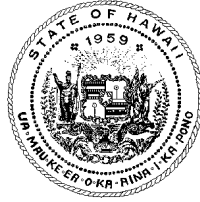


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 2516
RELATING TO CORRECTIONAL FACILITIES.**

by
Max N. Otani, Director
Department of Public Safety

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

Wednesday, February 9, 2022; 10:00 a.m.
State Capitol, Via Videoconference

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

The Department of Public Safety (PSD) has reviewed House Bill 2516, which seeks to pause development of a new jail to replace the Oahu Community Correctional Center (OCCC) and require the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee, appropriating an unspecified amount of funding for this purpose.

The Department strongly opposes HB 2516, because pausing capital improvement projects currently underway, including at the Women's Community Correctional Center (WCCC), Hawaii Community Correctional Center (HCCC), Maui Community Correctional Center (MCCC), and/or ongoing activities to replace OCCC, will effectively nullify hard-fought efforts to relieve persistent overcrowding with livable housing and critically-needed space for conducting educational, social, substance abuse, and reentry programs.

Partnering with the Department of Accounting and General Services (DAGS), PSD has engaged in the past six (6) years in a thoughtful, expansive, and professional process to plan for the replacement of the antiquated OCCC, which

nearly all stakeholders agree is long overdue and desperately needed. The reality is that the cost for building a secure and specialized facility such as this will be high. Therefore, PSD and DAGS are giving every consideration to maximizing every dollar to develop a safe and efficient facility that humanely houses offenders and is conducive to delivering programs to assist in their rehabilitation and return to the community, as appropriate. And, the Department notes, it is widely understood that any delay in the State's capital improvement processes will dramatically increase costs to the State. PSD defers to DAGS for further cost details.

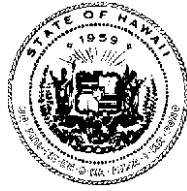
OCCC is more than 100 years old and has received minimal updating and renovation in its long history. None of us would live in a home for this long without significant upgrades or replacement. The increasing influx of offenders to PSD's jails is exacerbating an already impossible situation. Litigation for continued overcrowding and unacceptable conditions of confinement is a likely scenario. That being said, the current capital improvement projects that would be halted by HB 2516 will produce benefits across the State's correctional system, as follows:

- The current project at WCCC will allow PSD to consolidate all female offenders on Oahu into a single female-only facility and simultaneously provide for critically needed bed and programming space to accommodate the entire Oahu female offender population. The improvements underway at WCCC will substantially improve the living conditions for female offenders and coupled with the increase in program space, PSD will be able to provide additional programs to enhance reentry success.
- The project at HCCC, which has experienced severe overcrowding for years, will dramatically improve housing so that offenders are no longer sleeping on the floor with three (3) or four (4) persons housed in cells designed for 2 people.
- MCCC's offender housing consists primarily of deteriorating dormitories which must be replaced for the health and safety of inmates and staff.

These housing improvements will address issues of overcrowding and serve to enhance reentry success.

- As for the much-needed and decades-overdue replacement of OCCC, PSD has taken the National Institute of Corrections (NIC) “Systems Approach” to building the new jail, which includes extensive community outreach and involvement, open meetings and forums, publishing periodic updates, newsletters, and open and honest communications. The inmate population projection study also took into consideration potential changes to current policies. To be clear, the Department has carefully considered the numerous comments and requests resulting from these exchanges and made every effort to provide perspective, make adjustments, and work with stakeholders. Most recently, PSD has initiated discussions to establish a criminal justice reform committee and pledges to continue working with the Hawaii Correctional System Oversight Commission to move this critical project forward.

Thank you for the opportunity to present comments regarding HB 2516.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 10, 2022

TO: Honorable Representative Takashi Ohno, Chair
House Committee on Corrections, Military, and Veterans

FROM: Mark Patterson, Chair, Hawaii Correctional System Oversight
Commission

SUBJECT: **HB 2516, RELATING TO CORRECTIONAL FACILITIES**

POSITION: STRONG SUPPORT

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

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. Our specific statutory responsibilities include establishing maximum inmate population limits for each correctional facility and working with the Department of Public Safety in monitoring and reviewing the comprehensive offender reentry system.

The Commission strongly supports HB 2516, which would effect a pause on any planning of the proposed new Oahu Community Correctional Center (OCCC). Our reasons are described in detail in a position paper we sent to the Chair of this Committee in January 2022. We fully realize that the current OCCC is old and has been badly overcrowded for decades. However, the construction of any correctional facility is very costly, in terms of initial development, long term operating costs and potential impact on people's lives. Any such investment by a public entity must be done only after careful planning. We believe that the plan for the new OCCC needs to be reconsidered.

HB 2516 also would require that the Commission form a Criminal Justice Reform Committee that would participate as a full partner in the development of the new OCCC. We agree with the notion of including different voices in this endeavor, and would willing to take on this challenge. However, this will require additional resources for the Commission. We note that although the Legislature has appropriated resources for us, we are still awaiting the appointment of a Coordinator who can provide the essential staff work for us.

We urge you your favorable consideration of this bill.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

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

February 9, 2022

H.B. No. 2516: RELATING TO CORRECTIONAL FACILITIES

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

The Office of the Public Defender supports H.B. No. 2516, which would pause the development of a public-private partnership for a new jail to replace the Oahu Community Correctional Center and create a new justice reform committee.

The Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai‘i Legislature (2019 Regular Session), entitled “Creating Better Outcomes, Safer Communities,”¹ determined that the Hawai‘i correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change.

One of the Task Force’s primary recommendations is that Hawai‘i immediately begin to transition from a punitive to a rehabilitative correctional system. Oahu needs a new jail but not a 1,300-bed facility that will cost upwards of \$1 billion and be designed and owned by a private corporation. The Task Force found that the new jail was so poorly thought-out that the State should convene a group of government and community stakeholders to start the jail planning process over again and focus on building “a smart, small, and humane 21st century jail instead of the monolithic 19th century jail that is now on the drawing boards.”²

The Hawai‘i Correctional Systems Oversight Commission, in its 2020 Annual Report, also expressed concerns about the new jail and recommended that the planning for the new Oahu Community Correctional Center should be paused and

¹ “HCR 85 Task Force on Prison Reform,” Creating Better Outcomes, Safer Communities,” December 2018, https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf

² *Id.*

the creation of an advisory committee of stakeholders be convened to review, and if necessary, revise the planning that has been done to date.³

Thank you for the opportunity to comment on this measure.

³ Hawai'i Correctional System Oversight Commission, 2020 Annual Report, December 2020, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj187vl5eb1AhUbI0QIHVhKB4kQFnoECAkQAQ&url=https%3A%2F%2Fag.hawaii.gov%2Fwp-content%2Fuploads%2F2021%2F01%2FHCSOC-Final-Report.pdf&usg=AOvVaw3FQ-373Jagn-l2hYuwoKgj>

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CORRECTIONS,
MILITARY, & VETERANS
ON
HOUSE BILL NO. 2516

February 9, 2022
10:00 a.m.
Room 430 and Videoconference

RELATING TO CORRECTIONAL FACILITIES

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2516 appropriates an unspecified amount of general funds in FY 23 for the operations of the criminal justice reform committee.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

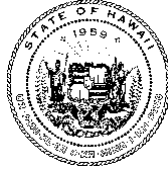
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

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
HOUSE COMMITTEE
ON
CORRECTIONS, MILITARY & VETERANS

WEDNESDAY, FEBRUARY 9, 2022, 10:00 A.M.
CONFERENCE ROOM 430, STATE CAPITOL

H.B. 2516

RELATING TO CORRECTIONAL FACILITIES

Chair Ohno, Vice Chair Ganaden, and Members of the Committee, thank you for the opportunity to submit testimony on H.B. 2516. The Department of Accounting and General Services (DAGS) provides the following comments and we defer to the Department of Public Safety (PSD) for their testimony on this bill.

DAGS strongly supports the New Oahu Community Correctional Center (OCCC) project, and we recommend that work on this project be allowed to continue. We recognize that there is no dispute that the existing OCCC needs to be replaced, and we support PSD's efforts to continue efforts to address their dire facility needs as efficiently and effectively as possible.

We also note that DAGS has two ongoing construction projects for PSD at the Women's Community Correctional Center in Kailua, Oahu. These projects will add much needed space for programs, a new housing unit, and an administration building. Stopping work on these

projects at this time will not only delay realization of the benefits that completion of the projects will bring, but it will also incur additional construction costs.

Thank you for the opportunity to submit testimony on this matter.

HB-2516

Submitted on: 2/7/2022 5:25:18 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
E. Ileina Funakoshi	pearl city neighborhood board #21	Support	No

Comments:

Our board has submitted a concurrent resolution supporting the oversight commission. As Chair of the Public Safety Committee, we continue to support the commission in their endeavors. We ask for your favorable consideration of this bill.

Mahalo and Aloha

e. ileina funakoshi



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



HB 2516 RELATING TO CORRECTIONAL FACILITIES

HOUSE COMMITTEE ON CORRECTIONS, MILITARY & VETERANS (CMV)

February 9, 2022

10:00 a.m.

Via Videoconference

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

The Native Hawaiian Legal Corporation (NHLC) is a public interest law firm whose mission is to protect and advance Native Hawaiian identity and culture through legal and other forms of advocacy. After more than 47 years of service to the lāhui, NHLC has gained extensive knowledge about the legal issues facing Native Hawaiians and the inequities that burden the Native Hawaiian community.

Native Hawaiians make up 18% of the general population, but 37% of the incarcerated population.¹ The significant over representation of Native Hawaiians in the criminal legal system is among the most serious justice problems facing the lāhui.² It's been written about since the 1970s with little remedial action by the State.³ Studies have shown that “even a few days in jail can increase a person’s likelihood of a prison sentence and promote future criminal behavior—making jails a gateway to a deeper and more lasting involvement in the criminal justice system.”⁴ This fact has led cities and counties across the country to find innovative ways reduce their jail population without compromising public safety.

Unfortunately, Hawai'i is headed in the opposite direction. The State is planning a new jail to replace the Oahu Community Correctional Center (OCCC) that will be privately owned and incarcerate more people—and as a result, foreseeably more Native Hawaiians— than the old jail. The new jail is expected to cost over \$1 billion and will be planned, designed, financed, and built by a private corporation, with minimal consultation with the public and no systemic changes to reduce incarceration or remedy the overincarceration of Native Hawaiians.⁵

¹ *Final Report of the HCR 85 Task Force on Prison Reform*, Summary and Key Recommendations, Office of Hawaiian Affairs, p. 2, accessible online at https://www.oha.org/wp-content/uploads/HCR85Summary_FINALv2.pdf.

² Justice Policy Institute, Myron B. Thompson School of Social Work, and Georgetown Law, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (Honolulu: Office of Hawaiian Affairs, 2010), accessible online at https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2014/12/ir_final_web_rev.pdf.

³ *The Native Hawaiian Justice Task Force Report*, p. 7, accessible online at https://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

⁴ *Incarceration's Front Door: The Misuse of Jails in America* (New York: Vera Institute of Justice, 2015), accessible online at <http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/01/incarcerations-front-door-report.pdf>.

⁵ See Kevin Dayton, “Planning Costs Climb for new Oahu Jail as Debate Drags On over its Scope,” Honolulu Civil Beat, January 3, 2022, accessible online at <https://www.civilbeat.org/2022/01/ige-asks-for-15-million-more-to-plan-new-oahu-jail-but-wants-to-cut-costs/>.

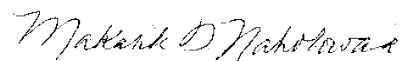
Regarding relative cost of the jail, see Rui Kaneya, “What To Do About Oahu’s Crumbling Correctional Center,” Honolulu Civil Beat, October 5, 2016, noting that the relocation of OCCC would be “one of the most expensive public works projects in the state’s history,

OCCC is derelict and in arguably unconstitutional condition. The State is right to invest in replacing it. At the same time, the new jail planning process cannot be narrowly focused on the facility and left largely in the hands of private corporate interests. The plan must include meaningful public consultation, have a systemic scope, incorporate measures to reduce incarceration across all communities in Hawai'i, and critically, it must remediate the disproportionate incarceration rate for Native Hawaiians. Further, the Native Hawaiian community must be included in that planning. So far, the Native Hawaiian community has been excluded from the planning process, despite being profoundly impacted by the criminal legal system and positioned to provide critical substantive input.

NHLC joins the Hawaii Correctional Oversight Commission and other experts in calling on the State to stop planning the privately-owned jail. Instead, the State should start an inclusive and systemic planning process, including meaningful consultation with Native Hawaiians and other community stakeholders to achieve the best outcomes for the people of Hawai'i. The mana'o and 'ike of the lāhui is essential to creating a better plan for Native Hawaiians and for all of the people of Hawaii. In furtherance of this call for action, **NHLC supports HB2516, which if passed would pause the current jail development plan and require the Hawai'i Correctional Systems Oversight Commission to begin the inclusive and systemic planning process Hawai'i needs.**

Hawai'i needs to change course on the jail planning process now. Using a better jail planning process the State could replace OCCC with a modern correctional facility, protect public safety, reduce incarceration, and remediate the overrepresentation of Native Hawaiians in jail. Moreover, if the State achieves all of these outcomes by employing national best practices for jail planning and incorporating alternatives to incarceration into the plan, the State could build a smaller jail and potentially save millions of dollars in build and maintenance costs. The State could then invest those saved resources into other programs like homes and homestead programs, which are the kinds of housing that Native Hawaiians really need, not jail.

Me ka pono,



Makalika D. Naholowa'a
Executive Director



Committee: Committee on Corrections, Military & Veterans
Hearing Date/Time: Wednesday, February 9, 2022 at 10:00am
Place: Via Videoconference
Re: Testimony of the ACLU of Hawai'i with comments on HB 2516 Relating to Correctional Facilities

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

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") offers **comments on HB 2516** which would pause development of a new jail to replace the Oahu Community Correctional Center ("OOC") and requires the Hawai'i Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee. The ACLU of Hawai'i appreciates the intent of this bill and proposes an amendment for our full support.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. We advocate for the State to shift spending priorities away from mass criminalization and incarceration that disparately impacts Native Hawaiians, Pacific Islanders and Blacks, and low-income people towards rehabilitation, education, housing, health and human services in the community. This systems-change approach through data driven strategies would address the drivers of incarceration, and significantly reduce the incarcerated population in Hawai'i. In turn, this will resolve the issue of overcrowding, and avert the purported justification for building new and expanding jails and prisons – including OCCC.

Data Driven Strategies Have Proven Effective in Reducing Jail and Prison Populations

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.¹ 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

¹ 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>.

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.”²

As outlined in *Blueprint for Smart Justice Hawai‘i*³, Hawai‘i can dramatically reduce its incarcerated population by implementing just sensible reforms:

- Invest in alternatives to incarceration that divert people from jails and prisons.
- Prioritize criminal pretrial justice reform and end Hawaii’s overreliance on cash bail.⁴
- End the expansion of the criminal code and supporting decriminalization.
- Eliminate mandatory minimum sentences.
- Reduce parole and probation revocations through reforms that would prohibit incarceration for technical violations and an earned time credit to incentivize compliance with community supervision conditions.⁵

Other states have achieved substantial reductions in its incarcerated populations through data-driven policy reforms, high profile leadership, bipartisan support, inter-branch collaboration, and community engagement. These decarceration strategies were successful in New Jersey, Connecticut, Michigan, Mississippi, Rhode Island, New York, California, and South Carolina, as outlined in "*Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions*" (2018) and "*Fewer Prisons, Less Crime: A Tale of Three States*" (2014) by The Sentencing Project.

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 1003 out of 1736 or 57% of individuals in Hawai‘i’s jails have not been convicted of any crime and are merely awaiting trial, most often because they cannot afford the amount of bail set in their case.⁶ While recent changes to pretrial practices are steps in the right direction, 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.

