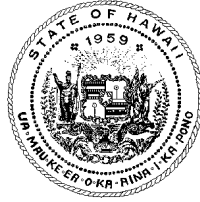


DAVID Y. IGE  
GOVERNOR



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 SENATE BILL 664  
RELATING TO PUBLIC SAFETY.**

by

Max N. Otani, Director

Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Tuesday, March 2, 2021; 9:35 a.m.  
State Capitol, Via Video Conference

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

Senate Bill (SB) 664 seeks to authorize the development of the new Oahu Community Correctional Center pursuant to Section 26-14.6, Hawai'i Revised Statutes (HRS). This measure would also prohibit the transfer of the operations of the new Oahu Community Correctional Center to a corporation as defined in Section 414-3, HRS.

The Department of Public Safety (PSD) strongly supports SB 664 and its intent.

Thank you for the opportunity to provide testimony regarding this measure.



Hawai'i

Committees: Senate Committee on Judiciary  
Hearing Date/Time: Tuesday, March 2, 2021, 9:35 a.m.  
Place: Via videoconference  
Re: Testimony of the ACLU of Hawai'i in Opposition to S.B. 664, Relating to Public Safety

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Committee,

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in opposition to S.B. 664**, which requires the Department of Public Safety to development the new Oahu community correctional center ("OCCC"). 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 individuals housed in Hawai'i's correctional facilities and more than half of those jailed at

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<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, [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), <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), <https://ag.hawaii.gov/wp-content/uploads/2021/01/HCSOC-Final-Report.pdf>.

ACLU of Hawai‘i testimony in opposition to S.B. 664  
March 2, 2021  
Page 2 of 2

OCCC 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. 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.

For the above reason, ACLU of Hawai‘i respectfully requests that the Committee defer 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.*

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<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.

American Civil Liberties Union of Hawai‘i  
P.O. Box 3410  
Honolulu, Hawai‘i 96801  
T: 808.522.5900  
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E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



Young Progressives Demanding Action  
P.O. Box 11105  
Honolulu, HI 96828

February 28, 2021

**TO: SENATE COMMITTEE ON THE JUDICIARY**  
**RE: Testimony in Opposition to SB664**

Dear Senators,

Young Progressives Demanding Action (YPDA) stands in **strong opposition of SB664**, which would require the Department of Public Safety to construct a massive new jail in Hālawā, conservatively estimated to cost \$525 million, in the midst of an economic crisis.

Overcrowding in our jails and prisons is a real problem. But it's a problem that was born of deliberate policy choices that have created a costly and inhuman system of mass incarceration.

A bigger jail won't reduce overcrowding as long as these mass incarceration policies define our "justice" system. If the system is designed to lock people up, it will lock people up. Therefore, the larger size of the jail will only facilitate higher rates of mass incarceration.

Mass incarceration [fails to keep us safer](#). In fact, there is some evidence that the damage it does to people and communities can actually increase crime rates.

Constructing and operating a costly new facility will therefore be a waste of taxpayer dollars at a time when we don't have any to spare.

Instead, we must implement what David R. Karp and Todd R. Clear, in their essay "[Community Justice: A Conceptual Framework](#)" (2000), refer to as "community justice" solutions. We should:

- End the use of monetary bail.
- Legalize (and therefore decriminalize) cannabis use.
- Expand community supervision for nonviolent offenders, including parole and probation.
- Divert people to mental health and drug treatment services whenever possible.

- End mandatory sentencing and “Three Strikes” laws.

We also need to dismantle the systemic racism baked into the criminal justice system that leads to mass incarceration and over-policing of communities & people of color in the first place. We need to, instead, implement anti-racist policies that confront and heal the generational trauma caused by White Supremacy.

Community justice policies will be far more effective at reducing our incarcerated population, while simultaneously saving taxpayers money, keeping communities safer and actually achieving real justice. These restorative, rather than punitive, solutions seek to heal and restore troubled people, returning them back to society in a condition in which they can contribute and live purposeful lives.

This bill—and the construction of a new jail—represents a doubling down on failed policy: building newer, larger incarceration facilities and, thereby, anchoring our society more firmly to an antiquated and injurious system of mass incarceration with a poor track record of reducing crime and a legacy of destroying lives and communities.

The United States now has the highest incarceration rate in the world. Between 1970 and 2010, the number of people incarcerated in the United States grew by 700 percent. We now incarcerate almost a quarter of the prisoners in the entire world, while representing only 5 percent of the world’s population. At no other point in U.S. history—even when slavery was legal—have so many people been deprived of their liberty.

We have an opportunity to pivot away from mass incarceration, from racist policies and from criminalization of poverty. Please kill this bill. Instead, support bills that will use community justice and antiracist policies to reduce our incarcerated population. At that point, the cost to fix up existing facilities, or build a much smaller one, can be discussed. But our ultimate goal should be to get to a point at which very few people, if any at all, need to be incarcerated.

Mahalo for the opportunity to testify,

Will Caron  
Board President & Secretary  
action@ypdahawaii.org

# COMMUNITY ALLIANCE ON PRISONS

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

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



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, March 2, 2021

9:35 a.m.

## **STRONG OPPOSITION TO SB 664 - OCCC**

Aloha Chair Rhoads, Vice Chair Kaohokalole 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 opposition** to this measure that is a slap in the face to the community that has been questioning the millions of dollars enriching consultants while the community is suffering through this public health pandemic. This bill makes a very clear statement to the community about what matters.

The community has been questioning the need for a humongous facility that will incarcerate many people suffering from public health and social challenges and who are innocent until proven guilty. We know that many people are imprisoned for poverty crimes and cannot make bail.

A review of the February 15, 2021 Department of Public Safety Population Report should make everyone question what is really going on:

- **The total population of OCCC is 934 persons**
  - 55% (513 persons) are pretrial detainees and
  - 23% (217 persons) are probation violators.
- **78% (730 persons) are pretrial detainees and probation violators**

Here is the cost when monetizing the 513 persons who are pretrial detainees at \$198/day: \$101,574 a day, \$711,018 a week, \$2,844,072 a month, and \$34,128,864 a year.

The total cost of the 730 pretrial detainees and probation violators at \$198/day: \$184,540 a day, \$1,011,780 a week; \$4,047,120 a month, and \$48,565,440 a year. And that is for one jail in Hawai`i.

Everyone knows that OCCC has been in deplorable condition for decades but now, since it might mean short-term construction jobs, the legislature is suddenly very concerned about the conditions that the people they cage must live in.

## **SHORT-TERM JOBS FOR LONG-TERM GENERATIONAL HARM**

The proposal to build a humongous OCCC *with no community input* and the secret negotiations by the Governor tell us that building a jail that cages people on the lowest rung of the economic ladder is a priority in order to get the economy rolling.

And while the government exploits the third-world conditions at OCCC, they totally ignore the fact that they are rolling over some of the most vulnerable people in our community.

Please, tell the truth. This bill is about the economy. It is not about the harms caused by the state through its failed and draconian policies. OCCC has become housing for the unsheltered and O`ahu's de facto mental health facility. PSD reports that 59% of all intakes in 2020 - 3,888 persons - were individuals who were living unsheltered or in emergency or transitional shelters on O`ahu.

How can the data be ignored? How can the state not see what is right in front of us? 78% of OCCC are persons who are pretrial detainees and probation violators, many suffering from unmet public health, social, and poverty challenges.

Please, we ask that you think about what this bill does. It removes the community and basically orders PSD to blindly build a huge facility that will require even more people who are jailed because they can't pay bail. Data show that these are the people who end up in prison. Is this the goal - to ensure that Hawai`i maintains its position as one of the world's largest jailers?

The misuse of jails in America is helping to drive mass incarceration and is part of a system that is neither economically sustainable nor beneficial to public safety, community well-being, and individual rehabilitation. Nearly 75 percent of both pretrial detainees and sentenced offenders are in jail for nonviolent traffic, property, drug, or public order offenses. Underlying the behavior that lands people in jail, there is often a history of substance abuse, mental illness, poverty, failure in school, and homelessness.<sup>1</sup>

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<sup>1</sup> INCARCERATION'S FRONT DOOR: THE MISUSE OF JAILS IN AMERICA (2015)  
<https://www.vera.org/publications/incarcerations-front-door-the-misuse-of-jails-in-america>

PRETRIAL DETENTION has a significant impact on downstream criminal justice outcomes – both in the immediate case, and through the future criminal activity of detained defendants. Detention increases the rate of guilty pleas, and leads detained individuals to commit more crime in the future.<sup>2</sup>

The only way localities can safely reduce the costs incurred by jail incarceration is to limit the number of people who enter and stay in jails. This is no small task. How and why so many people cycle through jails is a result of decisions dispersed among largely autonomous system actors. This means that the power to downsize the jail is largely in the hands of stakeholders outside its walls. So only by widening the lens – looking beyond the jail to the decisions made by police, prosecutors, judges, and community corrections officials – will jurisdictions be able to significantly reduce the size of their jails, save scarce county and municipal resources, and make the necessary community reinvestments to address the health and social service needs that have for too long landed at the doorstep of the jail.<sup>3</sup>

The DOJ came to Hawai`i in 1998 and they reported that in the eight jurisdictions they visited, they had never witnessed the intergenerational incarceration that they saw in Hawai`i. That was 23 years ago and things have not gotten much better.

