contributed to poor correctional outcomes. We are confident that we can bring fresh ideas and insights to the jail planning and design process, and we strongly urge the Legislature to defer any further action on a new jail until December when we will publish our final report.<sup>1</sup>

The Interim report stressed the need for collaboration among a diverse group of stakeholders in the jail planning process:

Jails are complex institutions that affect many elements of the community, including the police, judges, prosecutors, public defenders, private attorneys, social workers, mental health and addiction specialists, parole and probation officers, local hospitals, and community organizations. Because of their broad impact, creating a new jail must involve a wide range of community interests in a collaborative process. In fact, collaboration among a broad range of "stakeholders" is the hallmark of good jail planning and is absolutely essential to creating facilities that truly meet the needs of the communities of which they are a part.<sup>2</sup>

The Interim Report went on to briefly discuss some of the ways that the jail population could be reduced, including pre-arrest diversion programs for low-level offenders, the mentally ill, and first-time misdemeanants, the use of an adult civil citation system for minor offenses, alternatives to cash bail, and using smart design to quickly move people through the booking and intake process.

The Department of Public Safety did not heed the recommendations of the Task Force to temporarily halt the planning for the new jail and, as far as we know, it made no effort to explore ways to reduce the jail population.

#### B. The HCR 85 Task Force Final Report to the 2019 Legislature

In its final report to the 2019 Legislature the HCR 85 Task Force concluded that the State was heading in the wrong direction and that it should "immediately stop the costly planning for a huge new jail and form a collaborative working group of stakeholders and government officials to plan and design a jail that is smaller, smarter, and less expensive than the one now under consideration."<sup>3</sup>

The Task Force also said, once again, that the planning process should focus on reducing the jail population:

---

<sup>1</sup> HCR 85 Task Force on Prison Reform, Interim Report to the 2017 Legislature, 19

<sup>2</sup> Interim Report, 19.

<sup>3</sup> HCR 85 Task Force on Prison Reform, "Creating Better Outcomes, Safer Communities. Final Report to the 2019 Legislature" (December 2018) iv.

Planning for the new jail should focus on diverting low-level, non-violent offenders away from the criminal justice system, reforming the bail system to significantly reduce the number of pretrial detainees who remain in jail pending trial, reducing the jail population by eliminating short jail sentences in favor of community-based alternatives, housing the mentally ill in a separate facility where they can be cared for by mental health professionals rather than correctional officers, and creating alternative housing for sanctioned HOPE Probation violators and low-risk parole violators.<sup>4</sup>

And the Task Force warned in unusually strong language that the jail the State was planning would likely produce bad outcomes for the next half century or more:

PSD and DAGS have spent millions of dollars on the preliminary design and site selection for a new jail, but they have not focused on the most important elements of jail planning, which are: (1) engaging the community in a meaningful way; (2) finding ways to reduce the jail population; and (3) designing a jail that meets the needs of the community and reflects its core values. Unless PSD, DAGS, and their consultants change course quickly, we have no doubt that the new jail will have a slick modern look, but it will amount to nothing more than a repackaging of all the problems and bad ideas of the old jail, and like the old jail, it will create bad outcomes for the next half century or more.

The jail that the State is planning will be a relic of the past the moment it is completed, because no matter how modern it looks from the outside, it will be based on outmoded and obsolete ideas and a failed planning process. The Legislature should recognize this and order PSD and DAGS to start the jail planning process over again and focus on building a smart, small, and humane 21<sup>st</sup> century jail instead of the monolithic 19th century jail that is now on the drawing boards.<sup>5</sup>

The Department of Public Safety and DAGS completely ignored the recommendations in the HCR 85 Task Force's Final Report and are moving full speed ahead with the poorly conceived jail.

### C. The Hawaii Correctional System Oversight Commission Recommendation

The Hawaii Correctional System Oversight Commission has four members including two highly respected former circuit court judges and a former Director and Deputy Director of the Department of Public Safety. Among them they have probably have 100 years of collective wisdom and experience in the criminal justice and correctional field. This distinguished group has heard several presentations on the plans for the new jail and, like the HCR 85 Task Force, have recommended that planning temporarily stop and that the Department of Public Safety should create an advisory committee of community stakeholders to review and if necessary revise the planning for the new jail, and work in partnership with the Department, DAGS, and their consultants and contractors going forward.

---

<sup>4</sup> HCR 85 Task Force Report, xviii

<sup>5</sup> HCR 85 Task Force Report, 80.



The Department of Public Safety ignored the Oversight Commission’s recommendation and immediately proceeded to issue a Request For Interest soliciting the help of private corporations to finance and build the new jail.