² Hawai‘i Correctional System Oversight Commission, 2020 Annual Report (December 2020).

³ https://www.acluhi.org/sites/default/files/SJ-Blueprint-HI_1.pdf

⁴ See SB2778/SB2871 and HB2017 Relating to Pretrial Release (2022). These bills will establish a presumption that a person charged with a crime is entitled to unconditional release unless proven otherwise and requires the consideration of nonfinancial conditions of release before bail is ordered. See also, *Hawaii’s Accused Face an Unequal Bail System: As Much Justice As You Can Afford*, ACLU Smart Justice, ACLU Hawaii (January 2018). <https://www.acluhi.org/sites/default/files/2018/01/aclu-of-hawaii-bail-report.pdf>

⁵ See SB2514/ HB 2344 Relating to Probation and HB2342 Relating to Parole (2022). These measures would create a good time credit system, by which persons under probation and parole supervision may reduce their sentence through compliance with conditions of community supervision. The bills would also prohibit incarceration for certain technical violations.

⁶ Department of Public Safety, Weekly Population Report, January 24, 2022.

The ACLU of Hawai‘i believes that Hawai‘i’s families will continue to bear the human and financial cost of incarceration until we implement meaningful, community-based solutions and alternatives to incarceration. Countless research, from university-based studies to reports from street-level service providers, find time and time again that approaches that use community-based solutions to harm and violence, have exponentially better outcomes. Outcomes that keep families intact, assist loved ones to overcome the hardships of substance use, reduce the likelihood of repeated harm, increase community stability—rather than locking people up.

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.

To strengthen this measure, we propose the following amendment:

To establish a five-year Moratorium that would prohibit the study, plan or search for sites for design; acquire; lease or construct a new correctional facility; expand the capacity of an existing correctional facility beyond the facility’s current design or rated capacity; or convert any part of an existing or dormant correctional facility for the purpose of detention or incarceration, including changing or expanding the populations incarcerated in that facility.

For the above reasons, the ACLU of Hawai‘i requests that the Committee support this measure with the proposed amendment for a five-year Moratorium. Thank you for the opportunity to testify.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota
Policy Director
ACLU of Hawai‘i
cshirota@acluhawaii.org

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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HB-2516

Submitted on: 2/8/2022 10:00:29 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carrie Ann Shirota	ACLU of Hawai'i	Comments	Yes

Comments:

Comments forthcoming.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, February 9, 2022

10:00 AM

HB 2516 - STRONG SUPPORT FOR PAUSING OCCC & ESTABLISHING A CRIMINAL JUSTICE REFORM COMMITTEE

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,085 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,111 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.

SB 2526 calls for a pause in the planning and relocation of OCCC and requires the Hawai`i Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

Community Alliance on Prisons is in strong support of this measure. We are especially concerned with the public-private partnership that the governor is looking for to build the jail. The Request for Information was sent out and entities submitted information that has been private and hidden from public scrutiny – despite the fact that the taxpayers have ponied up more than \$10 million!

THE FALSE PROMISES OF PUBLIC-PRIVATE PARTNERSHIPS

Here is an excerpt from “The Privatization of Everything – How the Plunder of Public Goods Transformed America and How We Can Fight Back,” a new book by Donald Cohen, the founder of In The Public Interest and Allen Mikaelian, a NY Times best-selling author.

“So while politicians and the private sector offer privatization projects as a cheaper, more efficient alternatives, the real reason for privatization is the slow forced march toward dismantling democratic control. Even if privatization is not cheaper, faster, or better, it helps serve a bigger agenda.”

Privatization's failures must be hidden away because the people might vote in favor of the public taking control. That is one reason why transparency is typically the first casualty of privatization - openness is bad for the movement.

This secrecy is closely related to how privatization narrows control and dodges accountability, and all this undermines the cornerstone democratic principle of separation of powers. When we privatize a public good several things happen: Contracts often trump legislation. Executive branch political appointees become empowered to circumvent public servants. This weakens legislative and judicial oversight.”¹

We suspect the governor has been talking with private prison profiteers, but that would be behind closed doors and without the public knowing his meeting schedule, which has been a closely-guarded secret.

We understand that this proposal is for building - not operating - the jail. Nevertheless, Hawai'i's experience with CCA, now CoreCivic, should inform any decisions about contracting with these corporations. We highlight some of the biggest problems that this private vendor has had.

Shoddy Construction: Saguario was built by CCA for Hawai'i's people who are incarcerated for felony offenses. Within months of the prison's opening in July 2007, we started receiving complaints about dirty shower water running into the pods because the drains were not installed properly. We reported this to PSD and after investigation, we were told that there was no problem with the showers at Saguario. Six months later the showers were closed for repairs because of the serious drainage problems - the drains were too high and the water ran from the showers into the modules - a public health problem.

Labor Problems: There is evidence that CCA has engaged in anti-union activities and committed Unfair Labor Practices (ULP) in violation of the National Labor Relations Act (NLRA). In 2006, the NLRB issued a decision finding that CCA interfered with protected concerted activity in violation of the NLRA by initiating a drive to decertify the union (International Union, Security, Police and Fire Professionals of North America (SPFPA)) and then coercing and threatening its employees to support the decertification drive. The board also upheld the finding that the company violated the NLRA by unlawfully transferring an officer to a less desirable position and unlawfully discharging another officer because of those individuals' union activities. Also, in 2010, the NLRB reversed an earlier decision holding that CCA unlawfully discharged an employee in retaliation for protected union activity in violation of the NLRA.²

¹ The Privatization of Everything – How the Plunder of Public Goods Transformed America and How We Can Fight Back. Donald Cohen and Allen Mikaelian, The New Press 2021.

² National Labor Relations Board, Corrections Corporation of America Case number: 26-CA-023180, board decision, July 26, 2010.
http://www.sourcewatch.org/index.php?title=Corrections_Corporation_of_America#Fair_Labor_Standards_Act_Violations

Lobbying Against Transparency: Existing federal Freedom of Information Act (FOIA) regulations do not extend to private prisons. However, advocates and legislators have for years argued that privately-contracted facilities should be subject to open records law. Since 2005, legislators have introduced the Private Prison Information Act (PPIA), a federal bill that would subject private prisons to the same open records laws as publicly operated facilities. the Private Prison Information Act since 2007. Their lobbyists in Hawai`i have worked the back rooms of the legislature to protect their profits.³

DO WE REALLY WANT A BILLION DOLLAR JAIL TO WAREHOUSE SOME OF THE MOST VULNERABLE PEOPLE IN OUR COMMUNITIES?

It makes us sad to think that the first reaction of the state to our social and public health challenges has been to incarcerate the ‘problem’ instead of getting to the root cause of some of our greatest challenges. Incarceration should be the last resort, especially for vulnerable populations contending with a myriad of challenges just to survive. Incarcerating the mentally ill is cruel when they are sent to a place where people who are untrained in addressing mental health issues are guarding them.

MANY OF THE GLARING ISSUES IN THE EIS HAVE NOT BEEN ADDRESSED

No Alternatives Analysis: The environmental review is a process under federal and state law. One of the most important sections of an Environmental Impact Statement is exploring alternatives to the proposed development. The OCCC EIS ignored this section and the state allowed it to be accepted, despite the fact that it did not follow the law.

Banning In-Person Visitation: Buried deep in the Appendices was a paragraph about visitation. In-person visitation would be replaced by video visitation. Only attorneys or special visits would be allowed in person visits.

Describing a Fancy New Building as Prison Reform: The EIS actually made this unbelievable statement that sadly highlights the state’s preference for buildings over of the rehabilitation of the people it incarcerates.

THE CRIMINAL JUSTICE REFORM COMMITTEE

This committee should have community advocates and policy wonks, formerly incarcerated persons, researchers, scholars, families of incarcerated persons, the faith community, etc. To date the research has been ignored, the data is not shared, and the community has been locked out of any discussions.

The only entity that engages with the community is the Hawai`i Correctional Systems Oversight Commission. The Commission actually welcomes community suggestions and comments and has been working for 2 years with no staff and no support, other than from

³ Open Secrets, “Lobbying Spending Database - Corrections Corporation of America, 2012”

the community. This is not happenstance – this is intentional obstruction of a robust community discussion about reforming Hawai'i's criminal legal system.

ENGAGE THE COMMUNITY

CITIZENS AT THE CENTER, A new approach to civic engagement, The Case Foundation
<http://www.politicipublice.ro/uploads/citizens-at-the-center.pdf>.

Citizen-Centered Approaches Are:

- Focused primarily on culture change, rather than short-term outcomes, issues, or victories, although the latter can be a foundation through which communities achieve a sense of efficacy to move forward toward other efforts collectively.
- Representative of a cross-section of the entire community, rather than parts of it.
- Concerned with the deliberative process to identify public problems or concerns – no matter how messy or complex it can be – as equally as important to civic engagement as the tactics employed to address these problems and concerns.
- Cognizant of the importance of helping people form and promote their own decisions, build capacities for self-government, and promote open-ended civic processes.

Advancing citizen-centered approaches requires a **shift in focus** from “What we are going to do to encourage civic engagement, how, with whom, where and for how long?” to:

- What opportunities can we provide for people to convene with others who are concerned about issues in their communities, schools, or workplaces to deliberate about problems and issues; define these for themselves; and decide what they will do about them?
- Do we see people as consumers of our services and activities, or as citizens?
- To what extent can we help people feel more empowered to carry out what they plan to do about public problems in ways that they believe are most appropriate for them and their communities?
- How can we facilitate citizen-driven and citizen-centered engagement so that it becomes deeply embedded in the day-to-day functioning of communities and people in those communities are able to solve the problems of everyday life?
- Are we asking people to “plug into” already existing initiatives or decide for themselves what to do?

COMMUNITY ENGAGEMENT MATTERS (NOW MORE THAN EVER),

Stanford SOCIAL INNOVATION Review

https://ssir.org/articles/entry/community_engagement_matters_now_more_than_ever

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.

Community Alliance on Prisons respectfully asks the committee to pass this important measure. Mahalo for hearing this bill and for the opportunity to testify.

TESTIMONY IN SUPPORT OF HB 2516

TO: Chair Ohno, Vice Chair Ganaden, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 9, 2022 (10:00 AM)

Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** HB 2516, which pauses the development of a new jail to replace Oahu Community Correctional Center and requires the Hawai'i Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee. Jail and prison conditions remain very poor throughout the state, and facilities should be renovated to reduce the levels of squalor. However, construction of a new jail facility is not warranted.

Along with overly punitive prosecutorial practices, the protracted absence of bail reform, sentencing reform, and probation reform has led to perennial over-incarceration for many decades. It is not a matter of happenstance that [Hawai'i has the longest average term of probation in the nation](#) at 59 months. This is more than **six times** that of Kansas.

Far too many persons from under-resourced communities, including those experiencing unsheltered homelessness, comprise the bulk of the jail population. Incarceration interrupts the provision of medical care and housing placement opportunities. As a [2018 report from the Robert Wood Johnson Foundation](#) noted, "Mass incarceration disproportionately impacts lower-income communities, communities of color, and persons with disabilities, creating a barrier to achieving health equity.... Incarceration exposes people to a wide range of conditions, such as poor sanitation and ventilation and solitary confinement, that are detrimental to long-term physical and mental health." Hawai'i is far from exceptional on this front.

The continued criminalization of personal drug use and possession significantly perpetuates lasting social, medical, and legal stigma. Criminalization helps drive the overcrowding of

carceral facilities and subjects persons from under-resourced communities to prolonged periods of criminal legal supervision, including probation. [The enforcement of drug laws pertaining to personal use and possession of drugs has disproportionately impacted Native Hawaiians](#). In this regard, the criminal legal system’s enforcement of punitive drug laws embodies the structural [racism that this Legislature declared a public health crisis via HCR 112](#) just last year.

Even at the height of a deadly respiratory pandemic those charged with the administration of Hawai‘i’s criminal legal system sought to keep as many persons in jail as possible despite the grave health risks to incarcerated persons and staff. Just as guidance from federal Centers for Disease Control and Prevention (CDC) regarding persons experiencing homelessness was largely sidestepped by municipal authorities, so was its [guidance regarding correctional and detention facilities](#) across Hawaii’s unified jail and prison system.

HHRC’s mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai‘i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

Statement Before The
HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS
Wednesday, February 9, 2022
10:00 AM
Via Video Conference & Conference Room 430

in consideration of
HB 2516

RELATING TO CORRECTIONAL FACILITIES.

Chairs OHNO, Vice Chair GANADEN, and Members of the House Corrections, Military, & Veterans Committee

Common Cause Hawaii supports HB 2516, which pauses development of a new jail to replace the Oahu community correctional center and requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy.

Common Cause Hawaii understands that mass criminalization and over-policing soak up public funds desperately needed for other programs, like schools, healthcare clinics, and community-led safety projects. Mass incarceration is a fundamental threat to democracy. A society that unjustly criminalizes and imprisons so many people, devastating our families and communities, and disproportionately targeting people of color and those impacted by poverty for policing and punishment, is not a society living up to the ideal that everyone's voice matters.

For these reasons, Common Cause Hawaii supports the pause on the development of a new jail to replace the Oahu community correctional center and requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

Thank you for the opportunity to testify in support of HB 2516. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

HB-2516

Submitted on: 2/7/2022 1:28:08 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ronald Fujiyoshi	Ohana Ho`opakele	Support	No

Comments:

Mahalo for the opportunity to share our testimony on this!

Ohana Ho`opakele was formed in 2005 as an organization to support the native Hawaiian pa`ahao incarcerated in our prison system. We have come to the conclusion that fundamentally the system needs to change its philosophy from one of punishment to one of healing. From our reseatch we have concluded that a model of a Pu`uhonua would best serve our pa`ahao here. Thus, we are in favor of postphoning any effort at building a new OCCC and support this bill. The cost of building at this time would be a drain upon the public and a waste of funds when a better system of incarceration is finally developed. Rather than focusing upon any building or even improvement of the present incarceration system, spend any time and funds upon developing a system of healing using the model of a pu`uhonua.

Mahalo for allowing us to testify!



Tuesday, February 8, 2022

Relating to Correctional Facilities
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports HB2516, Relating to Correctional Facilities.**

The Hawaii correctional systems oversight commission believes the previous plans for the new jail are too big and too expensive. We do not need new development that continues to increase and encourage mass incarceration.

For these reasons, we urge the Committee to **vote in favor of HB2516.**

Mahalo for the opportunity to testify,

Gary Hooser
Executive Director
Pono Hawai'i Initiative



**Testimony of Faith Action for Community Equity
IN SUPPORT OF HB2516, Relating to Correctional Facilities
To the House Committee on Corrections, Military, & Veterans
February 9, 2022 10:00am via video conference**

Aloha Chair Takashi Ohno, Vice Chair Sonny Ganadan, and House Committee on Corrections, Military, & Veterans,

We at Faith Action for Community Equity believe in the inherent worth and dignity of all. Our members work together to address the root causes of systemic justice challenges facing our communities. We are writing in strong **SUPPORT** of HB2516 to pause the development of a new jail and appropriate the moneys elsewhere.

To invest in the safety of our community we must consult and invest in the community itself. The state has spent five years and over \$10,000,000 planning a new jail to replace the Oahu Community Correctional Center without meaningfully consulting community stakeholders. 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. Please vote yes on HB2516 so the estimated \$1,000,000,000 that it would take to build a new jail can be allocated to consulting communities that are disproportionately incarcerated and invested in their solutions for safer and healthier communities.

Mahalo for your commitment to investing in local, community based solutions to our overcrowded prisons.