The last thing you should consider is in these times of economic strife, where families are struggling to stay housed and to feed themselves, are the millions of dollars wasted on consultants who have no connection or apparent interest in the community outside of their glossing propaganda pieces.

To date, OCCC consultants have reaped \$10.4 million from the hard-earned work of taxpayers and when you add that with the more than \$14 million blown on consultants for the Maui Public Safety Complex in a section that lacks water, you might understand where the mistrust of the community comes from. There is never enough money to provide the services so desperately needed, yet there always seems to be money for consultants and more studies. We know what to do, we need the political will to do it!

## **COMMUNITY ENGAGEMENT MATTERS!**

Citizens are ‘engaged’ when they play a meaningful role in the deliberations, discussions, decision-making and/or implementation of projects or programs affecting them. Accordingly, organizational and government leaders need to broaden the way they see their responsibilities to include roles as facilitator, supporter, collaborator, and empower of citizens and stakeholders. This change requires letting go of some of the traditional reins of power and trusting that citizens can and will effectively engage in the issues. The result is a

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<sup>2</sup> THE DOWNSTREAM CONSEQUENCES OF MISDEMEANOR PRETRIAL DETENTION (2016)  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2809840](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2809840)

<sup>3</sup> THE PRICE OF JAILS: MEASURING THE TAXPAYER COST OF LOCAL INCARCERATION  
(2015) <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/05/The-Price-of-Jailsreport.pdf>



partnership(s) that is nearly always healthy for a community and can more effectively address the issue or problem.<sup>4</sup>

Data-driven and evidence-based practices present new opportunities for public and social sector leaders to increase impact while reducing inefficiency. But in adopting such approaches, leaders must avoid the temptation to act in a top-down manner. Instead, they should design and implement programs in ways that engage community members directly in the work of social change.<sup>5</sup>

This is precisely what the community has been asking for – a data driven and humane approach to the challenges that create the pathways to incarceration

There is so much research on better alternatives that should be implemented before considering imprisonment. It seems that there is a lack of interest, so the state is going for the easy “lock `em up” approach, to hide away those the state has considered a blight (despite the fact that our policies are facilitating this human tragedy).

Please consider this before you vote. Consider what this bill is really about and who you are hurting as well as the intergenerational harm that building more cages causes. Each vote sends a strong signal. We hope your vote is about justice, reason, and compassion.

We respectfully urge the committee to hold this bill.

Mahalo for this opportunity to testify,

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<sup>4</sup> WHY COMMUNITY ENGAGEMENT MATTERS <https://aese.psu.edu/research/centers/cecd/engagement-toolbox/engagement/whycommunity-engagement-matters>

<sup>5</sup> COMMUNITY ENGAGEMENT MATTERS (NOW MORE THAN EVER), Stanford SOCIAL INNOVATION Review [https://ssir.org/articles/entry/community\\_engagement\\_matters\\_now\\_more\\_than\\_ever](https://ssir.org/articles/entry/community_engagement_matters_now_more_than_ever)

**SB-664**

Submitted on: 2/26/2021 1:34:59 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kevin landers	Individual	Oppose	No

Comments:

*Aloha, I'm writing in strong opposition to SB 664. Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Please vote NO on SB644.*

Speak

**SB-664**

Submitted on: 2/26/2021 1:42:57 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kendra Tidwell	Individual	Oppose	No

Comments:

Aloha, I'm writing in strong opposition to SB 664. Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Please vote NO on SB644.

**SB-664**

Submitted on: 2/26/2021 1:53:35 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vera Zambonelli	Individual	Oppose	No

Comments:

*Aloha,*

*I'm writing in strong opposition to SB 664. Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on punishment, policing and jailing to address social and economic issues. We rather need community accountability and systems that are not carceral.*

*e know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail.*

*We do need to build safety, and we can do that through making sure people have what they need and building connective relationships and communities - not by relying on cops and cages.*

*Please vote NO on SB644.*

**SB-664**

Submitted on: 2/26/2021 1:57:28 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashley Rubin	Individual	Oppose	No

## Comments:

Aloha, I'm writing in strong opposition to SB 664. I am a social scientist who specializes in criminal justice system, especially prisons. I hold a PhD in Jurisprudence in Social Policy and I have written a book on prisons and numerous articles in peer-reviewed journals. As an expert in this area, I know from copious amounts of research that building new prisons or jails is an invitation to increase, rather than decrease, our prison population, and this will not make us safer. Historically, the preferred method for combatting overcrowding that generations of prison administrators and politicians around the country and the world have relied on is to increase our mechanisms for early release, followed by efforts to limit the number of people going into jail and prison in the first place. Particularly in this era of COVID-19, early releases (done right, meaning in conjunction with reentry resources and not leaving recently released people to fend for themselves) are especially important. If your concern is how to make the people of Hawai'i safer, new construction is not the answer. Make Hawai'i safe by diverting these much needed resources to communities and service providers who will help reduce crime in the first place, provide better resources for those undergoing reentry, and focus on improving primary education, affordable housing, and health care provision for all. Thank you for listening/reading. Again, please vote NO on SB 644.

**SB-664**

Submitted on: 2/26/2021 2:05:15 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ezra Levinson	Individual	Oppose	No

Comments:

My name is Ezra Levinson. I am a high school student at Punahou School and a resident of Kailua.

I am writing to testify in strong opposition to SB 664 and the development of a new "community correctional center." I echo the concerns which have been expressed by groups like the ACLU of Hawai'i and the Community Alliance on Prisons, and I will repeat some of their key points below:

- The Hawai'i Systems Correctional Oversight Commission, which includes three former PSD workers and two judges, has called for a moratorium on planning for the new OCCC.
- The HCR 85 Task Force on Prison Reform recommends that any progress toward a new jail be stopped "until there is a plan to reduce the jail population through diversion, bail reform, and other means, and ensure that the jail houses only those few individuals who are a danger to society or a flight risk." This is not currently the case.
- *More than half* of the incarcerated people at the current OCCC *have not been convicted of a crime*, and there is no valid reason for many of them to be incarcerated.

In addition to these concerns, I want to offer a personal plea. I have grown up in Hawai'i, and hope to return home at some point in my adult life and give back to the community that raised me. I know that your jobs as legislators are difficult, and I know that you are deeply attuned to and motivated by the idea of maintaining and improving this place for future generations. *Ka 'ike a ka mākua he hei na ke keiki* - the knowledge of the parent is absorbed by the child. Even more directly, the things built by the parent will be there for the child. You can choose to make Hawai'i more carceral, to spend government and taxpayer money on locking our ohana up, and your choice will also lock future generations into the same vicious cycle of criminalization. You can ensure with your choice today that I, and my friends, and even our children, will live in a place where we lock people away because we aren't willing to help them be better.

Or you can make a different choice today, and maybe things will change.

I hope that every member of this committee is aware of the importance of this choice, and makes the *right* choice, which is to vote no on SB 664. Thank you for the opportunity to testify.

**SB-664**

Submitted on: 2/26/2021 2:08:10 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dee Green	Individual	Oppose	No

Comments:

OPPOSE

I'm writing in strong opposition to SB 664. NO MORE blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Research shows that new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Let's look at our community and do what is pono



**SB-664**

Submitted on: 2/26/2021 2:10:02 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

OPPOSE

As an educator, I find it totally reprehensible that the State prefers to put \$\$ into prisons rather in to communities , school ie our keiki. We are in need of more social programs and NOT more punitive paths which affect mainly our Hawaiian and Polynesian folks. NO and NO to this bill.