D. The State Would be Making a Monumental Mistake if It Went Ahead  
With Plans To Build a 1332-Bed Jail

The first step a community should ask in planning a new jail is not “How big should it be?” but “How small can we make it.” Current plans call for the new jail to have 1,004 detention beds and 288 pre-release beds (total 1332 beds) and cost \$5.25 million (excluding the approximately \$45 million it will cost to build a new facility on the grounds of WCCC to house the women who are now housed at OCCC). That works out to approximately \$395,000 per bed, which is probably the highest per bed cost of any jail ever built in the United States. If the State seriously addressed the factors driving the jail population it could build a much smaller jail and easily save hundreds of millions of dollars.

On February 1, 2021, there were 860 men at OCCC of which 54% were pretrial detainees and 21% were probation violators, most of whom were in the HOPE program and serving short sentences for a dirty drug test or other violation of the program’s rules.<sup>6</sup> These two groups combined made up 75% of the OCCC male population and cost the State around \$127,000 per day (183 probation violators + 463 male pretrial detainees = 645 inmates x \$198/day = \$127,000).

Approximately 80% of the pretrial detainees at OCCC are charged with Class C felonies or lesser offenses (misdemeanor, petty misdemeanor, or violation) and are in jail not because they are dangerous, but because they cannot make bail. If the legislature reformed our bail system, the vast majority of the men charged with Class C felonies and below could be release from jail and safely supervised in the community.

The 183 probation violators at OCCC are in jail for technical violations not for committing a crime. The HCR 85 Task Force recommended that the State stop putting HOPE probation violators in jail and place them in therapeutic setting.

With bail reform and appropriate non-jail housing for probation violators the current male population of OCCC could easily be reduced from 860 to somewhere around 450, and if we focused on diverting low level, non-violent offenders, particularly those with mental health and substance abuse issues to treatment instead of jail, we could reduce the jail population even more.

The savings that would result from reducing the number of detention beds at the new jail from 1,044 to around 450 would amount to hundreds of millions of dollars.

---

<sup>6</sup> Department of Public Safety Weekly Population Report, February 1, 2021.

## E. The Vera Justice Institute Study

The Vera Justice Institute recently studied counties that pursued jail expansion as a solution to overcrowding and found that building new facilities without addressing the policies creating the need for more capacity resulted in a vicious cycle in which the new jails that were supposed to reduce overcrowding rapidly filled to capacity, creating a demand for more capacity, and precipitating a costly building cycle:

[L]arger jails built to accommodate an overcrowded population often see their populations continue to increase. This is because expansion alone fails to address the root causes of overcrowding, leaving in place the very policies and practices that drove the jail's population increase in the first place.<sup>7</sup>

Of the 216 county jails constructed between 1999 and 2005 the median jail population rose 27 percent after construction was completed. A quarter of the new jails more than doubled in size by 2006, and the facilities had maintained their increased populations by 2013. Some examples of what happened when counties did not address the policies driving the jail population:

- In Salt Lake County, Utah, a \$135 million new jail built in 2000 with 2,000 beds was filled to capacity within 21 days of opening.
- In Tipton County, Tennessee, a newly expanded jail that increased capacity from 122 beds to 201 beds became overcrowded the month that it opened.
- Jefferson County, Colorado opened a 480- bed jail in 1986 that was intended to serve the county until 2005 but was filled within five years, while Adams County Colorado's jail—also opened in 1986— was intended to suffice through 2000 but was filled to capacity within two years.

Honolulu is on course to replicate the bad outcomes of the counties cited above because we are about to make the same mistake they made: failure to address the policies that are driving our jail population.

Thank you for allowing me to testify on this very important bill.

---

<sup>7</sup> Chris Mai et. al, "Broken Ground: Why America Keeps Building More Jails and What It Can Do Instead," The Vera Institute of Justice, November, 2019.



**HB-1082**

Submitted on: 2/4/2021 9:26:49 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Individual	Support	No

Comments:

Please support HB 1082.

All PRIVATE CORRECTIONAL FACILITIES should be abolished.

**HB-1082**

Submitted on: 2/4/2021 9:36:53 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Support	No

Comments:

Please, support HB1082.

LATE

**HB-1082**

Submitted on: 2/4/2021 11:22:47 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana Bethel	Individual	Support	No

Comments:

Aloha Chair Ohno, Vice Chair Ganaden, and Members of the Committee,

I am writing in strong support of HB 1082 which would impose a moratorium on construction of any new correctional facilities in the State, including the planned construction of a new facility to replace OCCC. It also prohibits construction of new correctional facilities or expansion of existing correctional facilities without the approval of the Hawaii Correctional System Oversight Commission.