If you have any questions, please contact the Community Organizer at Faith Action for Community Equity: Cassandra Chee (she/her) at cchee@faithactionhawaii.org or 425-381-3868

Mahalo for this opportunity to testify.

Cassandra Chee



House Committee on Corrections, Military, & Veterans

Wednesday, February 9, 2022, 10a.m.

Hawai'i Alliance for Progressive Action Supports: HB2516

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

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of HB2516. HAPA is a state-wide organization that engages approximately 10,000 local residents annually.

HAPA strongly supports HB2516, which would pause development of a new jail to replace the Oahu community correctional center. Requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation.

The reason many people are incarcerated is because of a cycle of poverty and social injustice that should be addressed first, before building more prisons. Some end up incarcerated because of the lack of opportunity and social issues. Many lack housing, healthcare, and mental health services.

We know new jails are not a solution. Instead paying millions for jail infrastructure, let us instead invest in our people and community. Let's stop our reliance on policing and jailing to address social and economic issues and look at other ways to solve them.

Please PASS HB2516.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

HB-2516

Submitted on: 2/8/2022 7:50:50 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jim Albertini	Malu 'Aina	Support	No

Comments:

Our organization supports a pause in building a new OCCC. We need constructive alternatives to jails and prisons that help reduce crime and build a stronger community. Among alternatives, we support the use of ho'oponopono and Pu'uhonua and urge action that will help re-establish this traditional practice in places of healing rather than punishment in our communities. Mahalo. Jim Albertini

HB-2516

Submitted on: 2/7/2022 5:28:50 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Quartero	KULANUI.ORG	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

Robert K. Merce
2467Aha Aina Place
Honolulu, HI 96821

Testimony Before The
House Committee on Corrections, Military & Veterans
Wednesday, February 9, 2022
10:00 a.m.
Via Video Conference

**In Strong Support of
HB 2516**

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

My name is Bob Merce. I am a retired lawyer and in 2016-2018 I served as vice-chair of the HCR 85 Task Force on Prison Reform and was the principal author of the Task Force’s final report to the 2019 Legislature.

I strongly support HB 2516 which would temporarily stop the planning of a new jail to replace the Oahu Community Correctional Center (OCCC) that would be designed, financed, built and partially maintained by a private corporation and leased to the State. HB 2516 would also create a Criminal Justice Reform Committee to recommend alternatives to jail and ways to improve our criminal legal system so that we can reduce the jail population and build a smaller and less expensive jail.

A detailed statement of my views on the new jail are set out in the 30-paper paper *Getting It Right: Better Ideas For A New Jail* which I emailed to members of this Committee on February 1, 2022. I agree with the Department of Public Safety that OCCC needs to be replaced, but I strongly disagree with the way it is going about replacing it.

The myriad problems with the new jail can be divided into two categories: those that stem from using a public-private partnership (P3) to acquire the jail, and those that stem from the fact that the State is not following best practices in planning the jail.

 **Problems With The P3**

1. The State has long taken the position that a design/finance/build/maintain P3 for the new jail would provide better value for money than acquiring the jail through the traditional procurement process, but it has never provided a comprehensive analysis to back up that assertion. Its consultants made a value for money (VfM) analysis in 2019 as part of the OCCC Master Plan, but the analysis was based on April 2018 cost estimates that are now outdated, and the consultants acknowledged that each of the project delivery options that were examined “requires further in-depth study that goes far beyond the limitations of this report and ultimately leads to

the definitive solution.”¹ The “further in-depth study” has never materialized and to this day there is no analysis to show that a P3 provides better value for money than the traditional procurement process. The State should not enter into a P3 unless and until it can show that the P3 provides better value for money than the traditional procurement process.

2. The contract between the private company and the State would likely last 30 or more years during which time the State’s correctional needs will undoubtedly change. P3s typically restrict how their facilities can be used, and that severely limits a government’s ability to respond to changing conditions. If the State owned the facility it could modify it to meet its changing needs, or it could even repurpose or dispose of the facility entirely.

3. Jails must be carefully maintained to protect the health and safety of inmates and staff, but there is a tendency for corporate owners to save money by ignoring problems or deferring maintenance at the public partner’s expense.

4. The State has said that public-private partnerships are desirable because they transfer risk from the government to the private partner. But contract provisions can limit the type of risk the private partner will assume, and at this point we don’t know what risks will be the responsibility of the private partner and which will be the responsibility of the State. For example, will the private partner assume the risk of increased costs due to permitting problems or site problems (contamination, geological problems, environmental problems, ancient burials, etc.). Who will assume the risk of obtaining reasonable financing (a real problem because many private lenders will not participate in financing private correctional facilities). Will the private partner assume the risk of cost increases caused by transportation and supply chain problems? Who assumes the risk that some of the material used in construction may have latent defects and need to be replaced? None of these questions have been answered, and they should be answered before the State enters into a P3.

We should also recognized that when the State transfers the risks of a project to the private partner, the private partner will make sure it is compensated for assuming he risk, and that usually means the cost of the project goes up for government.

5. On top of the operating costs for the new jail, the State will have to pay lease rent, and no one knows how much that will be. What we do know is that it will have to be high enough to cover the private partner’s billion- dollar construction costs, its finance costs, its maintenance costs, and a hefty profit.

6. P3s are notorious for their lack of transparency, and this has already become a problem. In January, 2021, the State issued a Request for Information (RFI) to the private sector. Respondents were encouraged to assess the commercial viability of the new jail, provide estimates on the time needed to procure and construct the project, identify potential risks and mitigations, and recommend strategies for financing and project development that reflect industry best practices and opportunities for innovation.

¹ Oahu Community Correctional Center Master Plan Report, Vol. 1 (2019) p. 7-1.

By the March 12, 2021 deadline, 22 companies responded to the RFI from three industry groups: architectural and engineering firms, equity investors, and developers. The information and feedback the private companies provided, particularly on the commercial viability of the project, risks, financing, and industry best practices, are critical in assessing the way forward with the project, but none of that information has been released to the public. The State has even kept the names of the 22 companies that responded to the RFI a secret.

7. As part of the P3 process the State will develop a Request for Proposals (RFP) that will contain detailed specification for the new jail. The RFP will be sent to a group of companies deemed qualified to build the new jail, and the companies will submit proposals that will include their design of the jail. The State will then evaluate the proposals and select one of the companies as its private partner. This process outsources the design of the jail to a company that works without input or feedback from the community that will live with the jail and pay for the jail. This is the wrong way to design a jail.

Before an architect picks up a pencil or puts a single mark on a piece of paper, a planning team that includes government officials *and community stakeholders* must arrive at a shared vision of a successful criminal justice system and **define the function of the jail within that system**. Architects sometimes describe this process with the maxim “Define Before You Design.”

In defining the role of the jail, the planning team must drill down on criminal justice data, identify the policies and practices driving the jail population, and plan for the expansion of alternatives to incarceration.¹ Jail planning decisions have a broad impact and in many ways define the community of which the jail is a part—its values, vision, goals and aspirations. As such, **jail planning can and must be done by the community, and the community alone: It cannot be outsourced to a corporation under a P3 contract.**

■ Jail Planning Must Follow Best Practices

1. **Must Have Stakeholders Input.** Virtually every authority on jail planning stresses that the community stakeholders must be meaningfully engaged in the planning process if the jail is to meet the needs of the community, the jail staff, and the people who are incarcerated. This is well documented in the HCR 85 Task on Prison Reform’s Report to the 2919 Legislature and Hawaii Correctional System Oversight Commission’s report to the 2021 legislature, as well as the Oversight Commission’s January 3, 2022 letter to members of the House Finance and Senate Ways and Means Committees.

Engaging stakeholders in the planning process is important because they bring the aggregated knowledge, skills, intuition, and insights of local residents to solving a collective challenge. Engaging the community can shape the type of questions that are asked, challenge prevailing norms, and bring about unexpected insights that lead to innovative and transformative solutions.

The State has basically planned the jail in a bureaucratic silo and has steadfastly refused to allow the public to be a part of the planning process. This is a clear violation of best practices and is one of them main reasons for passing HB 2516.

2. Must Use Systems Approach to Planning. Best practices in jail planning can be found in the National Institute of Corrections' *Jail Capacity Planning Guide: A Systems Approach* (2009). The systems approach views jails as one of many parts of a criminal justice system whose policies and practices determine how the jail is used and how many beds are needed to avoid overcrowding. The systems approach stresses that the key to long term management of the jail population is directly tied to management of other aspects of the justice system. It means that in planning a new jail, communities must look at the policies and practices driving the jail population and modify them where possible to reduce the jail population.

Studies have shown that jurisdictions that build new jails without addressing the policies driving the jail population resulted in a vicious cycle in which the new jails that were supposed to reduce overcrowding rapidly filled to capacity, creating a demand for more capacity, and precipitating a costly building cycle.ⁱⁱ

The State did not engage in system planning and it did not even attempt to find ways to reduce the jail population. The means that the 1,300-bed jail will likely operate at capacity and may become overcrowded within a few years. In either case the new jail will lock the State into having a large and extremely expensive jail population for the next 30 years. It presently costs \$219 a day to house an inmate at OCCC. If the new jail operates at its 1,300-bed capacity, it will cost the State **\$285,00 per day** to house the new jail's population.

3. Must Address Needs of People Who Are Homeless and Mentally Ill. In 2016 the Honolulu Police Department reported that 43% of all arrests were homeless people and that 72% of the homeless people in the police cellblock were mentally ill or on drugs.ⁱⁱⁱ Eighteen percent of the homeless population of Oahu say they have mental health issues,^{iv} and about 700 individuals diagnosed with Severe and Persistent Mental Illness (SPMI) are admitted to OCCC each year.^v DPS estimates that between 9.5 % and 12% of the OCCC population are mentally ill, and on average these people cycle through the jail about once every four months, with some cycling through *every six weeks*.^{vi}

The new jail will not address any of the foregoing problems and it will not reduce recidivism or make our community safer. Building the jail that the State and its consultants have been planning will be a waste of a billion dollars, which is why we need to pause the planning process and rethink where we are going with the new jail.

As I said in the paper I sent you on February 1st the new jail will be a financial disaster and produce bad outcomes for decades, *but it doesn't have to be that way*. If we work together we can build a jail that will make our community safer at a fraction of the cost of the jail now being planned. Working together we can build an innovative and transformative jail that will address the inequities of our criminal justice system, save lives, and meet the ever-evolving needs of our community.

Thank you for allowing me to testify.

ⁱ Bureau of Justice Assistance. *A Second Look at Alleviating Jail Crowding, A Systems Perspective*. U.S. Department of Justice, NCJ 182507. Washington D.C.: October 2000. Retrieved from <https://www.ojp.gov/pdffiles1/bja/182507.pdf>

ⁱⁱ *Chris Mai, Mikelina Belaineh, Ram Subramanian, and Jacob Kang-Brown. Broken Ground: Why America Keeps building More Jails and What It Can Do Instead*, Vera Institute of Justice, November, 2019. Retrieved from <https://www.vera.org/publications/broken-ground-jail-construction>

ⁱⁱⁱ HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66.

^{iv} Partners in Care, Oahu’s Continuum of Care, “2020 Oahu Point In Time Count,, 8. Retrieved from <https://www.honolulu.gov/rep/site/ohou/PIC2020PITCountReportFinal.pdf>

^v HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66.

^{vi} HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66. See also Meg O’Connor. “Honolulu Police Keep Putting Homeless People in Jail.” *The Appeal*, May, 2020. Retrieved from <https://theappeal.org/honolulu-police-criminalization-homelessness-coronavirus-pandemic/>

HB-2516

Submitted on: 2/7/2022 11:39:42 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gladys C Baisa	Individual	Support	No

Comments:

I am testifying in strong support and wish to use the testimony of the Community Alliance on Prisons as my own! Thank you!
Gladys C Baisa



Getting It Right: Better Ideas for a New Jail

by Robert K. Merce

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BETTER IDEAS FOR A NEW JAIL*

INTRODUCTION

Within the next few months the State plans to issue a Request for Proposals (RFP) for a public-private partnership (P3) to design, construct, finance, and partially maintain a new jail to replace the Oahu Community Correctional Center (OCCC). The new jail will have approximately 1,300 beds, and will probably cost closer to \$1 billion than the \$525 million estimate that was made three years ago.

The new jail will be one of the most expensive, if not *the* most expensive, public works projects ever undertaken by the State, and it will have a major impact on criminal justice outcomes in Hawaii for decades.

There is a right way and a wrong way to plan a new jail, and unfortunately, Hawaii chose the wrong way. The Departments of Public Safety (DPS) and Accounting and General Services (DAGS) turned to a New Jersey-based consulting firm with very little knowledge of Hawaii to lead the planning effort. The planners ignored best practices, shut the community out of the planning process, focused on bricks and mortar rather than people and programs, and failed to address critical questions about who should be in the jail, and how the State could reduce the jail population and build a smaller and less expensive jail without compromising public safety.

In 2017 the House Concurrent Resolution (HCR) 85 Task Force on Prison Reform warned that planning for the new jail was on the wrong track, and in their final report to the 2019 legislature they sounded the alarm, saying that despite spending millions on planning, the new jail incorporated all of the problems and bad ideas of the old jail and that it would 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 Task Force found that the new jail was so poorly thought out that the State should convene a group of government and community stakeholders to *start the jail planning process over again* and focus on building “a smart, small, and humane 21st century jail instead of the monolithic 19th century jail that is now on the drawing boards.”¹

More recently the Hawaii Correctional Systems Oversight Commission, whose five members collectively have more than 100 years of experience with Hawaii’s criminal justice system,

* Portions of this paper previously appeared in the Ideas section of *Honolulu Civil Beat* on September 20, 2020 and February 21, 2021.

expressed deep concerns about the new jail and called for the creation of an advisory committee of community stakeholders to review, *and if necessary revise*, the planning that has been done to date.

The new jail will be a financial disaster and produce bad outcomes for decades, but it doesn't have to be that way. If we work together we can build a jail that will make our community safer at a fraction of the cost of the jail now being planned. Working together we can build an innovative and transformative jail that will address the inequities of our criminal justice system, save lives, and meet the ever-evolving needs of our community.

But we must act quickly. If we don't stop the procurement process now, we will soon be irrevocably committed to a jail the people of Honolulu had no say in planning, and that is too big, too expensive, and will cause harm to our community as long as it exists.

THE JAIL PLANNING PROCESS WAS FLAWED FROM THE VERY BEGINNING

To understand how the jail planning process went off the rails we have to go back to 2015 when then DPS Director Nolan Espinda announced that the Honolulu Authority for Rapid Transit (HART) had decided to put an elevated rail station near the current OCCC, which meant that the land the jail occupies had become very valuable: "Now that the city plans to run Oahu's elevated rail line past the OCCC site, it is obvious the Kalihi land under OCCC could be put to much more valuable use as a new development rather than a jail site," Espinda said, adding that the idea of moving the facility had support in the House and Senate and that "there are a lot of stars aligning here."²

The City and County of Honolulu's 2018 Plan Review Use Permit for the new jail echoed Espinda's comments: "The replacement OCCC frees up important urban land in the populated Kalihi area; the existing OCCC is located within one-quarter-mile from the future Kalihi rail station."³

The decision to build a new jail on Oahu was not driven by the fact that the existing OCCC is falling apart and essentially unfit for human habitation: From the very beginning, the idea was to relocate the old jail as quickly as possible so that the land it occupies could be redeveloped.