**SB-664**

Submitted on: 2/26/2021 2:10:04 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
I. Robert Nehmad	Individual	Oppose	No

Comments:

*Aloha, I'm writing in strong opposition to SB 664. Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Please vote NO on SB664."*

**SB-664**

Submitted on: 2/26/2021 2:39:18 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Montague	Individual	Oppose	No

Comments:

*Aloha, I'm writing in strong opposition to SB 664. Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Please vote NO on SB644.*

**SB-664**

Submitted on: 2/26/2021 3:35:13 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Chagnon	Individual	Oppose	No

Comments:

Building a new jail is illogical and wasteful. Far more than a new jail, we need to reduce the jail population. The jail population was successfully reduced at the beginning of the pandemic, so it can be done. There is no reason to waste hundreds of millions of dollars for a new jail when we can alleviate overcrowding by ending senseless pretrial detention. Building a new jail would be a crime against the his community.

**SB-664**

Submitted on: 2/26/2021 4:36:51 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

I strongly oppose SB664. Instead of a new jail, I prefer that Hawaii invest its scarce resources in community alternatives that reduce the need for incarceration. Thank you.

**SB-664**

Submitted on: 2/26/2021 4:38:59 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melinda Wood	Individual	Oppose	No

Comments:

I oppose SB664. It does nothing to change our current incarceration practices; it just moves them uphill to Halawa. What we need is criminal reform that will be more effective, timely, and wisely compassionate. It would be most helpful to also change the leadership of the system so that criminals aren't put in charge of guarding the criminals who got caught..

**SB-664**

Submitted on: 2/26/2021 5:19:20 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

NO NO NO NO, STRONGLY OPPOSE!!!!!!

**SB-664**

Submitted on: 2/26/2021 6:03:40 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julia Paul	Individual	Oppose	No

Comments:

Increasing incarceration levels has no proven effect on decreasing the crime rate. Instead lawmakers should back far more effective, proven initiatives such as bail system reform and community-based alternatives.  
VOTE NO.



**SB-664**

Submitted on: 2/26/2021 7:54:33 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jeanne wheeler	Individual	Oppose	No

Comments:

I strongly oppose this bill, would like to see \$ focused instead to improve socio-economic realities for those groups who are most likely to be incarcerated... more prisons won't achieve this goal!

**SB-664**

Submitted on: 2/26/2021 10:07:11 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pablo Wegesend	Individual	Support	No

## Comments:

I support replacing the current OCCC facility with a new facility in Halawa. We also need that facility to be well-secured, well-lit, and well-sanitized. The facility should have decent living quarters where the inmates can have access to clean water and can sleep without the worry about being bitten by rats or bedbugs. We also need that facility to have video cameras in every location in order to hold all staff and inmates accountable for all their actions. It should also be open for all scared-straight programs so that troubled youth can tour and understand the seriousness of how correctional facility life is like. It should also be open to all human rights inspectors to ensure all staff are following proper human rights protocols.

**SB-664**

Submitted on: 2/26/2021 11:15:02 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jen Jenkins	Individual	Oppose	No

Comments:

Aloha Chair Rhoads and Honorable Members,

i strongly oppose SB664. We can't incarcerate our way out of a failure of social infrastructure. Please prioritize housing, education, and healthcare and never resort to incarceration.

Mahalo,

Jen J.

**SB-664**

Submitted on: 2/27/2021 12:20:14 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

## Comments:

My name is Carla Allison and I strongly oppose SB664. We don't need a new OCCC. Overcrowding in our correctional facilities can be significantly reduced by ending cash bail, creating programs & beds to address mental & drug disabilities and providing housing. Research & studies repeatedly conclude community-based solutions have significantly better outcomes than incarceration. The already existing reports ordered by our legislature detailing solutions that have not been acted upon...solutions to ease our overcrowded jails/prisons. These solutions need to be acted upon before proceeding with any new development of incarceration facilities. The money being spent on planning & developing a new OCCC could be used for programs that address the root problems instead of taking the band aid approach of building more facilities. 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 oppose SB664. Thank you.

**SB-664**

Submitted on: 2/27/2021 2:30:28 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenta Russell	Individual	Oppose	No

Comments:

*Aloha, I am in strong opposition to SB 664.*

*Instead of signing blank checks for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. More than half of those jailed at OCCC have not been convicted of a crime, and are most often held because they cannot afford bail. Our justice system needs to be for the people, not against them. People need to be helped, not incarcerated. Those funds could do so much to assist those in need rather than lock them up. Please vote NO on SB644.*

*Thank you for your time and for caring for our island community,*

*Jenta Russell*

**SB-664**

Submitted on: 2/27/2021 3:03:56 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

Before rushing to build a new jail, we need community input & community based solutions that are alternatives to incarceration. Studies show time and again that when the community is involved and a healing centered, restorative justice approach is taken, the outcomes for folks who have committed crimes are much more positive.

**SB-664**

Submitted on: 2/27/2021 3:48:09 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nikos Leverenz	Individual	Oppose	No

Comments:

Hawaii simply cannot afford a new jail at this time and should instead look for ways to improve existing facilities. The state should also embark on needed reforms of its sentencing structure and probation system, which both (over-)criminalize behavioral health problems.

With low crime rates that span decades there is simply no good reason to have as many people on probation in Hawaii for an average of five years other than to maintain staffing levels across the range of state and local government departments that administer the criminal legal system.

There should also be some serious deliberation over whether the unified jail and prison system has been a success by any metric, much less those posed by proponents of unification in the late 1970s (including streamlined rehabilitative programming). The state should look to devolve jail financing and administration to the counties as they retain a property tax base that is unavailable to state government by constitutional design.

Mahalo for the opportunity to provide testimony.

**SB-664**

Submitted on: 2/27/2021 8:06:23 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Winternitz	Individual	Oppose	No

Comments:

Aloha.

I'm writing in strong opposition to SB 664. Rather than dedicating scarce state revenue to enhance jail infrastructure, this is the time to stop relying on policing and jailing to address social and economic issues. We know new jails are not a solution when nearly half of Hawaii's jailed population is Hawaiian and Pacific Islander, and when the reason many people are incarcerated is because they lack housing, healthcare, and mental health services, and because people simply cannot afford bail. Please vote NO on SB644."



**SB-664**

Submitted on: 2/28/2021 5:44:53 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anne Freeman	Individual	Oppose	No

Comments:

Aloha, Please oppose this bill that will create more suffering for native peoples who are unable to make cash bail and lack access to housing, health care, and mental health services, all of which will be better investments!

**SB-664**

Submitted on: 2/28/2021 9:29:43 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca DiLiberto	Individual	Oppose	No

Comments:

Aloha

Please DO NOT approve the building of a huge new prison in Halawa. Increasing incarceration levels has no proven affect on decreasing crime, and the building of this jail runs counter to the recommendations by the Comission that was tasked with overseeing the state's correctional system. We do not need a new jail, which will simply be more of something that already isn't working. As a state we should be aiming for progressive changes like bail reform and better mental health support services. Please vote no on this bill.

mahalo nui,

Rebecca DiLiberto

Kahului, Maui

**SB-664**

Submitted on: 2/28/2021 2:44:46 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Noelani Ahia	Individual	Oppose	No

Comments:

I strongly oppose this bill for the following reasons:

- There has been no discussion in the larger community about building more cages for our friends and family
- Data from PSD show that more than 40% of the people at Intake statewide were living unsheltered or emergency/transitional shelters at the time of arrest
- 2.15.21 data from PSD show that 48% of people imprisoned are pretrial detainees, probation and parole violators at \$198/day this is costing \$390,852/day; \$2,735,964/week; \$10,943,856/month
- This bill is using the building cages to provide short-term construction jobs for long-term inter-generational harm
- Instead of building a new jail, let's build a Restorative Justice and Economic hub where people can participate in Restorative Justice practices, obtain training to earn livable wages, access health care services, etc. We can also use the \$ averted from jail construction to diversion programs that assist with housing, education, mental health and substance use treatment programs, etc.

**SB-664**

Submitted on: 2/28/2021 6:20:17 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Seikai Darcy	Individual	Oppose	No

Comments:

**STRONG OPPOSITION to SB664**

As a communitymentoring volunteer at Maui County Correctional Center and advocate for those reentering our community, I strongly oppose SB664.

