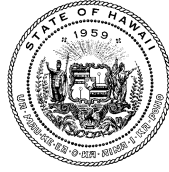


DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER
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 PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS

TUESDAY, FEBRUARY 9, 2021, 1:20 PM
VIA VIDEOCONFERENCE

S.B. 664

RELATING TO PROCUREMENT

Chair Nishihara, Vice Chair English 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.



STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER



**Testimony of the Office of the Public Defender, State of Hawai‘i to the
House Committee on Public Safety, Intergovernmental Military Affairs**

February 9, 2021

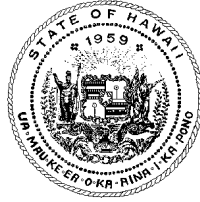
S.B. 664: RELATING TO PUBLIC SAFETY

Chair Nishihara, Vice Chair English, and Members of the Committee:

The Office of the Public Defender supports the intention of SB 644, notwithstanding any laws or proposals to the contrary, such as HB1082, which would create a temporary moratorium on the development of any new correctional facilities. However, we believe the mental health facility can be a forensic health unit and should be under the care of Department of Health, meet medical standards, and staffed with medical personnel.

We thank you for the opportunity to comment on S.B. 664.

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 Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

Tuesday, February 9, 2021; 1:20 p.m.
State Capitol, Via Video Conference

Chair Nishihara, Vice Chair English, 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.

COMMUNITY ALLIANCE ON PRISONS

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

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



PUBLIC SAFETY, INTERGOVERNMENTAL, MILITARY AFFAIRS COMMITTEE

Senator Clarence Nishihara, Chair

Senator Kalani English, Vice Chair

Tuesday, February 9, 2021

1:20 PM

STRONG OPPOSITION TO SB 664 REQUIRING PSD TO BUILD NEW CAGES

Aloha Chair Nishihara, Vice Chair English, 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 who have 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 how much we matter.

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

The Hawai`i Systems Correctional Oversight Commission has called for a moratorium on the planning for OCCC and that Commission is composed of 3 people who worked for PSD and 2 judges!

It is bills like this that have garnered such a low approval rating for the legislature. When constituents are ignored and insulted by bills like this it only confirms the distrust the community has for the legislature. That is so sad. **Arrogance is not democracy - it is TOTALITARIANISM that is defined as: A SYSTEM OF GOVERNMENT THAT IS CENTRALIZED AND DICTATORIAL AND REQUIRES COMPLETE SUBSERVIENCE TO THE STATE.**

Community Alliance on Prisons urges the committee to hold this nasty measure and instead listen to the cries of the people and promote trust in our government!

Mahalo for this opportunity to testify.



Hawai'i

Committees: Senate Committee on Public Safety, Intergovernmental, & Military Affairs
Hearing Date/Time: Tuesday, February 9, 2021, 1:20 p.m.
Place: Via videoconference
Re: *Testimony of the ACLU of Hawai'i in Opposition to S.B. 664, Relating to Public Safety*

Dear Chair Nishihara, Vice Chair English, 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 facilities¹ 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.² 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."³

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 OCCC have not been convicted of any crime and are merely awaiting trial,⁴ most often because

¹ House Concurrent Resolution No. 85 (Regular Session 2016), https://www.capitol.hawaii.gov/session2016/bills/HCR85_SD1_.htm.

² See, Final Report of House Concurrent Resolution No. 85 Task Force Summary, *available at* 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>.

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


⁴ State of Hawai'i Dep't of Pub. Safety, Weekly Population Report (February 1, 2021).

Chair Nishihara and Members of the Committee
February 9, 2021
Page 2 of 2

they cannot afford the amount of bail set in their case. While recent changes to pretrial practices are steps in the right direction,⁵ 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,⁶ 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.

⁵ See, e.g., Act 277 Session Laws of Hawai‘i 2019.

⁶ 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
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org

SB-664

Submitted on: 2/8/2021 9:21:30 AM

Testimony for PSM on 2/9/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Oppose	No

Comments:

I oppose SB664 due to the cost and our State does not have available funds to build it without increasing the taxes . Our state pays the highest taxes in the nation at 28%;that's more than a quarter of our income.

Sincerely,

e. ileina funakoshi

SB-664

Submitted on: 2/8/2021 11:51:32 AM

Testimony for PSM on 2/9/2021 1:20:00 PM

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

Comments:

No. Do not support this bill. Strong opposition.