In their effort to streamline the planning process DPS, DAGS, and their consultants focused almost exclusively on site-selection and the physical features of the jail and gave little or no thought to who should be in the jail, or how it should function within the context of the broader criminal justice system. While Honolulu was focused on building a huge new jail, other cities were focused on reducing their jail populations. A Commission in New York City set a goal of reducing their jail population by more than 50 percent by closing the infamous Rikers Island Jail and replacing it with smaller jails in the city's boroughs.⁴ Philadelphia was developing a plan to

cut its jail population in half and address racial, ethnic, and economic disparities in its criminal justice system.⁵ New Orleans was working on an initiative to reduce its jail population by 38 percent,⁶ and Akron, Ohio was developing a plan to divert low-level offenders from its jail.⁷ Similar reform efforts were being undertaken in at least 50 cities, both large and small, across the United States.⁸

A CRITICAL MISTAKE SENT THE PLANNING PROCESS IN THE WRONG DIRECTION

DPS and its consultants made many planning mistakes, but the biggest one by far was to decide that they did not need to examine the policies and practices driving the jail population and address them as part of a comprehensive plan to manage both the jail population and the larger justice system more effectively and efficiently. The magnitude of that error cannot be overstated because it affected every aspect of the planning process, and like taking a wrong turn at the beginning of a journey, it led the planners, and now the entire State, down the wrong path and to the wrong destination.

THE STATE DELIBERATELY IGNORED BEST PRACTICES IN THE PLANNING PROCESS

Virtually all of the problems with the new jail stem from fact that the planners decided not to follow best practice in jail planning, many of which are clearly set out in the National Institute of Correction's *Jail Capacity Planning Guide: A Systems Approach* (2009).⁹

The systems approach views jails as one of many parts of a criminal justice system whose policies and practices determine how the jail is used and how many beds are needed to avoid overcrowding. The systems approach stresses that *the key to long term management of the jail population is directly tied to management of other aspects of the justice system:*

Jails are part of a complex criminal justice system whose policies and practices directly influence total bed need. As such, jail planning cannot be done in a vacuum. Any consideration of future jail bed need must take place within the context of a discussion about how to manage the larger criminal justice system more effectively. ***Jail planning and system planning are one and the same.***¹⁰

The systems approach shifts the nature of jail planning from simply making population forecasts based on past trends and the assumption that the policies driving the jail population will remain unchanged—the approach used in Hawaii—to developing a continuum of options for law enforcement and judges in which jails are only one option among many, and one to be used sparingly and as a last resort. The systems approach calls on planners to “plan as much for programs as they do for [jail] beds.”¹¹

Research has shown that the traditional way we use jails does nothing to reduce future offending. Accordingly, jail planning must move beyond the simplistic formula-based approach that builds beds based on past demands to a results-based paradigm that addresses the many factors that drive the demand for beds.¹²

The systems approach is based on a body of research that challenges the notion that locking people up is the only way, or the best way, to protect the public.¹³ It makes the case for a new conceptual framework that “reasserts the primacy of treatment and redefines the system’s response to failure.”¹⁴ It is a new way of thinking about the criminal justice system that makes reducing future crime a central goal and manages the jail population long-term by:

1. Reserving jail for the highest risk defendants;
2. Making available a full continuum of alternatives to jail;
3. Relying on high quality treatment and evidence-based sanctions;
4. Creating strong and effective pretrial and reentry services; and
5. Adopting a positive emphasis on collaboration and systemic change.¹⁵

Population management strategies that focus on alternatives to jail significantly reduce the jail population, which in turn allows communities to build smaller and less expensive jails. That is important for three reasons.

First, construction cost for new jails are outrageously high. If, as projected, the new jail will cost \$525 million and have approximately 1,300 total new beds, each bed would cost a whopping \$404,000, which is probably the highest per bed cost in the country, if not the world.

Second, although construction costs for a new jail are incredibly high, on average, *they represent only 10% of the overall operating costs of a jail over a 30-year period.*¹⁶ Thus, the key to reducing correctional costs long-term lies in reducing the jail population by providing alternatives to jail, or “off ramps,” at each at each of the key decision points in the criminal justice system.

Third, the Vera Institute of Justice studied counties that built new jails between 1999 and 2005 as a solution to old or overcrowded facilities and found that building a new jail *without addressing the policies driving the jail population* resulted in a vicious cycle in which the new jails that were supposed to reduce overcrowding rapidly filled to capacity, creating a demand for more capacity, and precipitating a costly building cycle.¹⁷ For example:

- In Salt Lake County, Utah, a new 2000 bed jail filled to capacity within 21 days of opening;
- In Tipton County, Tennessee, a newly expanded jail that increased capacity from 122 beds to 201 beds became overcrowded the month it opened.;
- In Jefferson County, Colorado, a 480- bed jail that that was supposed to serve the county for 19 years filled up within five years; and
- In Adams County Colorado a jail that was intended to serve the county for 14 years filled to capacity in two years.¹⁸

We can only speculate on why the State decided to ignore best practices and use an old and discredited planning process for one of the biggest and most important public works projects in the history of the State, but that is what it has done. The misguided planning process will result in the continued misuse of the jail, a jail that is bigger and more expensive than it needs to be, and a jail that will not reduce future crime or keep our community safe.

THE PUBLIC WAS COMPLETELY SHUT OUT OF THE JAIL PLANNING PROCESS

“The best solutions are driven by those who experience and are familiar with the local culture and environment.” –Center for Policing Equity

Engaging the community in the jail planning process is universally recognized as a best practice and an absolutely essential element of the jail planning process. Community stakeholders bring the aggregated knowledge, skills, intuition, and insights of local residents to solving a collective challenge.¹⁹ This is often called “the wisdom of the community.” Tapping into this wisdom can shape the type of questions that are asked, challenge prevailing norms, and bring about unexpected insights that lead to innovative and transformative solutions.



The National Institute of Corrections (NIC) has said:

Community participation in planning is important because the jail belongs to the community it serves; it is not solely the concern of the sheriff or director of corrections. The type of facility a community builds and the way it is used are as much a reflection of community values as they are of local, state, and federal

laws. It is common for stakeholders such as victim advocates, business leaders, the clergy, educators, and elected officials to actively participate on the community advisory committee.²⁰

The MacArthur Foundation also emphasizes the importance of a collaborative process in jail planning:

COLLABORATE. The first step is to ensure that the local justice system is truly functioning as a system. Policymakers must step out of their silos and consider how the different elements of the system interrelate, and how each contributes to public safety outcomes. This can take time and energy but reap rewards in the form of trust and collaboration, so that organizations have a shared understanding of the system, both as it exists now and what it can be in the future.

...

Affected groups must be on board to advance the new way of doing business, and to move forward despite barriers and setbacks. Engaging the community, the workforce, and other interested groups doesn't happen on its own. As motivation for change starts to build, conversations can begin with affected parties. Transparency and genuine opportunities for input by constituent's support engagement.²¹

The Justice Management Institute has found that a “culture of collaboration is one of the shared characteristics of successful justice systems,” and in this context collaboration means more than just having meetings: it means “working together toward a common purpose—sharing a vision, preparing a plan, and implementing the plan to achieve agreed upon outcomes.”²²



The OCCC Planning Team does not include any community stakeholders or representatives. (DPS photo).

The planners at CGL/Ricci Greene Associates, one of the country's leading justice architectural firms, likewise stress the need for a collaborative approach to jail planning: “Successful jurisdictions use a collaborative approach to planning that include representation of *all actors in the criminal justice system and the community* including advocates, judges, administrators, legislators, prosecutors, the defense bar, correctional officers, program operators, and community members. The “buy in” from key stakeholders is *absolutely essential*.²³

The HCR 85 Task Force specifically found that the State and its consultants did not engage the community in the jail planning process in a meaningful way,²⁴ and that is surely a prescription for failure.

WE SHOULD NOT COMMIT TO BUILDING A NEW JAIL UNTIL WE KNOW HOW MUCH IT WILL COST

DAGS has said the jail will cost \$525 million,²⁵ but that was back in 2018, before construction costs started to rise. Since then they have increased dramatically due to a steep rise in the cost of materials, snarled supply chains, tariffs on steel and aluminum, and producer staffing shortages due to the pandemic.

The leading association for the construction industry, Associated General Contractors of America (AGC), recently reported that the producer price index (PPI), which measures the average changes in prices received by domestic producers for their output, increased 26.3% from June 2020 to June 2021, and even that steep increase understates the severity of the problems facing the construction industry which has seen the index for lumber and plywood increase 101%, the index for steel increased 88%, for copper and brass 61%; and for aluminum 33%.²⁶ The high prices are expected to persist well into the future.²⁷

The AGC warns that in addition to significant price increases, contractors are experiencing completely unreliable delivery times and that owners should start their projects with realistic expectations about current costs and the likelihood of increases.²⁸

THE UTAH STATE PRISON: A CAUTIONARY TALE

In 2017 Utah broke ground on a new, 4,000-bed state prison outside of Salt Lake City. The new prison was considered state of the art and was projected to cost \$550 million.²⁹ After years of planning, state legislators were pleased that construction was finally underway and Salt Lake City leaders were satisfied with the project despite their initial opposition to building the prison near their city.³⁰

But beneath the buoyant optimism there was an undercurrent of concern. As the new prison broke ground, the city's nearby airport expansion project was \$350 million over budget and construction costs in the area were up 12%.³¹ Jim Russell, the state official overseeing the new prison said he was concerned about the cost increases but confident they could be managed. State Senator Jerry Stevenson, who co-chaired the legislature's Prison Development Commission, acknowledged that higher construction costs were "very possible" but said it was an issue the legislature would address when and if it arose.³²

By April of 2019 the cost of the new prison had risen from \$550 million to \$800 million³³ and construction costs were running 18% to 20% higher than anticipated, but by that time it was too late to do anything about it. Senator Stevenson said that the legislature did not want to come up with the additional funds but “we’re way past the point of no return on this. We’re going to have to finish it now.”³⁴

Utah’s new prison is now almost complete. The final cost has not been tabulated but it is expected to come in at about \$1 billion, depending on the final procurement process.³⁵ That’s an 80% increase over the original cost estimate.

Officials blame the high cost on tariffs on China, the pandemic, labor shortages, and supply chain issues. “We’ve had now 42% escalation [in construction costs] since 2015 when it [the prison] was first funded until now,” Russell said. “All in all, I think we’ve done a fantastic job with where we’re at. The budget could have been much more . . . *it should have been \$1.3 billion.*”³⁶

The Utah State Prison is the canary in the coal mine. DAGS’ \$525 million cost estimate for the new jail is three years old and has never been updated to account for the increased cost of materials, delivery delays, and overall price increases in the construction industry. The 2018 estimate is undoubtedly too low, but we do not know how low. We simply don’t know how much the new jail will cost, so there is no way to determine if it will be worth the price, or if a P3 is a better financing option than the traditional procurement process.

THE NEW JAIL WILL MAKE HAWAII’S LONG-TERM FISCAL PROBLEMS WORSE

In 2019 a committee of economists, scholars, and fiscal experts from the Hawaii Executive Council issued a report, *Troubled Waters: Charting a New Fiscal Course for Hawaii*, that documents the enormous fiscal challenges facing Hawaii’s State and local governments in the next 30 years.³⁷ The Committee found that future costs in three critical areas—mitigating the impact of climate change, developing and maintaining infrastructure, and honoring public employee retirement benefits— will exceed \$88 billion, and that revenues will not be sufficient to meet those needs.

Today, the cost of operating government is getting more expensive while Hawaii’s economy has not kept pace with the rest of the nation. Between 2012 and 2018, the cost of State government increased 41% despite the number of employees remaining relatively flat. During this same period, Hawaii’s economy grew 9.8% or 1.6% annually compared to the national rate of 2.4%. DBEDT forecasts GDP growth of 1.1% in 2019 and 1.2% in 2020. Faced with these economic conditions, State and county governments cannot continue to operate in such a manner. *Government will simply be too expensive to conduct business as usual.*³⁸

The report calls for government and the private sector to collaborate, innovate, and create a strategic vision to address the serious fiscal challenges facing the State.³⁹

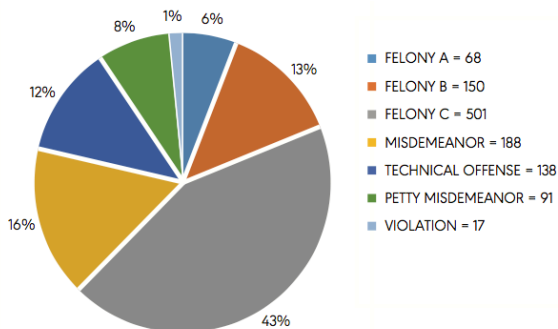
Honolulu has a wealth of innovators and thought-leaders from business, labor academia, non-profits, and other interest groups who are ready to share their knowledge, experience and insights in a collaborative effort to improve our criminal justice system and plan and design a jail that will meet the needs of our State ***without putting a huge financial burden to the next generation.*** It would be foolish not to tap into this reservoir of knowledge, experience, and insight in planning the new jail.

THE OPERATING COSTS OF THE NEW JAIL ARE NOT SUSTAINABLE

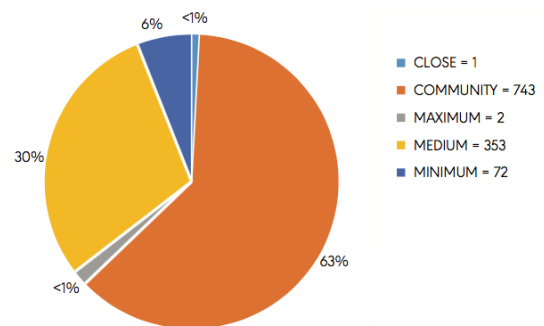
In June, 2021, the DPS and DAGS received a report from one of their consultants that said “assuming there are no changes in our criminal justice or correctional policies,” by 2024 the average daily population (ADP) of the new jail will be 1,237 inmates, and that the ADP would decrease to 918 inmates by 2032.⁴⁰

It now costs \$219 a day to house an inmate in Hawaii.⁴¹ That cost will almost certainly increase, but using the current figure, by 2024 the OCCC population will cost the State, on average, \$271,000 a day (\$99 million a year) decreasing to \$201,000 a day (\$73 million a year) by 2032 (assuming current costs). The lease rent on the new jail—which will include the private partner’s profit—will also have to be factored into the cost of operating the new jail.

Eighty-one percent of the men in OCCC are charged with low-level (class C) felonies or lesser offenses—misdemeanors, petty misdemeanors, technical offenses, or violations. Nearly 70% are in one of the two lowest security classifications—community custody (63%) and minimum security (6%),⁴² and 23% are men who violated a condition of probation but did not commit a new crime.⁴³



Severity Classification by Gender (Men)



Security Classification by Gender (Men)

There is no rational reason for keeping so many non-dangerous, low-level offenders in jail at such a high cost. We can't afford it, and it simply doesn't make sense. We should reduce our jail population as other jurisdictions across the country have been doing for years.

CREATING "OFF RAMPS" TO REDUCE THE JAIL POPULATION

The key to reducing the jail population is to have alternatives to jail, or "off ramps," at key decision points in the criminal justice process. A full discussion of this topic is beyond the scope of this paper, but what follows are a few "off ramps" that have been discussed in Hawaii and should be carefully considered before the State builds a costly 1,300-bed jail.

■ *Issue Citations Lieu of Arrest*

Police officers currently have discretion to issue a citation in lieu of arrest for misdemeanors, petty misdemeanors and violations.⁴⁴ In 2018 the HCR 134 Task Force on Criminal Pretrial Reform recommended that the legislature expand police officer's discretion to include issuing citations for non-violent, class C felonies.⁴⁵

Expanding the use of citations to non-violent class C felonies will reduce the number of people who are taken into custody and ultimately reduce the number of people who end up in jail.

■ *Establish A 24/7 Island-Wide Crisis Response Team*

Honolulu is one of many cities whose health care and criminal justice systems are challenged by a high volume of people experiencing a behavioral health crisis . In most cases the police and fire departments are called on to responded to these people, and in many cases the person in crisis ends up at the cell block and then in jail.