- There has been no discussion in the larger community about building more cages for our friends and family
- Data from PSD show that more than 40% of the people at Intake statewide were living unsheltered or emergency/transitional shelters at the time of arrest
- 2.15.21 data from PSD show that 48% of people imprisoned are pretrial detainees, probation and parole violators at \$198/day this is costing \$390,852/day; \$2,735,964/week; \$10,943,856/month
- This bill is using the building cages to provide short-term construction jobs for long-term inter-generational harm
- Instead of building a new jail, let's build a Restorative Justice and Economic hub where people can participate in Restorative Justice practices, obtain training to earn livable wages, access health care services, etc. We can also used the \$ averted from jail construction to diversion programs that assist with housing, education, mental health and substance use treatment programs, etc.

With respect,

Lisa Seikai Darcy

Maui County resident

**SB-664**

Submitted on: 2/28/2021 7:19:47 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Courtney Mrowczynski	Individual	Oppose	No

Comments:

I have **strong OPPOSITION** to SB664 for the following reasons:

- Increasing incarceration levels has no proven effect on decreasing the crime rate. Instead, lawmakers should back far more effective, proven initiatives such as bail system reform and community-based alternatives.
- Data from PSD show that more than 40% of the people at Intake statewide were living unsheltered or in emergency/transitional shelters at the time of arrest.
- 2.15.21 data from PSD show that 48% of people imprisoned are pretrial detainees, probation and parole violators at \$198/day this is costing \$390,852/day; \$2,735,964/week; \$10,943,856/month.
- Powerful figures in law enforcement and the jail industry are pushing a massive jail construction project in Halawa conservatively estimated to cost \$525 million jail in the midst of an economic crisis, against the recommendations of the Commission tasked with overseeing the State's correctional system, as well as those of the Task Force responsible for making recommendations for the design of future correctional facilities.
- Before rushing to build new jails, we need 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.
- Humanize, not criminalize!!!

**SB-664**

Submitted on: 2/28/2021 7:47:41 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia McLean	Individual	Oppose	No

Comments:

I oppose SB664. Cynthia McLean, Maui resident

**Chair Karl Rhoads**  
**Vice Chair Jarrett Keohokalole**

**Senate Committee on Judiciary**

**Tuesday, March 2, 2021**  
**9:35AM**

**TESTIMONY IN STRONG OPPOSITION TO SB664 RELATING TO PUBLIC SAFETY**

Aloha Chair Rhoads, Vice Chair Keohokalole, Members of the Senate Committee on Judiciary,

My name is Jun Shin, I am a Junior at the University of Hawai‘i at Mānoa and currently serve as an at-large board member for the Young Progressives Demanding Action. I am testifying today as an individual in **STRONG OPPOSITION** to **SB664**, Relating to Public Safety. This measure would require the Department of Public Safety to build a new O‘ahu Community Correctional Center (OCCC) in Halawa.

A bigger jail will not solve the underlying issues that led to overcrowding in our jails in the first place. It will just create more room that the State can continue to fill. We can and should keep our community members out of prison by ending policies that criminalize poverty like houseless sweeps and cash bail, legalize marijuana, expand community supervision for nonviolent offenders, and actually invest in mental health services. This bill is building this new jail to provide short-term construction jobs, in exchange for the furtherance of intergenerational harm. Bills like this allow for private and public interests to either ignore or deliberately profit off of poverty, mental illness, houselessness, racism, etc.

The State needs to have an actual conversation with the larger community on whether or not they want to build more cages to hold friends, family, and neighbors before proposing measures like this. We also need to take the money that would have been used for construction and divert people away from jail by implementing policies like paying workers a living wage, and actually funding and supporting education, housing, healthcare, childcare, and substance use treatment programs.

I urge you to **HOLD SB664**.

Mahalo for the opportunity to testify,

Jun Shin,  
1561 Kanunu Street  
Honolulu, HI 96814  
Cell: 808-255-6663  
Email: junshinbusiness729@gmail.com

**SB-664**

Submitted on: 2/28/2021 8:18:53 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

Aloha, Senators, my name is Carolyn Eaton. Please vote against this measure. The Governor has ignored your appointed Commissioners who constitute the Hawai'i Correctional Oversight Commission. If you succeed in arresting the steamrolling of the Halawa design for a prison which will be larger and more expensive than we need to replace OCCC, your wisdom in creating the Commission can be appreciated by all for years into the future. I have followed the hard (volunteer) work of the Commissioners, representing hundreds of hours, I am certain. Please allow the Commission to provide direction now before millions more of the taxpayers' money is spent. The acquiescence of the Aiea Neighborhood Board is a fraction of the community input which ought to have been honestly entertained months and months ago, but was not. Mahalo for your work.



**SB-664**

Submitted on: 2/28/2021 8:39:57 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Giovanna Cavalcante	Individual	Oppose	No

Comments:

I strongly oppose this bill because building a bigger jail is not the most helpful way to make the community safer. Mass incarceration is inhumane and a new jail will not stop jails/prisons from being overcrowded in Hawaii, it will only produce higher rates of incarceration; the funding should also be going elsewhere (education, community, healthcare, etc)

**SB-664**

Submitted on: 2/28/2021 9:18:05 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cedar Wilson	Individual	Oppose	No

Comments:

Aloha,

O Cedar ko'u inoa. No LĀ• 'ie mai au. Mahalo nui loa for this opportunity to share my written testimony. I want it to be clear that I strongly oppose SB664 relating to public safety. This Bill would mean building a huge new jail in Halawa. The issues that come with mass incarceration won't be solved by fueling its fire; this new jail will fail to reduce overcrowding in Hawai'i's prisons & jails and will fill itself to be just as overcrowded as the others. Overcrowding finds relation to a lack of community resources and has disproportionately affected Native Hawaiians.

Funding for this new jail in Halawa would require hundreds of millions of dollars that should and could be used elsewhere. The money that would go into it should have the opportunity to go to resources that would naturally combat mass incarceration. Funds could go toward healthcare (physical, mental/emotional healthcare), pandemic financial aid, our public schools, affordable housing, childcare, etc. We need community resources that will benefit our people, not a jail that will inevitably lock more of us up.

Mahalo again for this opportunity to share my opposition to SB664,

Cedar Wilson

February 28, 2021

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Tuesday, March 2, 2021  
9:35 a.m.  
Via Videoconference

**RE: OPPOSE SB 664 RELATING TO PUBLIC SAFETY**

Dear Chair Rhoads, Vice Chair Keohokalole and Committee Members:

My name is Carrie Ann Shirota, and I am writing in opposition to SB 664 that mandates that the Department of Public Safety develop the new OCCC jail.

As background, I am a civil rights attorney and have previously served as the Director for Maui Economic Opportunity's Reintegration Program, a Public Defender and as a Counselor for a Native Hawaiian Program at UH Maui College.

We need a broader vision for Reimaging Public Safety in Hawai'i. Building new jails and prisons are not a solutions to overcrowding because it does NOT address the drivers of mass incarceration.

Reimaging public safety requires us to divert and significantly reduce the number of youth and adults in our criminal legal system. It also means shifting the state's budget priorities away from mass criminalization and incarceration towards health and human services, housing, education, rehabilitation and restorative justice to ensure that individuals and families needs are met in our community.

**Instead of building a new jail to replace OCCC, we should enact a Moratorium that will STOP us from spending millions more on planning and design consultants and contractors who profit from building and operating more jails and prisons. We have already wasted \$10 MILLION on consultants on the proposed new OCCC, and should not spend an estimated \$500-600 MILLION to build a new jail where clear alternatives to exist, and would cost tax payers less money! (Not to mention the added fiscal costs of operating a jail annually).**

We can look to other jurisdictions that have successfully and significantly reduced their incarcerated population by implementing evidence based strategies at different entry and exit points within the criminal legal system.

**Other Jurisdictions Have Safely Reduced their Incarcerated Population While Reducing Crime Rates: From New York to Rhode Island**

**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 Outcomes

- Between 2006 and 2012, California downsized its prison population by 23%, compared to the nationwide state prison population decrease of 1% from 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%.

More recently, Rhode Island, Connecticut, Michigan, Michigan and South Carolina achieved prison population reductions of 14-23%. This produced a cumulative toll of 23, 646 fewer people in prison with no adverse effects on public safety. See, <https://www.sentencing-project.org/publications/decarceration-strategies-5-states-achieved-substantial-prison-population-reductions/>

### Rhode Island Outcomes

Since Rhode Island's incarcerated population is most similar to Hawai'i in size, their data demonstrates the reductions we can achieve through targeted strategies.

