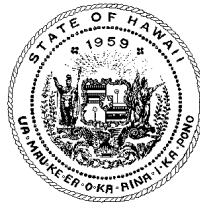


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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**TESTIMONY ON SENATE BILL 2269
RELATING TO CORRECTIONAL FACILITIES.**

by
Max N. Otani, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022; 1:00 p.m.
State Capitol, Via Video Conference

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

Senate Bill (SB) 2269 seeks to repeal the authorization of the Governor to negotiate with any person for the development or expansion of private in-state correctional facilities and to prohibit the establishment of private correctional facilities within the State. In addition, this measure seeks to allow the Governor to enter into a contract with a private entity to construct a correctional facility on public or private land, as long as the facility is operated by the Department of Public Safety (PSD).

The Department offers comments on SB 2269, specifically regarding Section 2 of the bill (Page 3, Line 6). PSD does not agree that the statute should be amended to delete the language, "and then lease or purchase". Removal of this language would restrict options available to the Governor and the State, which could increase the costs of facilities' development.

Thank you for the opportunity submit testimony on SB 2269.



SB 2269, RELATING TO CORRECTIONAL FACILITIES

FEBRUARY 1, 2022 · SENATE PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS
COMMITTEE · CHAIR SEN. CLARENCE K. NISHIHARA

POSITION: Support.

RATIONALE: Imua Alliance supports SB 2269, relating to correctional facilities, which repeals the authorization for the Governor to negotiate with any person for the development or expansion of private in-state correctional facilities; prohibits the establishment of private correctional facilities within the State; allows the governor to enter into a contract with a private entity to construct correctional facilities on public or private lands for the benefit of the State if the facilities are operated by the Department of Public Safety; and repeals the authorization of the Governor to enter into a contract with a private entity for the lease or purchase of correctional facilities the entity constructs.

Private prisons have no place in Hawai'i. Already, our state undermines its commitment to restorative justice, each day, by criminalizing low-level offenses, like possession of small amounts of marijuana or, under Honolulu's sit-lie bans, the act of being homeless and tired. As the visitor industry reaps record profits, people of Native Hawaiian ancestry, who comprise approximately 25 percent of the state's population, suffer the pangs of a biased criminal (in)justice system. Approximately 39 percent of incarcerated detainees are Hawaiian, according to a comprehensive study by the Office of Hawaiian Affairs, with the proportionality gap being even greater for Hawaiian women, who comprise 19.8 percent of the state's female population, but 44 percent of the state's female inmate population. Researchers also found that, on average, Hawaiians receive

longer sentences, more parole revocations, and harsher drug-related punishments than other ethnic groups.

Private prisons only incentivize the cycle of crime by providing a financial motivation for the further criminalization of nonviolent offenses and imposition of longer sentences. Private prisons are run as businesses, after all. Without inmates, they cannot turn a profit. America's for-profit prison industry currently controls 126,000 Americans' lives. As Lauren Brooke-Eisen, Senior Counsel in the Brennan Center's Justice Program at the Brennan Center for Justice at NYU School of Law, has argued, "It's a \$5 billion sector—one that encompasses the operation of 65 percent of the nation's immigration detention beds. And at the same time, it is largely opaque, often unaccountable to the public or the government."

When Hawai'i began sending prisoners to the private detention centers on the mainland in 1995, the policy was proposed as a temporary measure to relieve overcrowding of local prisons. More than 20 years later though, 1,459 inmates—35 percent of Hawai'i's prison population—remain on the continental United States, locked inside a notorious private facility in the Arizona desert, midway between Tucson and Phoenix, nearly 3,000 miles from home. That prison, the Saguaro Correctional Center—named after a cactus native to the Sonoran Desert and based in the small town of Eloy—is run by the Corrections Corporation of America (CCA), recently renamed CoreCivic, the country's largest private-prison firm.

The company isn't legally obligated to respond to public information requests and regularly refuses to answer even the most basic questions about its practices. Private prisons are not subject to the same freedom of information and open records laws as other government agencies. Without access to information, of course, it is impossible to know what injuries are being suffered by detainees. Former security guards who have worked at private prisons say that prisoner abuse is rampant, since disclosure of allegations is extremely rare. In the case of at least some Hawai'i prisoners sent to the mainland—like Johnathan Namauleg, Clifford Medina, and Bronson Nunuha—private prisons have proven to be a death sentence.

In 2010, staff from the Office of the State Auditor accompanied state contract monitors conducting a quarterly inspection of Saguaro. They watched as monitors accepted the testimony of CCA staff

"without verifying their statements against documentary evidence" and concluded, in a lengthy report, that Hawai'i "lacked objectivity" when monitoring CCA. This should come as little surprise, since, over the past five years, CCA has spent more than \$500,000 to lobby local politicians. Here, we'd be remiss not to note that one of the firm's highest-paid lobbyists was Douglas Chin, Hawai'i's Attorney General, who earned more than \$100,000 for his services.

If private prisons are introduced on our shores, the Saguaro nightmare will unfold in our own backyard. Incarceration should not be a goal of our state's criminal justice system. Expansion of the prison-industrial complex through for-profit detention centers only casts a pall over the treatment of offenders, who should be afforded every opportunity to become productive members of society. At the same time, if our state is committed to constructing a new billion-dollar jail capable of housing 1,300 inmates—something Imua Alliance firmly opposes—then the introduction of private prisons is not needed.

We must build people, not prisons. We must strive to increase people's access to justice, not time spent in jail cells.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022, 1:00PM
Via Videoconference

Re: Testimony in Support of SB2269 - RELATING TO CORRECTIONAL FACILITIES

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

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **supports** SB2269 which repeals the authorization for the governor to negotiate with any person for the development or expansion of private correctional facilities and prohibits the establishment of private correctional facilities in the State. This bill would also allow the governor to enter into a contract with a private entity to construct correctional facilities on public or private lands for the benefit of the State if the facilities are operated by the Department of Public Safety.

Research has shown the adverse effects on inmates who are incarcerated in out-of-state, private prisons and the shortfall of oversight and accountability at these facilities. As we consider investments that look at trying to improve our state's correctional infrastructure, we ask that it does not come at the expense of the workers who are presently keeping those facilities operational.

Thank you for the opportunity to provide testimony.

Sincerely,

Liz Ho
Administrator

UNITED PUBLIC WORKERS
AFSCME Local 646, AFL-CIO



SB-2269

Submitted on: 1/28/2022 6:43:01 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair and members,

I strongly support this measure. We have seen the results of privatized mainland prisons on our vulnerable Hawai'i population. Women were routinely raped by prison guards, native Hawaiians were forced to create gangs because the correctional staff would set existing gangs against our convicted prisoners in order to create incidents that justified arbitrary extensions on sentences.

Then there's the untreated mental health issues resulting in suicide, along with suspected homicides.

For-profit prisons have no place in a democracy and certainly no place in our beautiful land of aloha.

Mahalo,

Ann S. Freed, Life-time Feminist in Mililani