To address this problem the City and County of Honolulu recently launched a Crisis Outreach Response and Engagement (CORE) program that will use a team of emergency medical technicians and community health workers to respond to non-violent emergency calls about people in crisis.⁴⁶

That is a good idea, but unfortunately the program has been scaled back from the original concept. Instead of operating 24/7 it will operate only 12 hours a day, instead of operating island-wide it will only operate in Waikiki and Chinatown, and the response team will not include a social worker as originally planned.⁴⁷

Honolulu needs an effective, island-wide, 24/7 crisis response team. The goal should be a program that is as effective as the CAHOOTS (Crisis Assistance Helping Out On The Streets) program in Eugene Oregon that keeps people in crisis out of jail and saves the city millions of dollars every year.⁴⁸

■ *Expand Diversion Programs*

Diversion is one of the most important strategies for improving the lives people who need help, and at the same time reducing the jail population. Honolulu should have at least two types of diversion programs:

1. A Triage Center for People in Crisis. Triage centers are for people who are experiencing a mental health or drug-related crisis. They are open 24/7 and are staffed by mental health professionals. The primary function of the center is to provide stabilization and case management services. The best centers accept walk-in patients and patients brought in by emergency medical personnel, mobile crisis intervention units, law enforcement, and family members or friends. Triage centers are characterized by a streamlined admission process (less than 15 minutes) and a “no wrong door” policy (patients are not turned away). Triage centers are designed for stabilization rather than extended care.

2. Diversion Centers. Diversion centers provide case management services to people who are not in crisis but have chronic social, economic and medical needs, and people who have engaged in criminal activity related to poverty, addiction, mental illness, and homelessness. Pre-arrest diversion centers help people get back on their feet and reduce the chances that they will reoffend. They are effective in reducing the jail population and making communities safer.

A triage center and effective island-wide prearrest diversion centers would address the needs of the thousands of Oahu residents who are not getting the care and services they need, and significantly reduce our jail population.

■ *Enact Bail Reform*

A key decision point in the criminal justice system occurs when a person who has been arrested appears before a judge who determines whether the person should be released pending trial, or remain in custody until their case has been resolved. The pretrial release/detention decision is critically important to the defendant because studies have shown that “[j]ust a few days in jail can increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of those who

enter—making jail a gateway to deeper and more lasting involvement in the criminal justice system at considerable costs to the people involved and to society at large.”⁴⁹

For the disproportionately high number of people who enter jails from minority communities or who suffer from mental illness, addiction, and homelessness “time spent in jail exacerbates already difficult conditions and puts many on a cycle of incarceration from which it is extremely difficult to break free.”⁵⁰ Defendants who cannot make bail are at risk of losing their jobs, and with it the income that supports their children, pays their rent and utilities and puts food on the table. In the long run they can also lose their house or apartment, health insurance and custody of their children. After maxing out their credit cards, a family may end up deep in debt or even homeless.

In our society liberty is supposed to be the norm and detention prior to trial the exception, but in practice, just the opposite is true. A 2018 study by the ACLU-Hawaii found that overall judges in Hawaii required bail as a condition of release in 88% of cases, and in the majority of those cases it was set at a level the defendant could not afford.⁵¹

Almost half the people in OCCC are there because they cannot afford bail. In the six month period from April 1 to September 30 , 2021 pretrial detainees at OCCC cost the State, on average, \$113,000 a day. If we include the pretrial detainees in neighbor island jails the cost goes up to \$200,000 a day.

The use of money bail is often justified on the grounds that it makes us safer by keeping dangerous people in jail, but a report from the 2018 Criminal Pretrial Task Force chaired by Hawaii circuit judge (now U.S. magistrate) Rom A Trader found that “[t]here is virtually no correlation between the setting of a particular bail amount and whether the defendant will commit further crime or engage in violent behavior when released from custody. *Thus, money bail is a poor method of assessing and managing a defendant’s risks.*”⁵²

To create a truly just pretrial system, we must end money bail. That is not a radical idea. The federal government did it, and many jurisdictions have moved in that direction:

- The District of Columbia releases 94% of the people who are arrested without bail. Of those released, 91% make their scheduled court dates and 98% are not arrested for a violent crime while awaiting trial.
- Since 2017 New Jersey has rarely imposed money bail as a requirement of release. Last year the Chief Justice of the New Jersey Supreme Court reported that bail reform in the state was working “admirably and well,” court appearance rates exceeded 90%, and the percentage of defendants on pretrial release who are charged with indictable criminal activity remained “consistently low.”⁵³

- In February, 2021 Illinois completely eliminated money bail as part of a sweeping criminal justice reform bill that includes changes to every part of the justice system, from police accountability to sentencing.⁵⁴ The no bail law will not go into effect until 2023 to allow time for challenges to the bill and to train judges on how the new law should be applied.

It is time to quit tinkering with our money bail system in the hope that it will somehow become fair, equitable and just. It won't. If we want a truly just pretrial system, we have to end money bail.

We should eliminate money bail completely, but at the very least we should eliminate it for select non-violent class C felonies, misdemeanors, petty misdemeanors, and violations.

Judges should also be encouraged to release pretrial defendants on unsecured bail pursuant to HRS § 804-9.5 (2019). To our knowledge very few defendants have ever been released under this statute even though it has been the law for more than two years.

■ *Make Possession of 2 Grams Or Less of a Dangerous Drugs a Misdemeanor*

HRS §712-1243, Promoting a Dangerous Drug in the Third Degree (commonly referred to as “PDD3”), makes possession of “any dangerous drug *in any amount*” a class C felony punishable by up to five years in prison and a \$10,000 fine. The term “any amount” in HRS §712-1243 includes amounts as small as the residue found in a pipe.⁵⁵

PDD3 is one of the most commonly charged drug crimes. In 2020 the Hawaii Paroling Authority set more than twice as many minimum sentences for PDD3 than for all other drug crimes combined.⁵⁶ The average minimum sentence was 2.72 years, with sentences ranging from 1 year to 4.3 years.⁵⁷ PDD3 is often charged when an individual with a substance use disorder is arrested on a minor charge, and during the custodial search police find a small amount of a dangerous drug in the defendant's possession.

The Legislature should enact SB 527, Thirty-First Legislature, 2021, that establishes a new misdemeanor offense of Promoting a Dangerous drug in the Fourth Degree for possession of small amounts of a dangerous drug, and limits the class C felony of PDD3 to possession of two grams or more of a dangerous drug.

Moreover, we should recognize that addiction is a complex, multifactorial health disorder that is preventable and treatable *and “not the result of moral failure or a criminal behavior.”*⁵⁸ We should treat substance use disorders as a public health rather than a criminal justice problem, implement evidence-based prevention and treatment programs, engage scientific experts and diverse stakeholders in coordinated policy making, support drug-related research, and ensure access to scheduled medications for therapeutic use.⁵⁹

■ *Stop Housing Probation Violators in the Jail*

In the six months prior to the outbreak of the coronavirus pandemic in Hawaii (November 30, 2019 - April 30, 2020) there were, on average, 312 male probation violators at OCCC. The average daily cost to house the male probation violators was \$68,000 a day. Almost all of the men were in the HOPE probation program and were serving short sentences for violating program rules, *not because they committed a new offenses.*

In 2018 the HCR 85 Task Force on Prison Reform recommended that the State consider housing probation violators in dormitories or assigning them to community-based facilities where the reasons they violated the conditions of their probation could be addressed by mental health and/or addiction treatment professionals and hopefully remedied.”⁶⁰

Before building 300 or more beds in the new jail for probation violators at a cost that would probably be in the neighborhood of \$120 million,⁶¹ the State should follow the recommendation of the HRC 85 Task Force and explore other housing arrangements for HOPE probation violators.

————— P3s Are Not Suitable For Planning Jails —————

P3s may be suitable for projects like toll roads, bridges, and sewage treatment plants, but they are not appropriate for jails because jails require system planning. Before an architect picks up a pencil or puts a single mark on a piece of paper, a planning team that includes government officials *and community stakeholders* must arrive at a shared vision of a successful criminal justice system and define the function of the jail within that system. Architects sometimes describe this process with the maxim “Define Before You Design.”

In defining the role of the jail, the planning team must drill down on criminal justice data, identify the policies and practices driving the jail population, and plan for the expansion of alternatives to incarceration.⁶² Jail planning decisions have a broad impact and in many ways define the community of which the jail is a part—its values, vision, goals and aspirations. As such, jail planning can and must be done by the community, and the community alone: It cannot be outsourced to a corporation under a P3 contract.

The best way to design and build a successful jail is for the planning team to work closely with a good architect. In 2020 the American Institute of Architects (AIA) amended its Code of Ethics and Professional Conduct to include prohibitions against designing spaces intended for torture and indefinite or prolonged solitary confinement,⁶³ and in 2021 the New York Chapter of the AIA went a step farther and called on all architects to stop designing “inherently unjust, cruel,

and harmful spaces” and to shift to the creation of “new systems, processes, and typologies based on prison reform, alternatives to imprisonment, and restorative justice.”⁶⁴

The State should work with architects who have a track record of designing smart and humane spaces and who adhere to the ethical principles of the New York Chapter of the AIA. The architect who designs the jail should be willing to work closely with the community to ensure that the design of the jail aligns with community values and promotes the outcomes the community wants. P3s do not allow that to happen and *they should never be used to plan or design jails.*

Three other reasons why P3s are not a good idea for designing and building jails are:

- There is no reliable way to test whether a private sector proposal to deliver public infrastructure offers value for money compared to delivery of the same project by the public sector using conventional public procurement. Tools that purport to make such comparisons, called Public Sector Comparators (PSCs) tend to be unreliable due to: (a) lack of data on which to base cost estimates; (b) the difficulty of quantifying risks; (3) a lack of consensus on what discount rate to use for payments spread out over time; (4) the use of subjective judgments that can have a dramatic effect on cost estimates; and (5) the high cost of the modeling process.⁶⁵
- The contract between the private company and the State would likely last 30 or more years during which time the State’s correctional needs will undoubtedly change. P3s typically restrict how their facilities can be used, and that severely limits a government’s ability to respond to changing conditions.⁶⁶ If the State owned the facility it could modify it to meet its changing needs, or it could even repurpose or dispose of the facility entirely.
- Jails must be carefully maintained to protect the health and safety of inmates and staff, but there is a tendency for corporate owners to save money by ignoring problems or deferring maintenance at the public partner’s expense.⁶⁷

P3s Lack Transparency. In addition to the forgoing, one of the most troubling aspects of P3s is their lack of transparency and accountability. Alabama’s ill-fated partnership with CoreCivic* highlights the problem.

* CoreCivic (formerly known as Corrections Corporation of America) owns and operates the Saguaro Correctional Center in Eloy, Arizona, that houses approximately 1,100 Hawaii prisoners. The State of Hawaii has maintained a business relationship with CoreCivic or more than 20 years.

In 2019, Alabama Governor Kay Ivey announced that to reduce prison overcrowding she was seeking proposals from private corporations to design, finance, build and maintain two new prisons and lease them to the Alabama Department of Corrections (ADC) which would operate them with State employees. In soliciting and screening potential private partners, the Ivey administration promised that “any information received in response to the solicitation/request will not be publicly available until final contract(s) has received all approvals.”⁶⁸ In other words, there would be no public scrutiny of the partnership agreement until it was signed, sealed and delivered and it was too late for the legislature or anyone else to change it.

In the ensuing months the Ivey administration selected CoreCivic as the private partner and entered into confidential negotiations on the cost of the new prisons.

State representative Rich Ringo, a Republican like Governor Ivey, complained about the secret negotiations and said that at the very least the legislature was entitled to know the developer’s profit margin.⁶⁹

Representative Arnold Mooney, another Republican, said that lawmakers were being kept in the dark and asked rhetorically how they could carry out their fiduciary responsibilities to protect taxpayers without knowing anything about the P3 contracts or the cost of the prisons.⁷⁰

Student and community groups sought information about the project but the State rejected their open records requests and insisted that secrecy was necessary to protect the integrity of the P3 process.⁷¹

On February 1, 2021 Governor Ivey announced that her administration had reached an agreement with CoreCivic and signed contracts that obligated the State to pay approximately \$3 billion to lease two prisons for 30 years.⁷² Under the agreement the prisons would be financed, constructed, maintained and owned by CoreCivic, staffed by the Alabama Department of Corrections, and would be ready for occupancy by 2025.⁷³

The version of the contracts that were released to the public on February 1 contained scant information about the terms of the agreement or the responsibilities of the parties. In a press release the Ivey administration said that “trade secrets and security-related information would not be disclosed” and that final lease costs would become available only when “financial close is achieved with CoreCivic.”⁷⁴ A Fact Sheet said that “[a]s is common in a project of this size, the parties will continue to engage in confidential negotiations during the Financial Phase designed to refine the scope and price of the project.”⁷⁵ An entire Exhibit to the contract that was supposed to contain information on how CoreCivic would obtain financing for the project was marked “Confidential.”⁷⁶

Perhaps worst of all, the agreements had virtually no information on critical elements of the project such as the design of the prisons, maintenance and utilities management, environmental and sustainability services, plant services, and roads, grounds, and landscaping services.⁷⁷

Alabama State auditor Jim Zeigler said the contracts would “make a handful of developers multi-millionaires at the expense of Alabama taxpayers” and said he would try to stop construction of the new prisons.⁷⁸

In early April, 2021, Barclays, the London financial services firm that was the primary underwriter for the prison project, tested the waters and found that there was weak support for municipal bonds to fund new prisons in Alabama. Barclay’s also experienced a wave of criticism from the financial community and the public because it had previously agreed that it would not participate in bond offering to build prisons.⁷⁹

On April 12, 2021, 43 business leaders, investors and activists signed a letter urging banks and investors to refuse to purchase bonds for the new prisons on the grounds that they would “perpetuate mass incarceration.”⁸⁰ Signers included AllianceBernstein, a firm with \$700 billion in assets under management, which announced that they would not participate in the offering because it contravened their policy against “modern slavery.”⁸¹

And in an unprecedented move, the American Sustainable Business Council and its partner, Social Venture Circle, which together represent over 250,000 businesses, returned Barclay’s membership dues and sponsorship to protest the deal.⁸² MaryAnne Howland, the American Sustainable Business Council’s board chair announced the move, saying “We abhor the hypocrisy represented here and renounce the continued investment in the broken, unjust system of incarceration of this country.”⁸³

On April 19 Barclays announced: “We have advised our client that we are no longer participating in the transaction.”⁸⁴ A short time later KeyBanc Capital Markets, Inc. a co-manager on the deal also announced its withdrawal, and the whole P3 collapsed.⁸⁵

Hawaii is heading down the same treacherous and misguided path as Alabama. It is seeking a similar P3 and it is managing the P3 process with the same degree of secrecy that plagued the Alabama project. In October DPS and DAGS announced that had issued a Request for Information (RFI) to obtain feedback on the new jail. It received responses from 22 contractors, designers, financiers, equity investors, and others *but it has not released the names of any of the respondents or what they said about the project.*⁸⁶

The State is now preparing to issue a Request for Qualifications (RFQ) to determine which companies will be allowed to participate in the RFP next year. We can expect that the RFQ, will

be cloaked in the same secrecy as the RFI, and that DPS and DAGS will continue to plan the new jail in secret.