Peak Year 2008	Population	Decrease	% Change
	4, 045.	3,103 (-942)	23%

The Sentencing Project concluded that all five states achieved significant reductions through the following strategies:

1. Measures to Get Justice Reforms Underway and Maintain Momentum
2. Decreased Prison Admissions via Fewer New Prison Commitments
3. Decreased Prison Admissions via Reduced Incarceration for Failure on Community Supervision
4. Increased Prison Releases via Increasing the Feasibility and/or Efficiency Of Release
5. Increased Prison Releases via Requiring Less Time Served Before Eligibility for Release

### **PSD's Proposed Rationale to Build a New Jail is Not Supported by Evidence Based Research**

The Department of Public Safety is pushing a proposal to create a new jail for 1000+ beds based on an outdated projected inmate analysis. The consultants hired to conduct this study were relying upon rising incarceration rates and trends, both of which are no longer valid. Amidst COVID-19, the jail population rates statewide have decreased - through a combination of court orders and collaboration between the Judiciary, Police, Attorney Generals, prosecutors and Public Defenders. This demonstrates the efficacy of targeted strategies to safely reduce the incarcerated population.

The consultants involved with pushing for a new jail did not consider meaningful alternatives in their EIS study. A review of the lengthy EIS study reveals that less than 2 paragraphs were Dedicated to alternatives to building a new jail - even though the data from other jurisdictions confirm the cost-effectiveness of implementing criminal justice reforms to reduce the incarcerated populations while simultaneously reducing crime rates.

Please hold SB 664 - unless you deliberately want to invest in a jail system that is expensive, ineffective (more than 50% recidivism), and inhumane.

Sincerely,

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

<https://www.sentencingproject.org/publications/decarceration-strategies-5-states-achieved-substantial-prison-population-reductions/>

## I. Executive Summary

From 1980 until its peak in 2009, the total federal and state prison population of the United States climbed from about 330,000 to more than 1.6 million – a nearly 400% increase – while the total general population of the country grew by only 36%, and the crime rate fell by 42%.<sup>1)</sup> The catalyst of this prison expansion was policy changes that prioritized “getting tough” on crime.

The national prison population began a gradual descent after 2009, lessening by nearly 113,000 (6%) from 2009 through 2016. Several factors contributed to this decline: ongoing decreases in crime rates leading to fewer felony convictions; scaling back “war on drugs” policies; increased interest in evidence-based approaches to sentencing and reentry; and growing concerns about the fiscal cost of corrections and its impact on other state priorities. The state of California alone was responsible for 36% of the overall population decline, a function of a 2011 U.S. Supreme Court ruling declaring its overcrowded prison system to be uncon-

stitutional and subsequent legislative responses to reduce the use of state incarceration.

Despite the decline, the overall pace of change is quite modest. A recent analysis documents that at the rate of change from 2009 to 2016 it will take 75 years to reduce the prison population by half. And while 42 states have experienced declines from their peak prison populations, 20 of these declines are less than 5%, while 8 states are still experiencing rising populations.<sup>2)</sup>

To aid policymakers and criminal justice officials in achieving substantial prison population reductions, **this report examines the experience of five states – Connecticut, Michigan, Mississippi, Rhode Island, and South Carolina – that have achieved prison population reductions of 14-25%. This produced a cumulative total of 23,646 fewer people in prison with no adverse effects on public safety. (While a handful of other states have also experienced significant population reductions – including California, New York, and New Jersey – these have been examined in other publications, and so are not addressed here.**<sup>3)</sup>

The five states highlighted in this report are geographically and politically diverse and have all enacted a range of shifts in policy and practice to produce these outcomes. All five were engaged in the Justice Reinvestment Initiative process, spearheaded by the Pew Charitable Trusts and the Council on State Governments, which was designed to work with stakeholders to respond to the driving forces of prison expansion in each state and to develop strategies for change in policy and practice.

This report seeks to inform stakeholders in other states of the range of policy options available to them for significantly reducing their prison population. While we provide some assessment of the

political environment which contributed to these changes, we do not go into great detail in this area since stakeholders will need to make their own determinations of strategy based on the particularities of their state. We note, though, that the leaders of reform varied among states, and emerged among governors, legislators, criminal justice officials, and advocacy organizations, often benefiting from media coverage and editorial support.

The prison population reductions in these five states were achieved through data-driven policy reforms that pursued bipartisan consensus. Changes were advanced in the areas of risk and needs assessment, community supervision, alternatives to incarceration, sentencing and sanctions, prison release mechanisms, prisoner reentry and community reintegration.

Five key strategies and practices that were employed in these states are summarized below, followed by extensive reviews for each of the five states.

## Five Key Strategies and Practices that Reduced Prison Populations

### 1. Measures to Get Justice Reforms Underway and Maintain Momentum

- High-profile leadership, bipartisanship and inter-branch collaboration (all 5 states).
- Leveraging outside technical assistance and research findings on evidence-based practices (all 5 states).
- Community engagement as a foundation of successful reentry and community reintegration (CT, MI, RI).
- Pilots or staged implementation as innovation incubators (CT, MI).

### 2. Decreased Prison Admissions via Fewer New Prison Commitments

- Crime reduction helped in all 5 states – but reduced crime is no guarantee of less imprisonment.
- Reductions in criminal penalties or adjusting penalties according to seriousness (all 5 states).
- Elimination of various mandatory minimum sentences, sometimes retroactively (CT, MI, RI, SC).
- Creation or expansion of specialty courts and/or other alternatives to incarceration (CT, MI, MS, SC).
- Modifications of responses to at-risk youth to disrupt school-to-prison pipeline (CT, SC).

### 3. Decreased Prison Admissions via Reduced Incarceration for Failure on Community Supervision

- Implementation of graduated intermediate sanctions for non-criminal violations (CT, MI, MS, SC).
- Engagement with community service providers and employers before release from prison (CT, MI, RI).
- State and local collaboration regarding case management and supervision (CT, MI, RI).
- Greater focus on intermediate outcomes (CT, MI, RI).
- Imposition of shorter terms of community supervision (MS, RI, SC).

### 4. Increased Prison Releases via Increasing the Feasibility and/or Efficiency Of Release

- Incorporation of dynamic risk and needs assessment into justice processes (all 5 states).
- Inclusion of releasing authorities in planning/implementation (CT, MI, RI, SC).
- Expanded initiatives to overcome barriers to the feasibility of release (CT, MI, RI, SC).
- Conditional release approval earlier in the process before eligibility for release (CT, MI, RI).
- Feedback to releasing authorities regarding outcomes to build trust in reentry (CT, MI, RI).



- Centralized reentry planning, trained specialists, and a goal of release at first opportunity (CT, MI, MS).
- Simplified and/or expedited release processing especially when backlogs in processing (CT, MI, RI).

#### 5. Increased Prison Releases via Requiring Less Time Served Before Eligibility for Release

- Allowance or expansion of sentence credits through a variety of measures (CT, MS, RI, SC).
- Reduction of criminal penalties even though still prison-bound (CT, MI, SC).
- Modifications to sentence enhancements for aggravating factors (MS, SC).
- Reductions in time served prior to eligibility for repeat paroles after revocation (MI, MS).

### Lessons Learned

Even with the population reductions achieved in these states, they continue to have prison populations that average more than three times those of 1980. Most of these jurisdictions expect to make additional gains based on current trends and justice reforms, but much of the changes enacted to date are experiencing diminishing returns and the next layer of effort will be even more challenging.

To advance decarceration further these and other jurisdictions will need to heed six lessons that we've learned from the states that have been successful in achieving effective and sustainable prison population reduction reforms:

- Adequate funding is critical to achieving reforms: Acquiring supplemental funding for implementation was a commonly reported obstacle to compliance with statutory requirements enacted in the state reforms. Mandates without sufficient dollars for implementation inevitably meant that some reforms were delayed, failed to achieve the full benefits, or were never implemented.

- Projected cost savings are difficult to achieve and actual savings are often overstated: Projections of the anticipated impact of reforms were occasionally off-the-mark. This was especially true of forecasts regarding expected cost savings, in part because of either faulty assumptions or overly optimistic projections of the benefits, but also because of offsetting cost increases in other areas that were either missed or unanticipated when calculating presumed impact – such as escalating prison health care costs.
- It is critical to target specific goals such as reduction of racial disparity: Explicit attention and goal setting must be focused on problems meant to be impacted by justice reform, as evidenced by only modest progress in these states on alleviating racial disparity (and primarily as a by-product of the reforms rather than because of directly addressing the problem). A couple of the states are now targeting the lessening of racial disparity as a new goal.
- The promise of Justice Reinvestment needs to be re-examined and augmented with other achievable and significant goals: The original concept of Justice Reinvestment referred to the goal of routing back into distressed communities the savings generated by closing prisons to address the precursors to crime and help neighborhoods recover from overuse of incarceration by financing housing, health care, education, and jobs. While most of these states have been successful in transferring resources within the justice system from prisons to community supervision, the goal of achieving broader redistribution of resources remains.
- Broad reforms require additional focus on issues beyond prison population reduction: Overcoming barriers to enable sustained or deeper prison population reductions include the need for:

-Post-incarceration employment solutions – still a struggling metric critical to reentry success.