The current decision making process for building a new correctional facility has been railroaded through with no assessment of what the actual needs are and is based on an outdated, unnecessarily expensive, and grossly ineffective model of corrections that has increasingly been abandoned by other states as they have pioneered evidence-based, cost-effective programs that have yielded a higher rate of successful reentry of inmates into society and have resulted in stronger families and safer communities.

We must put an immediate halt to the current mindless drift toward building an expensive, cookie-cutter monstrosity of a prison that will not serve local needs and will be obsolete before it is even finished. Please heed the recommendations of the Hawaii Correctional System Oversight Commission and pass HB 1082.

Mahalo for your consideration.

Diana Bethel

LATE

**HB-1082**

Submitted on: 2/4/2021 11:40:38 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl B.	Individual	Support	No

Comments:

Support.

LATE

**HB-1082**

Submitted on: 2/4/2021 2:21:38 PM  
Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
janice palma-glennie	Individual	Support	No

Comments:

aloha,

our prisons are used in many instances where rehabilitative systems and setups would be far more beneficial to individuals and our communities.

mahalo for supporting this bill.

sincerely,

janice palma-glennie



LATE

**HB-1082**

Submitted on: 2/4/2021 2:35:19 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meredith Buck	Individual	Support	No

Comments:

I strongly support this bill and agree that there should be no new correctional facilities constructed on Hawaiian lands.

LATE

**HB-1082**

Submitted on: 2/4/2021 4:55:48 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel J Mistak	Individual	Support	No

Comments:

My name is Dan Mistak, and although I am not currently representing my nonprofit, I am the Director of Health Care Initiatives for Justice-Involved Populations at Community Oriented Correctional Health Services (COCHS). COCHS is a national thought leader in policy at the intersection of health and safety. I am writing today to strongly support HB 1082.

COVID-19 has fundamentally changed the future of corrections. This change hastens the directions that corrections is moving in across the mainland. More and more jurisdictions are looking to identify ways in which people can be diverted from unhygienic custodial settings and into more appropriate settings in the community. This is because the vast majority of people who enter the criminal justice system have untreated substance use and behavioral health needs and jails are inadequate settings for treatment. These untreated needs result in criminogenic behavior that results in entanglement in the justice system over and over again. Building a newer, larger jail will simply continue this unfortunate cycle.

As other states have been looking to the future, they are moving away from expanding custodial settings. Los Angeles County, for example, scrapped its plans for a "mental health" jail in favor of improved health care services in the community for people who are houseless, mentally ill, or living with substance use disorder. This shift in strategy also will save LA county money because the County has to pay for care behind the walls of the jail, but the majority of community care is funded by the the federal government through Medicaid.

We are looking at a fiscal cliff in Hawaii. It is poor governance to spend our state dollars to create a facility that require constant infusion of state dollars to operate. We should immediately stop the creation of the jail, and look at the correctional system from a lens that avoids over-incarceration and builds out the behavioral safety net.

In the end, it is impossible to know whether any of us or our family may end up tangling with the justice system. By building a robust behavioral health safety net, rather than a new set of cages will ensure that we are supporting those in need rather than locking them up. The added benefit is that we can do it on the federal dollar!

LATE

**HB-1082**

Submitted on: 2/4/2021 7:33:56 PM  
Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Verdine Kong	Individual	Support	No

Comments:

Aloha,

My name is M. Verdine Kong. I am in strong support of HB1082. I am 65 years old. I have seen prisons being built for as long as I can remember and I have seen them become overcrowded just as rapidly as they are constructed. When I was younger, we were told that people went to jail/prison for two reasons: punishment and rehabilitation. I don't think we have succeeded in seriously committing ourselves to assisting those who have been convicted of crimes, to become rehabilitated. Instead, we just keep building prisons. Why haven't we thought to ourselves that this is not working? How can we make our communities safe if we are not assisting people inside who will be returning to our communities? How can we keep building new prisons in all good conscience, if we don't care enough to invest public safety funds in mental health treatment, restorative justice, sentencing and prison reform - isn't that just putting our money into a brand new revolving door?

I care about my family, my community and our state. I have seen and presently know people who have been inside who were given an opportunity to understand who they were and who they could become through programs such as MEO's BEST Reintegration Program on Maui. I know some have returned to prison but I also know those who have successfully returned to our community. They are mothers, daughters, sons, fathers. The effects of giving our people a chance to succeed inside will have a rippling effect on our community that is lasting.

Please stop putting money our State doesn't have, into warehousing people. We have done this for way too many years. Let's help ourselves by helping those inside.