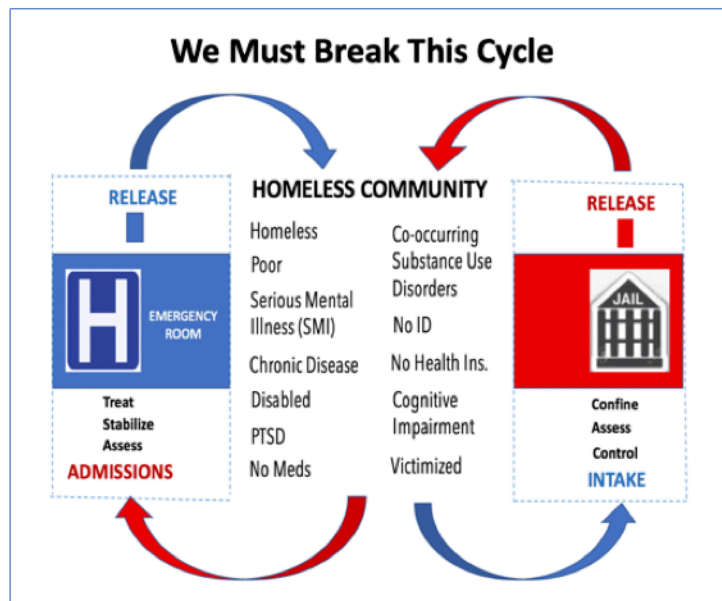
It is time for legislators and the public to step up and demand transparency in the planning of the new jail and *put an end to the secret P3 process.*

21ST CENTURY JAIL DESIGN

Architect Louis Sullivan’s adage “form follows function” raises the question “What should be the function of a jail in the 21st century, and what form should it take?”

The way jails are used today has been shaped by two major events. The first was the closing of state mental health hospitals or “asylums” as they were known, in favor of community-based treatment for the mentally ill. The “deinstitutionalization” of the mentally ill was a well-intentioned policy given the deplorable conditions in state mental hospitals, but it didn’t work. There was not enough money for the community-based centers, so they never materialized, mental health professionals 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 of deinstitutionalization, many mentally ill people went untreated and ended up living on the street, a situation that exists to this day. In 2016 the Honolulu Police Department reported that 43% of all arrests were homeless people and that 72% of the homeless people in the police cellblock were mentally ill or on drugs.⁸⁷ Eighteen percent of the homeless population of Oahu say they have mental health issues,⁸⁸ and about 700 individuals diagnosed with Severe and Persistent Mental Illness (SPMI) are admitted to OCCC each year.⁸⁹ DPS estimates that between 9.5 % and 12% of the OCCC population are mentally ill, and on average these people cycle through the jail about once every four months, with some cycling through *every six weeks.*⁹⁰



The second major event was the passage of highly punitive state and federal laws beginning in the 1970s in response to rising crime rates and a period of tumultuous political and social change.⁹¹ From 1970 to 2000 Hawaii's combined jail and prison population increased 670 percent, and the incarceration rate increased 400 percent.⁹² "Hawai'i didn't just follow mainland 'tough on crime' trends, it led them."⁹³ In the 1980s the average annual increase in Hawaii's prison population was the second highest in the nation.⁹⁴

Today our jails function as *de facto* mental hospitals and temporary shelters for people who are homeless, too poor to make bail, and have chronic illnesses and substance use disorders.

■ *Modern Jails Should Have a Problem-Solving Function*

There are emerging paradigms in the criminal justice system that focus on problem solving and reducing recidivism rather than punishment.⁹⁵ A few examples are:

- Treatment Courts that offer alternatives to incarceration for offenses related to drug use, mental illness, domestic violence, and issues that specifically affect veterans and youth.
- Community Courts that provide alternatives to jail for low-level offenses;
- Equity Centers that support, health, arts, education and job training for those leaving prison and re-entering society;
- Restorative Justice programs that focus on rehabilitation through reconciliation with victims, family members, and the community at large;
- Peacemaking Programs modeled on Native American practices that seek to resolve disputes, heal relationships, and restore balance to the community; and
- Parent Support Programs that help non-custodial parents find employment, increase child support payments and engage with their children.

Jails in the 21st century should have a problem-solving function and be part of the problem-solving continuum, though positioned at the far end of the spectrum and used as a last resort.

Assuming that Hawaii enacts reasonable bail reform, pretrial detainees, who make up between 40% to 50% of the jail population, will not remain in jail more than a few days, and certainly no longer that it takes for a pretrial report and risk assessment to be prepared for a judge. During that time detainees' physical, mental, and economic needs should be assessed by case managers at the jail. The case managers should ensure that prior to release detainees have a discharge plan that, at a minimum, includes a place to live, health insurance, a primary care physician,

medication, a cell phone to stay in contact with court personnel, and access to drug or mental health programs if appropriate.

Hawaii's jails house a relatively small number of felons, misdemeanants and felony probationers who are sentenced to incarceration for a period of less than one year. Their needs should also be assessed, and treatment should begin while they are serving their sentence. They should also have a comprehensive discharge and reentry plan to ensure continuity of care when they are released.

■ *Intensive Reentry Support – The Queens Care Coalition Model*

Some of the people who are released from jail can access services on their own, but some will need extra help which should be provided by a program modeled on the work of the highly successful Queen Care Coalition (QCC). QCC uses community health workers as “navigators” to link high utilizers of the Queens Medical Center’s Emergency Department (ED), many of whom are chronically ill and unsheltered, to services in the community with the goal of improving their health and well-being and reducing their use of the ED.⁹⁶

The QCC navigators have strong communication skills. They carry a small case load of 10 to 12 clients and adhere to harm reduction principles. They meet their clients “where they are at,” build trust, create an agreed upon action plan, and work on overcoming challenges incrementally. They help their clients navigate the complex benefits system, connect them to a primary care physician, and find housing for them if they are ready for it. They sometimes attend doctors’ appointments with the client, take them shopping, and even show them how to prepare simple meals—whatever is needed.

The program works. In the period January 2018 to September 2019 QCC served 322 individuals. In this group, utilization of the ED decreased by 53% and the number ambulance transports to the hospital dropped 54%.⁹⁷

The manager of the QCC program has said that the model of small caseloads, frequent contact, harm reduction, and goals driven by the patient rather than those assisting them, can be adapted to reduce recidivism by people who repeatedly cycle through our jails without ever getting care they need.⁹⁸ Navigators should be part of the reentry process for those who need extra help.

Some Design Elements of a 21st Century Jail

For many architects, designers and planners, Halden prison in Norway is the model of good correctional planning. Although it is a prison, not a jail, its design principles and many of its design features are applicable to both types of facilities.

The aim of the design is an environment that supports rehabilitation. Safety and order are maintained through “dynamic security” in which staff and inmates interact constantly and staff serve as role models for inmates. Activities are scheduled to avoid monotony and boredom. The facility is designed to mirror life on the outside to the greatest extent possible so that prisoners do not become institutionalized. The government agencies that provide employment, health, housing, vocational rehabilitation and other services to the general public, provide their services people who are incarcerated.

Interior features include spacious single-occupancy cells with tall vertical windows to admit natural light; wooden furniture (bed, desk, chair, bookcase, storage area); safety glass windows (no bars); the use of materials that dampen sound and provide good acoustics; modules limited to 10 inmates who share a common living area or day room furnished with normal furniture and a television; spaces specifically designed for education, leisure and worship; indoor and outdoor exercise areas; a library; and comfortable areas for contact visits with family and attorneys.



Single Occupancy Cell, Halden Prison

Prisoners should have access to thoughtfully landscaped outdoor spaces. A recent study has shown that prisons with a higher presence of green space have lower levels of self-harm, and lower level of prisoner-on-prisoner and prisoner-on-guard violence.⁹⁹

The jail should have a courtroom for hearings and bench trials. That would reduce transportation costs, the security risks associated with prisoner transportation, and would expedite case processing and reduce length of stay in the jail.



Open space, Halden Prison

Severely mentally ill people should *not be housed in a jail*. They should be housed in a facility specifically designed for the mentally ill and staffed by mental health professionals.

In general, the 21st century jail is designed to respect the physical needs, health, dignity, and human potential of all who come in contact with it, including staff, visitors, service providers, and detainees.¹⁰⁰

CONCLUSION

Planning a new jail provides a unique opportunity to rethink and improve important elements of our criminal justice system in ways that will reduce our jail population and recidivism rate, save money, improve the well-being of people struggling with physical, mental and economic issues, and make our community safer. We should not squander that opportunity by rushing to build a jail that looks backward rather than forward and leaves in place the many antiquated and misguided policies and practices that perpetuate our overreliance on incarceration as a means of dealing with complex social and economic issues.

Planning a new jail must be part of a larger process of planning alternatives to jail. We must increase our capacity to help people while making every effort to reduce the harm that jails cause.

The collective wisdom of community stakeholders must be an integral part of the planning process because the best solutions come from people who know the local culture and environment. The people who have been planning the new jail thus far have underestimated and devalued the wisdom of Hawaii's people and their ability to collaborate and find innovative and transformative solutions to the problems facing our community.

Jails define who we are, what we believe in, and how we treat each other. We should never outsource our values to a corporation or let a corporation define who we are.

Decisions about the type of jail we build, who is in it, and how it is used, are not political or financial decisions, they are moral decisions, and it is clearly immoral to build a jail we know will cause harm, when we can just as easily, and far less expensively, build a jail that will mitigate harm and improve the well-being of members of our community.

We must join together now to stop the State from issuing an RFP for the new jail, and start planning a jail that we can afford and that reflects our values.

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- ⁸⁵ Eddie Burkhalter, “Barclays pulls out as underwriter for CoreCivic’s Alabama prison construction.” *Alabama Political Reporter*, April 19, 2021. Retrieved from <https://www.alreporter.com/2021/04/19/barclays-pulls-out-as-underwriter-for-corecivics-alabama-prison-construction-deal/>
- ⁸⁶ Hawaii Department of Public Safety, “OCCC Procurement Process Advancing, Future of the Oahu Community Correctional Center, Vol. 37, October 2021, 2. Retrieved from https://dps.hawaii.gov/wp-content/uploads/2021/10/Hawaii-OCCC_newsletter_Vol37.pdf
- ⁸⁷ HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66.
- ⁸⁸ Partners in Care, Oahu’s Continuum of Care, “2020 Oahu Point In Time Count,, 8. Retrieved from <https://www.honolulu.gov/rep/site/ohou/PIC2020PITCountReportFinal.pdf>
- ⁸⁹ HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66.
- ⁹⁰ HCR 85 Task Force, *Creating Better Outcomes, Safer Communities*, 66. See also Meg O’Connor. “Honolulu Police Keep Putting Homeless People in Jail.” *The Appeal*, May, 2020. Retrieved from <https://theappeal.org/honolulu-police-criminalization-homelessness-coronavirus-pandemic/>
- ⁹¹ Jeremy Travis, Bruce Western, and Steve Redburn (eds). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18613>. 2 Retrieved from <https://www.nap.edu/read/18613/chapter/2>
- ⁹² Meda Chesney-Lind and Robert Merce, "Toward a Smaller, Smarter Correctional System for Hawai‘i" in *The Value of Hawai‘i 3: Hulihia, the Turning*, Noelani Goodyear-Ka‘ōpua, Craig Howes, Jonathan Kay Kamakawiwo‘ole Osorio, Aiko Yamashiro, Paige Rasmussen and Craig Howes (eds). University of Hawaii Press (2021). 115. Retrieved from <https://scholarspace.manoa.hawaii.edu/bitstream/10125/70171/9780824889159.pdf>

- ⁹³ Chesney-Lind and Merce, *Toward a Smaller, Smarter Correctional System*. 115.
- ⁹⁴ Patrick A. Langan, John V. Fundis, Lawrence A. Greenfield. *Historical Statistics on Prisoners in State and Federal Institutions Yearend 1925–86*. Bureau of Justice Statistics, U.S. Department of Justice, May 1988. Retrieved from <https://www.ncjrs.gov/pdffiles1/digitization/111098ncjrs.pdf>.
- ⁹⁵ Doris Layton MacKenzie, *Sentencing and Corrections in the 21st Century: Setting the State for the Future*, July 2001. Retrieved from <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/ncjrs/189106-2.pdf>.
- ⁹⁶ Ashley Shearer. “This Queen’s Medical Center Program Is Improving Lives For Those In Need, Honolulu Civil Beat, February 8, 2021. Retrieved from <https://www.civilbeat.org/2021/02/this-queens-medical-center-program-is-improving-lives-for-those-in-need/>.
- ⁹⁷ Shearer, *Queen’s Medical Center Program Is Improving Lives*.
- ⁹⁸ Shearer, *Queen’s Medical Center Program Is Improving Lives*.
- ⁹⁹ Dominique Moran, Phil I. Jones, Jacob A. Jordaan & Amy E. Porter. *Does Nature Contact in Prison Improve Well-Being? Mapping Land Cover to Identify the Effect of Greenspace on Self-Harm and Violence in Prisons in England and Wales*, *Annals of the American Association of Geographers*, 111:6, 1779-1795, DOI: [10.1080/24694452.2020.1850232](https://doi.org/10.1080/24694452.2020.1850232) (2021). Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/24694452.2020.1850232?journalCode=raag21>
- ¹⁰⁰ CGL, “The Jail of the Future: A Vision of 2030.” Retrieved from <https://cglcompanies.com/the-jail-of-the-future-a-vision-of-2030/>.

HB-2516

Submitted on: 2/7/2022 1:09:18 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lewis Glenn	Individual	Support	No

Comments:

In the interest of justice and fiscal responsibility, I strongly support HB2516. Citizens of Hawaii deserve better than the profligate plan to build a new prison that will cost over a billion dollars while housing a multitude of low level "offenders," many of whom can and should be served with housing, mental health and addiction treatment services. Private prisons are profit making entities; providing care and treatment of incarcerated is not their primary interest, or perhaps their interest at all. Hawaii, we can do better. Be fiscally smart. Show Aloha.

HB-2516

Submitted on: 2/7/2022 1:18:32 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Greg Puppione	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. This money can and should be put to better use. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 1:20:41 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
I. Robert Nehmad	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to reconsider its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration

HB-2516

Submitted on: 2/7/2022 1:22:37 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kevin landers	Individual	Support	No

Comments:

Aloha

Again, this is the bare minimum the legislature can consider doing in order to move in a humane, sane, cost effective approach to reforming a ineffective system of punitive social control (it's not justice). Please support this measure. No new cages.

HB-2516

Submitted on: 2/7/2022 1:31:29 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Support	No

Comments:

This is the best direction.

Testimony of Jacquie Esser to the House Committee on Corrections, Military, & Veterans

February 9, 2022

H.B. No. 2516: RELATING TO CORRECTIONAL FACILITIES

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

I write in strong support of House Bill 2516 which pauses development of a new jail to replace the O'ahu Community Correctional Center (OCCC) and requires the Hawai'i Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

I firmly agree with the findings by Robert K. Merce, the vice-chair of the House Concurrent Resolution 85 Task Force on Prison Reform, in a monograph he authored, *Getting It Right: Better Ideas for a New Jail*, in which he argues the new jail planning process was flawed from the beginning and that the new jail will be a financial disaster and produce bad outcomes for decades unless we work together to “build an innovative and transformative jail that will address the inequities of our criminal justice system, save lives, and meet the ever-evolving needs of our community.” [p.2].

The planning of the new OCCC should be paused and a Criminal Justice Reform Committee should be established and convened to review and, if necessary, revise the planning that has been done to date, and to actively participate in the planning process moving forward.

This process is too important to not get right. The decision you make today will impact our community for generations.

Mahalo for the opportunity to provide testimony.

HB-2516

Submitted on: 2/7/2022 1:44:48 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roger Epstein	Individual	Support	No

Comments:

Please do not continue approval of a new prison; especially in partnership with a for profit organization. There are many much better remedies for lowering prison population (like changing the cash bail system and sending drug addicts for rehab, and others in the export report the Leg commissioned), and much better uses for the enormous amount of money this will cost. Please stop this unnecessary boondoggle now before it becomes another Rail around our necks.

mahalo and aloha, Roger Epstein

HB-2516

Submitted on: 2/7/2022 1:55:07 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lindsay Ann Pacheco	Individual	Oppose	No

Comments:

Creating a new "jail" makes no sense! Hawaii does not need another jail. What Hawaii needs is more affordable supportive housing for folks who are released from institutions, that will continue with rehabilitation services, employment services, etc. We currently do not have very many supportive housings in place for those who get released from institutions with nowhere to be released to.