-Release and reentry solutions for more serious or higher risk cases – typically excluded from reforms.

-Adequate community funding solutions – a poor stepchild compared to state-level reforms.

-Rigorous monitoring and evaluation of justice reform implementation to propel change.



'EkoLu Mea Nui  
PO Box 336  
Kailua, Hi, 96734

February 28, 2021

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Tuesday, March 2, 2021  
9:35 am

**STRONG OPPOSITION FOR SB 664, Requiring the department of public safety to develop the new O'ahu community Correctional Center**

Aloha Chair Rhoads and Vice-Chair Keohokalole,

My name is Dr. Jamee Miller and I am the Co-founder of 'EkoLu Mea Nui, a non-profit organization dedicated to the transformation of Hawai'i's Criminal Justice System to become a pono one that heals and empowers individuals, 'ohana and communities. Our goal is to innovate alternatives to incarceration, restore the human spirit, build resilient 'ohana and change laws and policies that do not support justice reform. We are strong proponents of the recommendations made by HCR 85 Task Force on Prison Reform. As you are aware, one of the key recommendations is *to stop any further planning until there is a plan to reduce the jail population through diversion, bail reform and other means and ensure that the jail houses only those few individuals who are a danger to society or a flight risk.*<sup>1</sup>

This recommendation supports current data reported from the Department of Public Safety on February 21, 2021 where 48% of people imprisoned are pretrial detainees, probation and parole violators at \$198/day each; or combined \$390,852/day; \$2,735,964/week; \$10,943,856/month. Simple implementation of bail reform would eliminate these costs and the NEED for more beds or a large jail.

Instead of building a new jail, we should be partnering more with the community and build hubs where people can heal through restorative justice models and methods, obtain liveable wage job training, access health services and invest in people not prisons.

'EkoLu Mea Nui is ready and willing to further discuss justice reform that Hawai'i could adopt to be more efficient with resources and value humanity. Please let us know if you have further questions or comments.

Mahalo for this opportunity,

Jamee M. Miller, EdD, LSW  
(808)430-3380

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<sup>1</sup> Creating Better Outcomes, Safer Communities, Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai'i Legislature 2019, [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)



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

TO: Committee on Judiciary  
RE: SB 664  
DECISION MAKING: Tuesday, March 2, 2021  
TIME: 9:35 a.m.  
CONF. Via Videoconference  
POSITION: **OPPOSE**

Dear Chair Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Committee:

SB 664 authorizes the Department of Public Safety (DPS) to develop a new jail to replace OCCC, but as you know, DPS and DAGS have been actively developing the new jail for the past six years and at this point they have spent more than \$10 million in the planning process.

More specifically, DPS and DAGS have already determined the vision, nature, scale, capacity and key features of the new jail, and have completed an Environmental Impact Statement to build the new jail on the site of the old animal quarantine station in Halawa Valley. DPS and DAGS are now in the process of soliciting a private partner (or partners) to build and finance the jail which is scheduled to be completed in about four years.

The problem is that the jail SB 664 is authorizing is not the jail we need. It has been planned without meaningful community input, it will cost over half a billion dollars, and it is on course to be nothing but another warehouse for the poor, homeless and mentally ill. The HCR 85 Task Force on Prison reform made this crystal clear in its report to the 2019 legislature:

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>1</sup>

Both the HCR 85 Task Force and the Hawaii Correctional Systems Oversight Commission have strongly recommended the State pause the planning of the new jail and create a working group or advisory committee of stakeholders and government officials to review, and if necessary revise, the plans for the new jail, but no one in either the administration or the legislature is listening.

I oppose SB 664 because it gives the green light to PSD and DAGS to build a poorly conceived jail that will produce bad outcomes for the next 50 years and will perpetuate all of the correctional and public safety problems we now have. Wrapping old ideas and failed policies in a new package won't help the people in the jail or the public.

On September 22, 2020 I published an essay in Honolulu Civil Beat that explains why the new jail that SB 664 authorizes will be the 21<sup>st</sup> century version of a poorhouse and asylum. I hope you will take a moment to read the essay and then vote to defer SB 664.

### OCCC Is A 21st-Century Poorhouse And Asylum. We Must Do Better

The Oahu Community Correctional Center, better known as “O Triple C,” is a grim place. From the street you can see foreboding gray guard towers and long spirals of concertina wire sitting atop the jail's chain-link fence, but these only hint at what's inside.

Once you enter OCCC and the doors slam shut, you are in a different world. The buildings are old, the air is stale and the atmosphere is tense, particularly in the noisy and overcrowded module that inmates call “The Thunderdome” in a nod to the post-apocalyptic arena in which men in steel cages fight to the death before cheering crowds in one of the “Mad Max” films.

But OCCC isn't a movie set, it's an old, dingy, depressing and overcrowded real-life jail that houses, on average, 1,100 men and women, most of whom should not be there.

Jails are different from prisons. In prisons convicted felons serve long-term sentences. Jails were originally intended to house people serving short sentences as well as people awaiting trial who were dangerous or a flight risk. But that's not how jails are used today. They have become 21st century poorhouses and asylums, filled with men

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<sup>1</sup> HCR 85 Task Force on Prison Reform, “Creating Better Outcomes, Safer Communities,” Final Report to the 2019 Legislature, December 2018, p. 80.

and women who are impoverished, mentally ill and struggling with drug and alcohol addiction.

### **OCCC And The Mentally Ill**

In the 1960s the federal government adopted a policy to move mental health patients out of state-run asylums and into federally funded community health centers. It was a well-intentioned policy given the deplorable conditions in most state mental hospitals, but it didn't work out.

There wasn't enough funding for the community-based centers so they were never built. Mental health professionals also underestimated the difficulty of coordinating care for the mentally ill, and court decisions made it difficult to commit very sick people against their will. As a result, many mentally ill people went untreated and ended up living on the street.

The deinstitutionalization policies of the 1960s were the beginning of a mental health crisis in Hawaii that continues to this day. You can see it firsthand if you walk through Chinatown, Iwilei or even parts of Waikiki, Kaimuki or McCully.

The crisis has been well documented. The Substance Abuse and Mental Health Services Administration found that 68% of Hawaii adults with mental illness did not receive counseling or treatment, and the nonprofit Mental Health America ranked Hawaii 49th of 50 states in the number of mentally ill adults who did not receive treatment. According to the latest Point in Time Count, 25% of the homeless people on Oahu report that they have a mental illness.

Instead of finding an effective long-term solution to our mental health crisis, we have replaced the inhumane asylums of the last century with the inhumane jails of this century as the default place to "institutionalize" the mentally ill.

About 700 individuals diagnosed as severely and persistently mentally ill are admitted to OCCC each year, and 450 to 600 of them will, at one time or another, be on suicide watch. At any given time, between 9.5 and 12% of the OCCC population is deemed mentally ill, and on average these people cycle through the jail about once every four months, with some cycling through once every six weeks.

OCCC is a terrible place for the mentally ill. It is noisy, overcrowded, violent and chaotic. Mentally ill prisoners are without their usual medication and support network, and they do not receive adequate care or treatment.



People with mental illness do not belong in jails. They need treatment and permanent supportive housing that leads to stability, inclusion and recovery.

### **OCCC And Substance Use Disorder**

The criminalization of personal drug use and possession and the aggressive enforcement of those drug laws is one of the main drivers of our jail and prison populations. Under Hawaii law, possession of any amount of an illicit drug, even barely detectable residue in the bowl of a pipe, is a Class C felony punishable by up to five years in prison.

According to a recent survey, 18% of the homeless adults on Oahu have a substance use problem. When these people are arrested for petty crimes, the police search them, find a small amount of illicit drugs and charge them with a Class C felony. These people often end up in jail, and people who relapse and have multiple drug possession convictions are likely to end up in prison.

In 2017, then-U.S. Surgeon General Vivek H. Murthy issued a landmark report calling drug and alcohol addiction in the United States a public health crisis and said that addiction deserved the same commitment to treatment as we give to cancer or diabetes.