February 2, 2021

From: Dr. Edison H. Miyawaki
EHM Development
2900 Pali Hwy
Honolulu, HI 96817
Phone: (808) 595-6311
ehmiyawaki@nuuanuhale.com

To whom this concerns,

The following information is presented as a demonstration that I Edison H. Miyawaki have both the proper relevant experience and core values as a lead developer to provide the State of Hawaii with a Design-Build-Finance-Maintain solution for the OCCC Replacement Facility. I offer the following information that includes some background history along with approximate a timelines for both my initial interest and efforts for the development of a Hawaiian Facility along with more recent relevant developments:

Background History: My initial interest in prison improvement began many years ago during my senior year in medical school while conducting my thesis. A part of my subject matter was to improve the health and wellness of inmates, housed in an occupied correctional facility. I began issuing doses of vitamin B-12 and studying the effects of the B12 on the health and wellness of the inmates as experimental subjects. Being in that facility triggered something in me, that there must be a more humane way to house justice offenders.

All through my adult life, I have always wanted to help and find ways to improve the quality of life for the people of the State of Hawaii. With that goal in mind, in 1994, I was introduced with the prospect of designing and constructing a new correctional facility for Hawaiian inmates at a site located in the Halawa area of Oahu. This project although developed fairly far along, never got off the ground due to many internal and external factors. From this experience our team gained many lessons learned for which we are not going to repeat on the new facility.

More Recent History: In 2016-2017 Mel Choy of Media-Five introduced me to Peter Sangiorgio of Arrington Watkins. Peter and I quickly developed a not only the mutual interest for developing a new state of the art correctional facility for Hawaii, but developed a long term friendship built on respect for our very well aligned visions and core values.

It is important to note Peter and the Arrington Watkins Team have developed quite the resume for justice design, with Peter alone having completed the design and construction management for over 45,000 correctional beds over the past 26 years. Peter and I spent quite a bit of time together discussing our shared visions for designing not only a more humanistic correctional facility, but a correctional facility that would be designed specifically and appropriately for the State of Hawaii.

Peter has introduced me to another key member of our team - Mike Harling of Municipal Capital Markets (MCM). Mike and Peter along with the Arrington Watkins team have developed several correctional and non-correctional projects together for federal agencies that have used alternative financing as a means for providing the owner's with the most cost efficient means of funding their projects.

An additional key member of our team for which Peter has introduced me is the construction team of Hawaiian Dredging for which Peter has worked on several large projects over the years through various team member relationships. Since the time of our agreement to partner together, the Hawaiian Dredging has added another significant teaming relationship, that of the Layton Construction Team. Layton is a very large national general contractor with a specialization for the construction of justice facilities, having completed several large correctional facilities.

Peter has also assembled a team of both relevant specialty local engineers and designers as well as incorporating some additional expertise not found in Hawaii.

About the Facility: Together this team has had many internal meetings together and have developed a State of Hawaii specific concept facility following six internal tenants:

- The facility should reflect a facility of rehabilitation and healing that includes substance abuse counseling and treatment, mental health treatment, continuing education, medical services, and vocational training to ensure inmates are success on the outside once released.
- The facility should be a reflection of the Hawaiian Culture with recognizable cues to the Hawaii people.
- The facility should be a positive reflection of how justice is now served in the State of Hawaii.
- The facility should be sustainable, utilizing best practices for energy conservation.
- The facility should be scalable with the ability to adjust to the right size based on both short and long term bed space capacity.
- The facility should be safe for all users such as the public, staff and inmates alike.

Our team's initial design concept was developed around the Environmental Impact Statement document signed by Governor Ige in August in 2018. This concept provides a total of 1,322 beds of various security classifications. Of the total beds, 250 to 300 beds are to comprise a work furlough or reentrant facility, again to ensure all inmates that spend time in this facility are better citizens once released.

The planned facility is to be located at the existing Animal Quarantine site at Halawa. So additional key information related to our current concept:

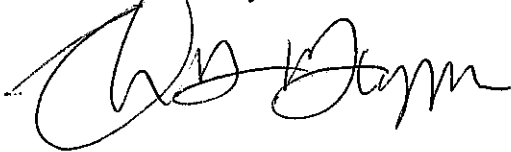
- For any extra beds – There is the potential to use the beds for lease to house others state inmates

- Financing: The Miyawaki Group will be responsible for providing the financing as a design-build and lease/back to the State of Hawaii, and at the conclusion of the 30 year term, the EHM Group would donate the project back to the State.
- Operation by state wholly by local union membership
- We are planning to include a 700 stall covered parking garage
- We are planning on construction a new State agriculture administration building.
- The State will continue to oversee operation with union members
- The project will establish maximum inmate population, monitor crucial re-enter program and facilitate educational and treatment programs for all.