Mahalo for your time,

M. Verdine Kong

LATE

**HB-1082**

Submitted on: 2/4/2021 9:21:26 PM  
Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michal Fentin Stover	Individual	Support	No

Comments:

I support HB1082. Hawai'i needs to explore options other than prisons for those who commit crimes as research shows that community-based programs can reduce recidivism and increase positive outcomes. Thank you.

LATE

**HB-1082**

Submitted on: 2/4/2021 9:31:33 PM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Brown III	Individual	Support	No

Comments:

Aloha Chair and members of the Committee,

I offer testimony in STRONG SUPPORT of this measure. Rather than building new jails and prisons, we should be moving toward a system of restorative and transformative justice, as was recommended by the Legislature's own HCR 85 Task Force in 2019.

Our criminal legal system is failing. It is ineffective in its supposed mission to stop and prevent crime, and incarceration has proven to be ineffective in rehabilitation and recidivism. Our carceral system is also immoral, rooted in racism, white supremacy, patriarchy, and oppression of the poor and working class. Our society ultimately needs to abolish our current criminal legal system, also referred to as the prison industrial complex, and build an entirely new public safety infrastructure that truly serves the interests of justice. Stopping the construction of any new jails or prisons is an important first step toward the brighter future my generation hopes to work towards.

Please pass this important bill.

Sincerely,

Joey Brown,

Kailua, 96734

LATE

**HB-1082**

Submitted on: 2/5/2021 12:08:08 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melinda Yamaga	Individual	Support	No

Comments:

The opening sentence of this bill succinctly highlights one of the greatest crisis the State of Hawaii currently faces. I support this bill because I want my elected officials to make sensible decisions when deciding how to spend our hard-earned money. The data shows incarcerating more people does not make us safer. There are evidence-based approaches to improve the safety of our community and spending money to haphazardly expand the correctional facility is not one of them.

LATE

**HB-1082**

Submitted on: 2/5/2021 12:57:14 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcella Alohalani Boido	Individual	Support	No

Comments:

Thank you for hearing this bill.

I support this bill. Hawaii needs to rethink its approach to incarceration and its consequences for inmates, service providers, and our community.

We need a new approach, not a new prison.

We need to put our priorities in order. We should be providing inmates with the education and training to re-enter society. At the same time, we need to keep our communities safe.

The state has been prioritizing the interests of developers instead. These interests should be decentered. We should also put an end to privately operated, for-profit prisons.

In addition to the proposed price tag for a new prison--a price, which like the price of rail, another developer-oriented project--will only go up--there are hidden costs to building a prison in Halawa.

Many service providers, such as defense counsel, and the sheriffs who move prisoners to and from court, are paid for their travel time. Moving the location of the prison further away from the Office of the State Public Defender, and the courts, will increase the state's cost for workers's travel time and mileage.

More time driving to and from Halawa means less time doing other things. That means more public defenders and sheriffs will be needed, so we will wind up needing more fulltime state employees in these positions. An increase in mileage on the vans used to transport prisoners means more wear and tear, and a greater need to buy new vehicles.

The current OCCC location is easy to reach by car or bus. Halawa is difficult to reach by bus. That means that some families will have a harder time visiting. This will make it difficult to maintain the family ties which are an essential part of rehabilitating prisoners and encouraging them to do well in so they can do well out.

There is a fundamental justice issue here. When prisoners see that they are only pawns in the cynical, profitable games being played by developers and private prison operators, and that the State of Hawaii is complicit in this, how can we expect prisoners to respect law and government?

Please, let's put our house in order. Get our priorities straight. Center our people, including our inmates, and our communities.

Sooner or later prisoners will exit the prison system (assuming, of course, that they do not sicken and die from the state's failure to deal appropriately with COVID-19).

If they are treated fairly and honestly, instead of being used, abused, and neglected, the chances of their being motivated to change in a positive direction will increase considerably.

Please pass this bill.

Thank you.



LATE

**HB-1082**

Submitted on: 2/5/2021 8:12:01 AM

Testimony for CMV on 2/5/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments:

02-05-21

RE: HB1082

Aloha,

I am in support of this Bill. Establishing a moratorium on the construction of any new correctional facilities in the State on or after 7/1/2021, including the planned construction of a new facility to replace the existing Oahu community correctional center, will allow for a wider discussion of our Public Safety Statewide Network to discuss and advocate for a Corrections System that is more in step with "best practices" that need to be implemented, with a keen eye towards "restorative justice" and rehabilitation, in cooperation and collaboration with the Hawaii Correctional System Oversight Commission and local Criminal Justice/ Reentry Networks on each island.

Mahalo.

John A. H. Tomoso+, MSW

51 Ku'ula St.

Kahului, HI 96732-2906

john.a.h.tomoso@gmail.com, 808-280-1749

cc: Maui Reentry Hui