Rather than arresting and prosecuting people with substance use disorders, we should follow the recommendations of the former surgeon general: expand prevention and treatment services in the community, increase access to treatment, train more physicians to recognize and treat substance use disorders, integrate drug treatment regimens into the traditional medical system and mandate insurance coverage for legitimate treatment modalities.

### **OCCC And Poverty**

San Francisco's new prosecutor Chesa Boudin said during his election campaign last year that our money bail system "allows the rich to go free even if they're dangerous while the poor remain behind bars even if they're innocent." That stark assessment of the American money bail system is fundamentally correct, and it applies to Hawaii.

Over half of the men and women who are in OCCC have not been convicted of a crime. They are presumed innocent and would have been released soon after their arrest but for the fact that they could not afford bail. Three-quarters of those who could not afford bail are charged with misdemeanors or low-level felonies. Many remain in jail awaiting trial for weeks, months or even years.

On any given day, the state is jailing more than 1,000 people who have not been convicted of a crime. The cost to jail those people is \$198 dollars per person per day, which translates to around \$200,000 a day and \$73 million a year. If we spent \$200,000 a day on supportive housing for the homeless, community-based treatment programs and pre-arrest diversion programs, we would have fewer people in jail and we would improve public safety and public health.

Research has shown that spending just a few days in jail increases the likelihood of a prison sentence, reduces economic viability and promotes future criminal behavior. If the defendant is the main income earner and loses his or her job, the entire family can suffer. The defendant, and the family too, may lose health insurance, its housing, its car and go deep into debt just trying to survive.

Other jurisdictions have successfully limited the use of money bail and reduced their jail populations. In the District of Columbia, for example, 94% of defendants are now released pending trial without posting any bail whatsoever. Fewer than 12% are rearrested for any crime, and only 1 to 3% are rearrested for a violent crime.

Kentucky releases about 70% of its pretrial defendants without bail. Fewer than 10% miss a court date or are re-arrested while on release, and of those who are rearrested, only .5% are rearrested for a violent felony.

Hawaii should join the growing number of states that are reducing their reliance on money bail. We can safely release people charged with Class C felonies and below using appropriate conditions of release, supervision and monitoring.

When COVID-19 resurged on Oahu in August, it found its way into OCCC — despite repeated assurances from government officials that our correctional facilities were safe, “safer than Costco,” and that the Department of Public Safety had a response plan that would prevent the spread of the disease and protect inmates and staff.

Over 300 inmates at OCCC have now tested positive for the virus. Though no fatalities have been reported, COVID-19 has made what was already a brutal existence in OCCC even more difficult. As of Sept. 7 — even after COVID-19-related early releases — it still housed 775 people. With so many people remaining in the jail, physical distancing is near impossible.

### **The Way Out**

Each morning in Honolulu, newly arrested prisoners are led from the police cellblock to be arraigned before a judge in District Court. It’s a parade of human misery. But it doesn’t have to be that way. We can divert low-level offenders away from the

criminal justice system and get them the help they need. We can treat mental illness and substance use disorders instead of criminalizing them. We can build supportive housing for the homeless. We can end money bail.

Finally, we have to stop the misuse of our jails. The state is planning to replace OCCC with a new \$525 million jail in Halawa Valley that will incarcerate over 1,000 men, and a \$45 million jail in Kailua to incarcerate the 100 or so women who are currently housed at OCCC.

Unless we think differently about jails and how we use them, the new jails will simply replicate the problems of the old one, and become another warehouse for those who are poor, homeless, mentally ill and struggling with addiction.

**SB-664**

Submitted on: 3/1/2021 8:15:51 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

I write this testimony in full opposition to SB 664

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

**SB-664**

Submitted on: 3/1/2021 8:35:40 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
donn viviani	Individual	Oppose	No

Comments:

I oppose SB644. The Senate has two Bills currently proposed: SB1260 and SB758, bail reform and cannabis decriminalization irrespectively, which reduce incarceration and greatly alleviate overcrowding in Hawaii's detention system. The State is in economic crisis; important programs that help our citizens are being cut; spending money to incarcerate more people, who themselves may be in economic crisis is a bad fiscal and moral decision. Priority should be on spending resources to help us get through the economic downturn from the pandemic. Mahalo Donn Viviani Kailua

**SB-664**

Submitted on: 3/1/2021 8:54:18 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donavan Albano	Individual	Oppose	No

Comments:

Aloha e Chair Rhoads, Vice-Chair Keohokalole, and members of the Judiciary Committee,

Mahalo for the opportunity to submit testimony. My name is Donovan Kamakani Albano, a Kanaka 'ĀĀe'iwi resident of Kalihi, O'ahu. I'm writing in strong opposition to SB 664: Relating to Public Safety.

As Angela Davis wrote, "Mass incarceration is not a solution to unemployment, nor is it a solution to the vast array of social problems that are hidden away in a rapidly growing network of prisons and jails. However, the great majority of people have been tricked into believing in the efficacy of imprisonment, even though the historical record clearly demonstrates that prisons do not work."

Instead of signing blank checks for enhancing jail infrastructure, the settler state needs to stop its reliance on policing and jailing to address social and economic issues. When nearly half of Hawai'i's jailed population is KĀ• naka Maoli and Pasifika peoples, most people remain locked up because they cannot afford bail and when the reason many people are in incarceration is because they lack housing, healthcare, and mental health services, we know new jails are not a solution.

Before rushing to build new jails, we need community-based solutions and alternatives to incarceration. Overcrowding in our jails and prisons is a real problem — a problem of deliberate policy choices that have created a costly and inhuman system of mass incarceration. A bigger jail won't reduce overcrowding as long as these mass incarceration policies define our "justice" system. If the system is designed to lock people up, it will lock people up. Therefore, the huge size of the jail will only facilitate increased rates of mass incarceration, which fails to keep us safer. 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.

We also need to dismantle the systemic racism in the "justice" system and within law-enforcement that leads to overpolicing of Black, Indigenous, people of color. We need to



replace them with antiracist policies that confront and heal the intergenerational trauma caused by white supremacy, settler colonialism, institutional racism and more. The settler state and America are actively rooted in beliefs in white supremacy and institutional racism, and they need to recognize and actively address these issues before entrenching these systems of oppression further.

We need increased funding for residential treatment programs & outpatient mental health and substance abuse treatment services. Prioritizing mental health and treatment should be a top priority for any county that values community stability, health, and wellbeing. 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.

SB664 accomplishes none of this. It worsens the problem of mass incarceration and criminalization of Native Hawaiians, Pacific Islanders, and working families. I urge you to vote 'no' on this measure. Mahalo for the opportunity to testimony.

**SB-664**

Submitted on: 3/1/2021 8:53:12 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

I am submitting testimony in strong opposition to this bill. Our state has spent 10 million dollars on planning for a huge new jail that only provides more cages. The state legislature's own HCR85 Task Force and Correctional Oversight Commission have called for both rethinking the current plans to replace OCCC and for a moratorium on planning/building of a new jail. This bill is in complete contradiction to the recommendations of those who have done the work and have the experience to best advise our state's leaders.

The current efforts should be placed in finding community based beds for those with mental illness and needing rehabilitation. Our state has a horrible recidivism rate and building more cages is not the solution. As Chair of the Hawai'i Paroling Authority, Fred Hyun, stated in the 1/14/2021 DPS informational briefing to the Hawai'i House Of Representatives, there are long wait lists for community based programs (often over 100 people on the lists) for parolees needing sober living or needing treatment for dual diagnosis ( ie - mental illness and addiction). Without these community based programs, the state is only compounding the problem by building more cages and diverting resources from community based programs and beds that are in dire need.

Please look to real long term solutions that are needed now. Do not pass this bill.

Sincerely-

Raelyn Reyno Yeomans

**SB-664**

Submitted on: 3/1/2021 8:59:31 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacquelyn Esser	Individual	Oppose	No

Comments:

Strong opposition.