As you have read, our project team has spent many long hours conceptualizing our latest approach for the development of the new OCCC Replacement Facility. I have spent several years meeting with various law makers and key decision makers discussing how our latest proposal for a new facility, is both keeping with the best interests for the Great State of Hawaii in all dealings. I have had a very long road to arrive at our current position and current proposed new OCCC Replacement Facility. I can assure everyone from the State of Hawaii that we have assembled a team of unmatched quality and expertise and I can be available and welcome any further discussion as a means to both introduce the quality four proposal and answer any questions someone might have.

Sincerely,

Dr. Edison H. Miyawaki

A handwritten signature in black ink, appearing to read 'Edison H. Miyawaki', written in a cursive style.

SB-664

Submitted on: 2/8/2021 12:57:00 PM

Testimony for PSM on 2/9/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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.

LATE

SB-664

Submitted on: 2/8/2021 6:17:50 PM

Testimony for PSM on 2/9/2021 1:20:00 PM

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

Comments:

I strongly **OPPOSE** SB664. There is absolutely no need to build a new jail; we need to decarcerate and create/expand alternatives to incarceration.

LATE

SB-664

Submitted on: 2/8/2021 10:11:13 PM

Testimony for PSM on 2/9/2021 1:20:00 PM

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

Comments:

Aloha Chair Nishihara, Vice Chair English, and Members of the Committee,

I am writing in strong opposition to SB 664 which authorizes the development of a new Oahu Community Correctional Center, delegates this responsibility to the Department of Public Safety, and prohibits the transfer of operations to a corporation.

The primary reason for opposing this bill is that there has been nothing in the actions of the Department of Public Safety thus far that has indicated that it is competent and capable of planning or overseeing the development of a new correctional facility.

The Department has proven itself incapable of assessing current and future prison population needs, of collaborating with and drawing upon the wisdom of community members, of learning from successful evidence-based programs of other states, and of identifying knowledgeable experts who can educate them on best practices and trends in correctional facility design and function.

Given these shortcomings, it would be a shocking lack of due diligence and an enormous waste of taxpayer money to delegate this critical responsibility to the Department of Public Safety. Please oppose SB 664.

Mahalo for your consideration,

Diana Bethel, Honolulu

LATE

February 8, 2021

Senator Clarence Nishihara, Chair
Senator Kalani English, Vice Chair
Committee of Public Safety, Intergovernmental & Military Affairs
Tuesday, February 9, 2021
1:20 p.m.
Via Videoconference

RE: OPPOSE SB 664 RELATING TO PUBLIC SAFETY

Dear Chair Nishihara, Vice Chair English 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. However, I support the section in the bill that allows for a new mental health facility to meet the needs of persons in our community with mental health diagnosis or dual diagnosis.

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

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

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

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

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

Instead of building a new jail to replace OCCC, we should enact a Moratorium that will help us to make this shift from outdated and erroneous thinking that building more jails and prisons will address overcrowding and reduce crime. It will also require us to STOP spending millions on planning and design and consultants who profit from building and operating more jails and prisons.

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

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

New Jersey Outcomes

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

New York Outcomes

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

California

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

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

Most recently, our incarcerated population dipped in the midst of the COVID-19 pandemic not by coincidence but through intentional collaborative work and Court Orders involving the Attorney General's office, Police, Prosecutors, Public Defenders, Judiciary, and the Department of Public Safety.

If we do not chart a new course to transform our correctional system in Hawai'i, we will all pay. Our children and their children will continue to bear the price of mass incarceration as we consciously choose to spend over \$60,000 to incarcerate an adult annually, and less than \$20,000 to educate a child in our public schools.

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

Building another jail with a bed capacity that far exceeds the current jail is a recipe for increasing the jail population, contravenes evidence-based practices and is morally unjust, unsustainable, and fiscally irresponsible.

Please hold SB 664, unless you are willing to strike all provisions to building a new jail and leaving the provision to building a new mental health facility.

Sincerely,

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