Will Caron
Pālolo Valley
willcaronforhawaii@gmail.com

February 7, 2022

TO: House Committee on Corrections, Military, and Veterans
RE: Testimony in Support of HB2516

Aloha Committee Members,

I **strongly support HB2516** and ask that the committee pass the bill on to the full house for second reading.

The overcrowding situation in our jails and prisons is a direct result of law enforcement and criminalization policies that have created our current system of mass incarceration—a system which targets people and communities of color at disproportionate rates, demonstrating its roots in and perpetuation of systemic racism.

A bigger jail **will not** reduce this overcrowding as long as these mass incarceration policies continue to define our system of justice in the United States.

If the system is designed to lock people up, it will lock people up. The larger size of the jail will, therefore, 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, larger facility would be a waste of taxpayer dollars. 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;
- Divert people to mental health and drug treatment services whenever possible;
- Reduce police budgets; and
- Divert the funds to community-based educational and rehabilitation programs that do a better job of keeping us all safe by reducing recidivism and creating a space for healing and re-integration into the community.

And we should also:

- Raise the minimum wage and create genuine affordable housing; and
- Invest in education, childcare and keiki health.

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 policies rooted in racism, from the criminalization of poverty, toward a system that promotes accountability, healing and true justice. Please support this bill.

Mahalo for the opportunity to testify.

HB-2516

Submitted on: 2/7/2022 2:21:46 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara L Franklin	Individual	Oppose	No

Comments:

I do not support building more prisons that will be filled with primarily people of Hawaiian descent, people of color, and the poorest in our society. I support building a more inclusive and less discriminatory society, not more prisons. Let's reform the bail system so people are not incarcerated prior to sentencing for minor or technical offenses. Let's build a more just society with opportunities for families and youth to have a future they can look forward to, not an oppressive punitive society that discriminates against the poor by incarcerating them.

HB-2516

Submitted on: 2/7/2022 2:25:27 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
donn viviani	Individual	Support	No

Comments:

I'm writing in support of HB2516 I'm Donn Viviani. My wife and I live in Kailua and have family in the Punchbowl and Aina Haina areas. This project seems like a terribly inefficient use of tax dollars, especially in the midst of a pandemic. Please consider other alternatives. Mahalo

HB-2516

Submitted on: 2/7/2022 2:43:52 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

Stop wasting time and build the Prison!

HB-2516

Submitted on: 2/7/2022 3:05:01 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Inge Detlefsen	Individual	Support	No

Comments:

Dear Chair Ohno & Vice Chair Ganaden,

I am testifying in strong support of HB2516 relating to correctional facilities. There is a bias in our jail systems towards locking up minorities and poor people and many people remain locked up because they cannot afford bail, or because they violated a technical violation. Underlying reasons many people are incarcerated include lack of housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues.

The money for a new jail could be used for myriads of purposes, including provision of affordable housing, mental health and substance abuse programs, reintegration programs after jail.

Please vote yes on HB2516.

Thank you for your consideration.

Inge Detlefsen, Honolulu

HB-2516

Submitted on: 2/7/2022 3:40:11 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marya Grambs	Individual	Support	No

Comments:

I am writing to express my strong support for this bill. There has been little community input to a project that is expected to cost up to \$1 billion, and there has been little to no transparency. Other options should be explored. It is not clear that this massive new jail is necessary. We should be exploring ways to incarcerate fewer people, not make room to incarcerate more.

HB-2516

Submitted on: 2/7/2022 3:43:24 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shay Chan Hodges	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

--Shay Chan Hodges, Maui, Hawaii

HB-2516

Submitted on: 2/7/2022 3:44:58 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erick Peter Ehrhorn	Individual	Support	No

Comments:

To:

Rep. Takashi Ohno, Chair
Rep. Sonny Ganaden, Vice Chair

Dear Representatives,

Re: HB2516 RELATING TO CORRECTIONAL FACILITIES.

I have always opposed new prisons as the United States of America has the most prisoners behind bars. This is not good for a country that prides itself on freedom.

Why do we have so many prisoners? A new prison will be just like Donald's Wall, it deals with a symptom, not the cause. Instead of building a new shiny building work on reducing the causes that leads to crime. Instead of locking people up, provide housing for the homeless. Pass a living wage so that people will not need foods stamps in order to survive. Improve our education system. These things will deal with the underlying cause and will lead to less crime.

If we do build a prison it should be built like Finland or other European countries where prisons resemble college campuses rather than a prison. Punishment is not the purpose but making them productive citizens.

Finally just legalize marijuana fully. Stop the bull c... that one has to deal in when qualifying for a prescription to pay double or triple the black Market price. And then it is only good for 2 years? Stop being so greedy. I refuse to jump through hoops to enjoy a plant made on the third day of creation. Why do you dislike God's creation?

Thank you for considering my position.

Best Regards,

Peter Ehrhorn

254 Kaha st.

Kailua Hi 96734

HB-2516

Submitted on: 2/7/2022 4:20:04 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tadia rice	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 4:21:02 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chuck Taylor	Individual	Support	No

Comments:

Nearly half of Hawaii's jailed population is Native Hawaiian or Pacific Islander and most people remain locked up because they cannot afford bail or because they violated a technical violation. This has created a defacto debtor's prison. It is time for Hawaii to reform the cash bail system like the State of California has done, not to spend a billion dollars on a new prison.

HB-2516

Submitted on: 2/7/2022 5:08:41 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
DeVaughn Ward	Individual	Support	Yes

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 5:11:54 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lee Curran	Individual	Support	No

Comments:

Aloha Chair Ohno, Vice Chair Ganaden and Committee Members,

My name is Lee Curran and I am testifying as an individual who is a co-facilitator of the Transformative Justice Task Force which is part of Faith Action for Community Equity, (FACE) I am testifying in STRONG SUPPORT of House Bill 2516 relating to correctional facilities.

Although my primary focus is cash bail reform this legislative session, I feel deeply moved to testify due to the intersectionality of the myriad of criminal legal injustices. Our nation is addicted to mass incarceration. This started prior to the founding of the United States as a nation and has progressively escalated to the point of an addiction that is a public health and well-being crisis. Policing, surveillance and the carceral system have always been grounded in classism, racism and a lack of transparency.

This lack of transparency shows up glaringly in the absence of community engagement about building a new OCCC as well as the fact that the state will not release information on the people and entities that submitted applications to the Request for Information. Just because we have been operating in this dysfunctional system and our brains have been wired to accept these false narratives that incarceration equals safety, we don't have to continue in this gerbil wheel of bad outcomes that don't keep us truly safe or serve us well.

We have the opportunity to think in an expansive, asset framed way that allows us to dismantle the current failed system. I struggle with what that would look like in a legislature that is driven by fear-based narratives, exploitive capitalism, data driven evidence and metrics. That feels like it doesn't leave space for reimagining options much different than ones we have always experienced.

I encourage you to read Bob Merce's report, Getting it Right: Better Ideas for a New Jail. His report is a great springboard for reimagining our current carceral system and offers alternative ways to spend \$1 billion such as investing in and resourcing our communities. Please pass HB2516 that requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee and appropriates moneys to that end. By passing HB2516, you will create the time, space and community involvement that is needed in this reimagining of mass incarceration.

I am grateful for this opportunity to testify in support of HB2516 and ask that this message of change, grounded in care, compassion and community, sits on your hearts and impacts your decision-making as you create laws that recognize and uplift the humanity and inherent dignity and worth of the people of Hawai'i now and in future generations.

With hope for a more just and equitable Hawai'i nei,

Lee Curran

Makaha, Oahu 96792

HB-2516

Submitted on: 2/7/2022 5:55:48 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chantell Cambia	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Those who are incarcerated is because they lack housing, healthcare, and mental health services. New jails and prisons are not the solution nor what needs to be funded. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 6:08:56 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathryn Rose	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities.

I'm a former Hawai'i resident, and my loved one has been incarcerated at OCCC for two years. My loved one has now contracted COVID19 twice while behind bars, as a direct result of the State's reliance on incarceration over investment in the housing, healthcare, and mental health services necessary to support stable, productive lives and true public safety.

Research has shown that jails are "epidemic engines," and during the COVID19 pandemic, jail outbreaks have been conclusively tied to significant increases in community spread of COVID19 (see the work of Reinhardt and Chen, eg: <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00652>.) Despite the Department of Public Safety's "Pandemic Response Plan," COVID outbreaks in jails are simply inevitable due to the very nature of jails themselves, and the only solution is a commitment to decarceration and social investment.

Today is the day to begin building the world we want to live in. If we do not want to live in a world of violence, we need to stop investing in the violence of incarceration. If we want to live in a world where people care for one another, we need to invest in systems of care. We are fortunate to live in a time of a serious social reckoning with the system of mass incarceration built over the past several decades. We reckon with its inherent violence, with its disparate impact on the poor, the black and brown and indigenous, the mentally ill. We reckon with its wasteful ineffectiveness as we see that it simply hasn't made us safer. We reckon with its incompatibility with social investment, and with the way it has destroyed families and communities through its destabilizing effects. We don't need to continue down this tragic road just because it's what we've always done.

Please don't fall for the fantasy that the solution to overcrowding in jails is the construction of bigger jails. No matter how big the jails are, we will continue to fill them and overfill them, time and time again, while we abandon and divest from our social needs.

I urge your support of HB2516, for true public safety.

Mahalo for your consideration.

Respectfully submitted,

Kathryn Rose

San Francisco, CA

HB-2516

Submitted on: 2/7/2022 6:42:09 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy Davlantes	Individual	Support	No

Comments:

Five years and almost \$10 million have been spent on trying to figure out how best to house Oahu's current and future correctional populations. Other than fattening consultants' bottom lines, we have become no closer to realizing that more prisons are not the answer.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues.

Please vote yes on HB2516. Mahalo for your considering this testimony.

HB-2516

Submitted on: 2/7/2022 9:03:54 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christy MacPherson	Individual	Support	No

Comments:

Aloha members of the House Committee on Corrections, Military, & Veterans,

I am in strong support of HB 2516. We don't need another prison here to incarcerate more people who don't even belong there in the first place. We don't need to line the pockets of corporations who have *everything* to gain from building it. What we NEED is reform so that people can live healthy lives and contribute to society in meaningful ways. That's where our monies should be concentrated.

Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 10:03:57 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colleen Rost-Banik	Individual	Support	No

Comments:

Aloha. My name is Colleen Rost-Banik. I am a resident of Honolulu and a Lecturer within the University of Hawaii system. As a Lecturer of Sociology and Women's Studies, it has been my fortune to teach courses within the Women's Community Correctional Center. Because most of my students have spent time at OCCC, I have heard a number of stories about its overcrowding and the outdated, dilapidated facilities. I understand that the conditions at OCCC are horrendous. HOWEVER, I strongly support HB2516, and ask you to do the same. We need to halt construction of any new correctional facilities, especially considering that our criminal justice system relies too heavily on incarceration and disproportionately imprisons Native Hawaiians and Pacific Islanders. Rather than spend more money on jails and prisons, we need to be placing this money into safe and education, affordable housing, mental health care, and substance abuse treatment programs. We cannot police and jail our way out of the State's social and economic problems. Instead, we need to create policies and practices that allow for greater safety nets and support of our most vulnerable people.

Respectfully,
Colleen Rost-Banik, PhD

HB-2516

Submitted on: 2/8/2022 1:13:49 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jen Jenkins	Individual	Support	No

Comments:

Please pass this bill.

HB-2516

Submitted on: 2/8/2022 2:09:20 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
B.A. McClintock	Individual	Support	No

Comments:

am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo.

HB-2516

Submitted on: 2/8/2022 8:56:06 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Gibson-Viviani	Individual	Support	No

Comments:

TO: COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

FROM: Wendy Gibson-Viviani RN/BSN

RE: **HB2516 – In Support**

Hearing: Wednesday, February 9, 2022 at 10:00 a.m. Via Videoconference

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

My name is Wendy Gibson-Viviani, and **I am writing in support of HB2516** —a bill that would: mandate the slowing down of development of a replacement for OCCC; require the establishment of a Criminal Justice Reform Committee and appropriate the necessary moneys.

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. I believe 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**.

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**. 2,3,4

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 and harm reduction programs instead.

For example, The Law Enforcement Assisted Diversion (LEAD) Program (now known as Letting Everyone Advance with Dignity) is still in its infancy and needs more time to work before developing a new jail. It was developed in 2018 to help divert non-violent offenders into social services instead of incarceration and to foster better relationships between law

enforcement officers and the communities they serve. A 2020 report showed some **progress**: a 55% reduction in citations, 40% decrease in emergency room use, a 38% decrease of living unsheltered on the street, and a 30% decrease in experiencing violence, assault or trauma.

This program has expanded to Hawaii Island, Kauai and Maui, however, as of September 2020, LEAD HNL diversion **referrals had not begun in earnest** before the funding got cut (related to COVID-19). 1.

Also, if we are successful at **reforming** (or ridding ourselves) of the **current cash bail system**, we might reduce our jail/prison populations and will also be another step closer to having meaningful changes to our criminal legal system. 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). I believe that Hawaii can do the same.

Thank you for the opportunity to express my views about HB2516. I hope you will support it too.

Wendy Gibson-Viviani RN/BSN

Kailua (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

And <https://www.hhhrc.org/lead>

2. House Concurrent Resolution No. 85 (Regular Session 2016),

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

4. Hawai'i Correctional System Oversight Commission, 2020 Annual Report (December 2020), pages 47-52

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

HB-2516

Submitted on: 2/8/2022 9:12:18 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ms. Jill Rabinov	Individual	Support	No

Comments:

Aloha Chair Ohno and Vice Chair Ganaden,

I am testifying in strong support of HB2516 relating to correctional facilities. Most people remain locked up in prison because they cannot afford bail or because they violated a technical violation. Also, many people are incarcerated because they lack housing, healthcare, and mental health services. Nearly half of Hawai'i's jailed population is Native Hawai'ian and Pacific Islander.

We know that new prisons are not the solution. Instead of wasting so much money on enhancing prison infrastructure, the state needs to stop its reliance on policing and prisons to address social and economic challenges.

Please vote "yes" on HB2516 and keep our loved ones together. Mahalo for your consideration.

Sincerely,

Jill Rabinov

February 7, 2022

TO: Rep. Takashi Ohno, Chair; Rep. Sonny Ganaden, Vice Chair; and Members of the House Committee on Corrections, Military, and Veterans.

FROM: Barbara Polk

RE: Testimony in Support of HB2516 Relating to Correctional Facilities

Thank you for the opportunity to testify. I have been concerned for several years about the criminal justice system in Hawaii, and especially about the planning for a new jail. **I urge you to approve HB 2516** to pause the planning until there is community input and a true discussion of the role of jails in our society and the kind of jail that would reduce recidivism and return people to society as more functional than when they entered.

We all agree that a new jail is needed, but it is important to build a jail that improves the safety and well-being of the people of the State. Unfortunately, the planning for the jail has involved no real opportunity for public discussion of our criminal justice system and the role of the jails in that system. The planners and DPS seem to have felt that their task was to create a building that reduced overcrowding and could be run as efficiently as possible. There appears to have been little or no consideration of how the building would impact the people who are held there. As a result, some aspects of the plan fly in the face of current thinking about how jails can effectively modify behavior and reduce recidivism.