**SB-664**

Submitted on: 3/1/2021 9:11:00 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hilary Parkinson	Individual	Oppose	No

Comments:

I'm in strong opposition to this bill for the following reasons:

- There has been no discussion in the larger community about building more cages for our friends and family
- Data from PSD show that more than 40% of the people at Intake statewide were living unsheltered or in emergency/transitional shelters at the time of arrest
- 2.15.21 data from PSD show that 48% of people imprisoned are pretrial detainees, probation and parole violators at \$198/day this is costing \$390,852/day; \$2,735,964/week; \$10,943,856/month
- This bill is using the building of cages to provide short-term construction jobs for long-term inter-generational harm

Thanks,

Hilary Parkinson

TO: COMMITTEE ON JUDICIARY  
FROM: Wendy Gibson-Viviani RN

RE: SB664 – In **OPPOSITION**

Hearing: Tuesday, March 2, 2021 at 9:35 a.m. Via Videoconference

Dear Senator Karl Rhoads, Chair, Senator Jarrett Keohokalole, Vice Chair and Members of the Committee,

My name is Wendy Gibson-Viviani, and **I'm OPPOSED to SB664**—a bill that would mandate the development of a new OCCC jail. We are at a moment in time when our thinking needs to change about how we address reducing crime and the overcrowding of jails and prisons in Hawai'i. The answers lie in reimagining our criminal justice system, moving away from a mass criminalization model and moving towards health and human services, housing, education, rehabilitation and restorative justice.

The Law Enforcement Assisted Diversion (LEAD) Program was developed two years ago to help meet that end by diverting non-violent offenders into social services instead of incarceration. One goal of LEAD is to foster better relationships between law enforcement officers and the communities they serve.. As of September 2020, LEAD HNL diversion referrals had not begun in earnest and now funding has been cut (related to COVID-19). <sup>1</sup> LEAD is still in its infancy and needs more time to work.

And, if we are successful at getting rid of our cash bail system (by passing SB1260) we will be one step closer to realizing these goals. It is important to keep our focus and finances on this type of program, especially in the age of COVID-19. I think it is shameful that we detain suspects who may be innocent. Knowing that about one-third of the people housed at OCCC have not been convicted of any crime, are merely awaiting a trial and cannot make bail is sickening. Knowing that they may make plea deals (confess to crimes they may not have committed) to get out to save their jobs and families from ruin is also disgraceful. We need to and can do better than this. <sup>4</sup>

Other States have successfully reduced their prison populations and saw a decrease in both violent crimes and property crimes. (New Jersey and New York between 1999-2012 and California between 2006 and 2012).

Hawaii's Legislature created multiple task forces, an **Oversight Commission** and a criminal justice research institute to assess our State's criminal justice system. Both, the HCR-85 Task Force (2016) and Oversight Commission (2020) recommended that the State **IMMEDIATELY** halt plans for a new jail until meaningful changes to our criminal legal system have been implemented. <sup>2,3</sup>

I believe they are correct. Now is not the time to be pumping our finances into creating a massive system of incarceration. Continuing to mass incarcerate is not the way out of this mess. I believe we need to find more funding for the health and human services instead.

I am not opposed to the portion of SB664 that allows for a new mental health facility as many of our homeless/houseless populations suffer from mental illness. If that portion of the bill can survive without the provisions for building a new jail then please make it so.

Thank you for the opportunity to express my views about SB664

Wendy Gibson-Viviani RN/BSN  
Oahu resident for 30 years

Sources:

1. Law Enforcement Assisted Diversion Report (October 2020) [https://fc0ddd6f-b0d2-462d-bfa5-465a5095a9d6.filesusr.com/ugd/4dce6e\\_18cc61f195534a58b1b4c937192ac8c3.pdf](https://fc0ddd6f-b0d2-462d-bfa5-465a5095a9d6.filesusr.com/ugd/4dce6e_18cc61f195534a58b1b4c937192ac8c3.pdf)
2. 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).
3. 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>.
4. Hawai'i Correctional System Oversight Commission, 2020 Annual Report (December 2020).



**SB-664**

Submitted on: 3/1/2021 9:20:08 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Olivia Taylor	Individual	Oppose	No

Comments:

I oppose the construction of the new prison building in Halawa. It does nothing to address the source of our incarceration issues. Efforts should be concentrated there.



**LATE**

**SB-664**

Submitted on: 3/1/2021 9:37:06 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Puanani Jelf-Albert	Individual	Oppose	No

Comments:

The solution to overcrowding in Hawaii's Correctional Facilities is not to build a bigger facility. We need a system that implements community justice policies that combat systemic racism including mass incarceration. We need long-term, sustainable solutions and funding to be directed toward restorative justice initiatives to see our communities heal and rise. Building a larger facility doesn't bring this type of healing and actually diverts resources away from establishing infrastructure for system change and growth as an island community.

**LATE**

**SB-664**

Submitted on: 3/1/2021 9:47:06 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

I am writing in strong opposition to SB664 which requires the department of public safety to develop the new Oahu community correctional center.

There have been numerous reports that show that the crime rate is decreasing, contrary to the alarmist, public fear-mongering of some of our politicians and criminal justice officials. Also, the studies recommending changes to improve Hawaii's criminal justice system seem to have been completely ignored. There has not been an honest assessment of the real needs of our criminal justice system, yet the Governor and others are pushing ahead with a poorly thought-out monstrous facility that will end up costly over half a billion dollars and will be obsolete before it is even finished.

Please give more consideration to the wise use of taxpayer money and instead of warehousing the homeless, drug users, and the mentally ill at great cost to taxpayers, focus more on diverting those who can be helped in community-based supervised programs and on developing effective reentry programs that help ensure that those who are released have a fair chance of successfully reintegrating into society and becoming productive members of our community.

Please oppose SB664. Mahalo for your consideration.

Diana Bethel, Honolulu

**LATE**

**SB-664**

Submitted on: 3/1/2021 10:06:35 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariko Jackson	Individual	Oppose	No

Comments:

New correctional facilities will distract from the primary objectives in reducing incarceration and recidivism. Prisons do not improve safety or reduce criminal activities. We need to prioritize this money for actual social good.

**LATE**

**SB-664**

Submitted on: 3/1/2021 11:21:06 AM

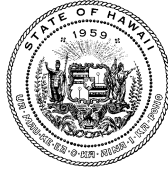
Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

**OPPOSE.**

DAVID Y. IGE  
GOVERNOR



**LATE**

AUDREY HIDANO  
DEPUTY COMPTROLLER

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
CURT T. OTAGURO, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
COMMITTEE ON JUDICIARY

TUESDAY, MARCH 2, 2021, 9:35 AM  
VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 664

RELATING TO PUBLIC SAFETY

Chair Rhoads, Vice Chair Keohokalole and members of the Committee, thank you very much for the opportunity to submit testimony on S.B. 664.

The Department of Accounting and General Services (DAGS) strongly supports this legislation authorizing the development of the new Oahu Community Correctional Center.

A new facility is critical to the Department of Public Safety in fulfilling their responsibility to provide safe and secure services to certain members of our community. The current facility is, in parts, over 100 years old, and is neither adequate nor appropriate to meet today's correctional needs. Escalating maintenance costs, the lack of a safe and efficient work environment for corrections staff, and the inability to address detainees with special needs or mental health issues are underscoring the importance of this project. Additionally, the new facility will allow the State to provide inmates with healing, and subsequently, transformational, programs and services that aim at a successful integration back into their home communities. This is necessary now for current and immediate future inmates who require treatment and

services that PSD is challenged to provide in the inadequate, obsolete buildings that comprise the current center.

Thank you for this opportunity to provide testimony on this very important matter.

**LATE**

**SB-664**

Submitted on: 3/1/2021 3:46:11 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ana Tejada	Individual	Oppose	No

Comments:

Ana Tejada

Re: Oppose for S.B. 664

March 1, 2021

Dear Members of the Senate Judiciary Committee;

My name is Ana Tejada and I am writing in strong opposition to S.B. 664, Relating to Public Safety.

The State of Hawaii needs to stop its reliance on policing and jailing to address social and economic issues. Nearly half of Hawaii's jailed population is Native Hawaiian and/or Pacific Islander. Most people remain incarcerated because they cannot afford bail. Moreover, many people are incarcerated because they lack housing, healthcare, and mental health services. A new jail in Halawa is not the solution to the social and economic issues we currently face.

We need community-based solutions and alternatives to incarceration. Research, university-based studies and 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. These outcomes keep families intact, assist loved ones to overcome the hardships of addiction, reduce the likelihood of repeated harm and increase community stability. Why lock people up if there are alternative solutions?

We desperately need increased funding for residential treatment programs and outpatient mental health and substance abuse treatment services, not for new jails. Prioritizing mental health and treatment should be a top priority for any county that values community stability, health, and well-being. Funding treatment programs can prevent people from being incarcerated in the first place and can help those coming home transition more successfully back into our community.

S.B. 664 worsens the problem of mass incarceration and criminalization of Native Hawaiians, Pacific Islanders, and working families. I respectfully ask that you stand with me in opposing the bill and vote 'NO' on S.B. 664.