As for community input, the planners will tell you of all the meetings they have held in the community. However, I attended two of those meetings, both of which were basically held to present the current status of planning and neither of which provided an opportunity for *discussion*. In the first one, following a presentation by the planners and DPS, the audience was asked to write any questions or comments, or to talk with one of several planners who were stationed around the room. This process did not allow for community interaction. The second session, following a presentation, held a hearing, with individuals signing up to speak for not more than 3 minutes, as in a legislative hearing. A panel of planners and DPS personnel sat at the front and listened, but again, there was no interaction, and no response from the panel to anything that was said. This is simply not a way to plan a jail that will substantially impact the population of Honolulu for up to 50 years in the future. It is far better to pause the process, despite leaving people in very inadequate facilities, than to spend a billion dollars or more on a nicer looking facility that is even more inadequate, by introducing processes that have been shown to have a negative impact on outcomes.

The second part of this bill would establish a broad-based committee to participate equally in the planning. That is a good idea. I suggest that the bill include that the committee will focus on the reports of three previous commissions—namely, the Final Report of the HCR 85 Task Force on Prison Reform (December 2018), The Final Report

of the Criminal Pretrial Task Force (December 2018), and The Native Hawaiian Justice Task Force Report (2012)—as a starting point for discussion. Then, the Committee, along with the developers and planners should hold discussion sessions with interest groups throughout Oahu to discuss the recommendations of those three Task Forces, including meetings with native Hawaiians; disadvantaged minority groups; formerly incarcerated people and their families; non-profit organizations dealing with poverty, homeless, mental health and substance abuse issues; academic researchers and other knowledgeable professionals, and any other groups deemed by the committee to have important contributions to the discussion.

In summary, it is important in building a jail to do it right, and therefore **it is necessary to pause the process to do it right. Please pass HB 2516.**

HB-2516

Submitted on: 2/8/2022 9:50:33 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John A. H. Tomoso	Individual	Support	No

Comments:

02-08-22

RE: HB2516

Aloha kakou,

I support this Bill because I think the development of a new facility to replace the Oahu Community Correctional Center will detract from the real work of criminal justice and public safety reform. I believe requiring the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee is a strategic move I understand the need for and am supportive of the necessary appropriations for this Bill.

Me ka mahalo

John A H Tomoso+, MSW, ACSW

51 Ku'ula Street

Kahului, Maui, HI 96732-2906

cc: Maui Reentry Hui

HB-2516

Submitted on: 2/8/2022 9:55:32 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Peter Koulogeorge	Individual	Support	Yes

Comments:

Hello,

My name is Peter and I am testifying in strong support of HB2516 relating to correctional facilities.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for jail infrastructure enhancement, the state needs to stop its reliance on policing and jailing to address social and economic issues. Amend this bill to place a moratorium, not just a pause, on the construction of a new jail.

This bill is critical to making our communities safer, stabilizing families, addressing jail overcrowding, and saving Hawai'i residents hundreds of millions in taxpayer dollars. Please vote yes on HB2516 and place a moratorium on the construction of a new jail to keep our loved ones together.

Sincerely,

Peter Koulogeorge

HB-2516

Submitted on: 2/8/2022 10:00:13 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
cori	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of HB2516 relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. We should be investing in community resources not incarceration! Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/8/2022 10:29:03 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Pullman	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden, I am testifying in strong support of **HB2516** relating to correctional facilities. Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones together. Mahalo for your consideration.

HB-2516

Submitted on: 2/7/2022 4:04:10 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danielle Pacific	ACLU	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

I am testifying in strong support of HB2516 relating to correctional facilities.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander and it is my understanding that most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know from other models, countries, systems and research that new jails are NOT a solution.

Instead of signing blank checks and paying millions to consultants for enhancing jail infrastructure, the state needs to stop its reliance on policing and jailing to address social and economic issues. Please vote yes on HB2516 and keep our loved ones within social structures that encourage growth and change.

Mahalo for your consideration,

Danielle Pacific

HB-2516

Submitted on: 2/8/2022 10:55:41 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carolyn Eaton	Individual	Support	Yes

Comments:

Aloha, Chair Ohno, Vice Chair Ganaden and members of the committee. My name is Carolyn Eaton and I strongly support this bill. Yes, OCCC is a disgrace, for which we all may bear some responsibility. But disgrace notwithstanding, the present moment does not call for "hurry up, hurry up" measures, but, finally, an open process honoring our rights as community members to provide input from the start. I attended one of the earliest public meetings several years ago at Farrington High School cafeteria. It was an exercise in one-way communication. We listened to DPS say, "Meet our consultants, have a look at their plans, Halawa here we come, only \$500,000,000." The decision to replace an old facility should be an opportunity to identify best practices and prioritize input from all community stakeholders who wish to engage. Only then will we be sure to realize the best product for the enormous investment we intend to make. I imagine a right-sized facility in alignment with Hawaiian values, a facility unique in all the world, as we are. Why not? In its rush to buy into a public private funding relationship with Core Civic, the current administration omitted not only authentic public engagement, but an accurate needs analysis as well. Once reforms have been enacted to limit our cash bail system and to change the ways we treat parolees and probationers who fall into technical violations, we can start over to envision a facility of the appropriate size--smaller, even as we accommodate all the men who now must serve their sentences in a remote private prison. The Hawaii Correctional Oversight Commissioners have given us the opportunity, this bill, HB 2516. Please vote to approve it, hear the cries to get this right. Since you helped bring the Commission into being two years ago, it has worked tirelessly to exercise effective oversight, even without the staff you sought to provide it. Its every monthly meeting welcomes public testimony. Advocates for the men and women incarcerated, for people swept up into the system because they are poor or suffer mental problems, students of rehabilitation---these voices speak out regularly. The Criminal Justice Reform Committee this bill proposes for guiding the new open process will center reform. Locating, planning and financing a major facility will follow. The Hawaii House of Representatives has the vote, this Committee, the choice, to turn away from the Planned Prison Behind a Curtain. Thank you for allowing my voice to reach you.

HB-2516

Submitted on: 2/8/2022 11:01:17 AM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Bethel	Individual	Support	No

Comments:

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

I am writing in strong support of HB 2516 which would pause development of a new jail to replace the Oahu community correctional center, require the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee, and appropriate funds.

It is unwise to continue a process that is so remarkably flawed for, among many, the following reasons.

1. There does not seem to be any legitimate effort to include community criminal justice organizations in the planning process so that a true assessment of community needs can help shape the form and function of a facility that will effectively address these needs.
2. Because a serious needs assessment has not been conducted, it is reasonable to assume that after major reforms are put into place (such as bail reform, redirecting those committing technical violations, etc.), there will be no need for such a large facility that may become obsolete before it even opens.
3. Given the inevitable shift toward more cost-effective criminal reforms such as bail reform and community-based solutions for homelessness, drug addiction, and mental illness, the ongoing march toward building a 1 billion dollar facility becomes increasingly untenable and obviously an inexcusable waste of taxpayer dollars -- dollars that can be used more cost-effectively to reduce recidivism and increase public safety.
4. Lack of transparency has plagued the planning process from the very beginning. This is particularly true in the case of the state concealing the identities of entities submitting applications and expressing interest in helping develop the new facility. In other jurisdictions, after contracts had been concluded, entities that had not been properly vetted were discovered to have questionable track records and financial resources, leaving the jurisdictions with financial and other unanticipated problems.

5. We need to learn from recent major works projects, such as the rail, that have been mismanaged and bungled, resulting in massive cost overruns and additional financial burdens on taxpayers.

Please pass HB 2516. Mahalo for your consideration.

Diana Bethel, Honolulu

HB-2516

Submitted on: 2/8/2022 12:34:50 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Julianna Davis	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Julianna Davis and I am testifying in strong support of HB2516 relating to correctional facilities because people do not belong in cages.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation. Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution. Instead of signing blank checks and paying millions to consultants for jail infrastructure enhancement, the state needs to stop its reliance on policing and jailing to address social and economic issues. Amend this bill to place a moratorium, not just a pause, on the construction of a new jail.

This bill is critical to making our communities safer, stabilizing families, addressing jail overcrowding, and saving Hawai'i residents hundreds of millions in taxpayer dollars. Please vote yes on HB2516 and place a moratorium on the construction of a new jail to keep our loved ones together.

Mahalo for your time and consideration,

Julianna Davis

HB-2516

Submitted on: 2/8/2022 3:53:24 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen Alice	Individual	Support	No

Comments:

I support this bill to pause construction on a new jail. We need investment in housing and healthcare, not handcuffs.

HB-2516

Submitted on: 2/8/2022 4:36:18 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorenn Walker	Hawai'i Friends of Justice & Civic Education	Support	No

Comments:

STRONG SUPPORT FOR HB HB 2516 RELATING TO CORRECTIONAL FACILITIES

Hawai'i Friends of Restorative Justice **STRONGLY SUPPORTS** this measure to pause further jail construction planning. There is an abundance of research today showing that incarceration is an [ineffective strategy to reduce violence and crime](#). Our state spends about \$230 million a year on incarceration that is harming our community. A Hilo jail visitor reported that there were people there being held for bail sums for as little as fifty dollars. Obviously, the money that goes into housing many of the jailed would be better spent on services to help them avoid the criminal legal system. Furthermore, a private-public partnership presents eventual costs to state taxpayers who lose the equity in the facilities that become the property of financial investors. The state's plan to develop a private-public partnership to build a new jail needs to be paused for more study and after more rehabilitation services are provided for those who become involved with the legal system. Please support this bill. If you have any questions about our strong support for the bill please contact Lorenn Walker, JD, MPH, at lorenn@hawaiifriends.org. Mahalo for your public service.

HB-2516

Submitted on: 2/8/2022 5:09:50 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jimmy Toyama	Individual	Support	No

Comments:

Mr. Chairman and Committee Members: I fully support the intent and purpose of HB2516, Relating to Correctional Facilities.

Its important at this juncture to put a pause in the process of developing a new correctional facility. There are many sound reform ideas that stream into the qustion of correctional reform, a new facility being one of them. Its critical that these many reform ideas be carefully reviewed, corrdinated, and synchronized with the effort to reform the correctional system, the develop of a new and very expansive facility being only one option. After a pause and careful review of the question, it may be found that a new and costly facility may not be necessary.

The idea of forming a Criminal Justice Reform Committee is a sound idea in this context. And, in forming this committee, an adequate amount of funds should be provided.

Perhaps too, the time has come to rethink the assumptions underlying corrections. A thoughtful look shoud also be undertaken to research and evaluate criminality, which is growing exponentially.

Mahalo,

Jimmy Toyama

HB-2516

Submitted on: 2/8/2022 6:40:08 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu. I'm a Kanaka Maoli born and raised in the Hawaiian Kingdom. I'm writing in full support of HB2516.

When nearly half of Hawai‘i’s jailed population is Hawaiian and Pacific Islander, most people remain locked up because they cannot afford bail, or because they violated a technical violation, in addition to 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.

Support HB2516.

me ke aloha ‘āina,
Nanea Lo

HB-2516

Submitted on: 2/8/2022 8:51:35 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonah Bobilin	Individual	Support	No

Comments:

Aloha,

I am a constituent from Pearl City and I am writing in support of this bill.

Our criminal justice system is badly in need of reform and we should not be replacing the Oahu community correctional center with a new jail that reflects outdated and harmful punitive attitudes towards criminal justice. I further support the proposed establishment of a Criminal Justice Reform Committee. In particular, I write in support of the proposed measures §353 b) (2), which specifically focuses on alternatives to jail for offenses related to poverty, homelessness, mental illness, and substance abuse as well as the §353 b) (3), which focuses on addressing the overrepresentation of kanaka maoli and others of oceanic ancestry in the justice system.

Mahalo nui.

HB-2516

Submitted on: 2/8/2022 8:55:08 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ansley Calandra	Individual	Support	No

Comments:

Aloha Chair Ohno & Vice Chair Ganaden,

My name is Ansley Calandra and I am testifying in **strong support of HB2516** relating to correctional facilities.

Instead of building a billion-dollar jail, paying millions to consultants, and signing blank checks for new cages, the state needs to stop its reliance on policing and jailing to address social and economic issues. To strengthen this measure, please add the following amendment which would place a moratorium, not just a pause, on the construction of a new jail:

To establish a five-year Moratorium that would prohibit the study, plan or search for sites for design; acquire; lease or construct a new correctional facility; expand the capacity of an existing correctional facility beyond the facility's current design or rated capacity; or convert any part of an existing or dormant correctional facility for the purpose of detention or incarceration, including changing or expanding the populations incarcerated in that facility.

Nearly half of Hawai'i's jailed population is Native Hawaiian and Pacific Islander, and most people remain locked up simply because they cannot afford bail, or because they violated a technical condition of their parole or probation (e.g. missing an appointment with a probation officer, relapse with alcohol or drugs, failing to report a new address, etc.). Also, the reason many people are incarcerated is because they lack housing, healthcare, and mental health services. We know new jails are not a solution to systemic social issues, so **please support HB2516 with the proposed amendment.**

Mahalo for your consideration,

Ansley Calandra

HB-2516

Submitted on: 2/8/2022 9:34:57 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mira Gurung	Individual	Support	No

Comments:

Aloha Chair Ohno and Vice Chair Ganaden,

I am writing to urge you to vote yes on HB 2516.

Creating new jails to incarcerate more people will only worsen, not improve, the crisis our state is in with regards to lack of housing and healthcare (mental and physical) that is causing much suffering for so many here.

Those incarcerated are also disproportionately Hawaiian and Pacific Islander, and are often locked up because of a technical violation or not being able to afford bail.

Creating new jails only serves to further harm our community instead of care for it.

Thank you for your time and consideration.

Kencho Gurung

HB-2516

Submitted on: 2/8/2022 10:21:56 PM

Testimony for CMV on 2/9/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kim Coco Iwamoto	Individual	Support	No

Comments:

As a Hawaii resident who has had foster kids, family, neighbors and business colleagues who have experienced the carceral system, I can attest to the importance of community and stakeholder input when designing systems and outcomes - especially when investing billions of tax-payer funds into a new prison complex. The most important thing to remember is that when they leave this new prison and return to our homes, families, and our communities - we will reap the rewards of thoughtful planning and/or suffer the consequences of short-sighted decision making. I urge this committee to vote in strong support of this bill. Thank you.



HB2516

RELATING TO CORRECTIONAL FACILITIES

Ke Kōmike Hale o nā mea Pa‘ahao, ke Kuleana Pū‘ali Koa, a me Nā Koa Kahiko
House Committee on Corrections, Military, & Veterans

Pepeluali 9, 2022

10:00 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2516**, which suspends the development of a new jail to replace the Oahu Community Correctional Center (“OCCC”) and requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee.

Over the last several decades, Hawai‘i’s prison and jail population have increased at an alarming rate.¹ Native Hawaiians make up approximately 21% of the general population, but 37% of the prison population.² Any policy decision on incarceration will significantly impact Native Hawaiians.

OHA has long valued and seen great success from consultation with communities most affected by programs and policies. So, OHA is concerned with the lack of meaningful Native Hawaiian consultation on the planning of the new jail. We strongly support the bill’s objective for a Criminal Justice Reform Committee that includes members with knowledge of Native Hawaiian and other indigenous cultural practices to help heal pa‘ahoa and their ‘ohana.

Changing systemic issues requires systemic solutions. HB2516 offers a new paradigm in planning and programs within our jails. We can reform systems to address underlying issues that criminalize Native Hawaiians. This measure is a meaningful step toward justice.

OHA urges the Committee to **PASS HB2516**. Mahalo piha for the opportunity to testify.

¹ See HCR85 TASK FORCE, CREATING BETTER OUTCOMES, SAFER COMMUNITIES FINAL REPORT OF THE HOUSE CONCURRENT RESOLUTION 85 TASK FORCE ON PRISON REFORM TO THE HAWAII‘I LEGISLATURE 2019 REGULAR SESSION 1 (2018).

² *Id.* at xiii.