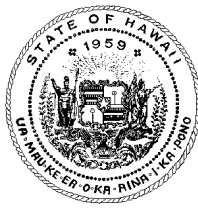


DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
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**NOLAN P. ESPINDA**  
DIRECTOR

Deputy Director  
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**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

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

**WRITTEN TESTIMONY ONLY**

TESTIMONY ON HOUSE BILL 1177, HOUSE DRAFT 1  
RELATING TO PUBLIC SAFETY.

by

Nolan P. Espinda, Director  
Department of Public Safety

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

Senate Committee on Government Operations  
Senator Laura H. Thielen, Chair  
Senator Lorraine R. Inouye, Vice Chair

Tuesday, March 19, 2019; 2:10 p.m.  
State Capitol, Conference Room 229

Chairs Nishihara and Thielen, Vice Chairs Wakai and Inouye, and Members of  
the Committees:

The Department of Public Safety (PSD) supports the intent of House Bill  
(HB) 1177, House Draft (HD) 1, which provides for the initiation of negotiations  
towards the State of Hawaii's purchase of the Federal Detention Center (FDC),  
located on the west side of the Daniel K. Inouye International Airport.

Thank you for the opportunity to present this testimony.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Glenn Wakai, Vice Chair

## COMMITTEE ON GOVERNMENT OPERATIONS

Senator Laura Thielen, Chair

Senator Lorraine Inouye, Vice Chair

Tuesday, March 19, 2019

2:10 PM

Room 229

### **STRONG OPPOSITION to HB 1177 HD1 - PURCHASE OF FEDERAL DETENTION CENTER**

Aloha Chairs Nishihara and Thielen, Vice Chairs Wakai and Inouye and Members of the Committees!

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 families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 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.

HB 1177 HD1 appropriates funds to purchase the Honolulu Federal Detention Center. The HD1 defected the date.

Community Alliance on Prisons is strongly opposed to this MIND-BOGGLING bill. The legislator who created the HCR 85 Correctional Reform Task Force of which he was a minimally-participating member, and who said little during the meetings he sometimes attended, has now introduced this bill that was NEVER mentioned or even discussed by task force. Why?

Purchasing the federal detention center, an old-style high-rise prison with no outdoor recreation, has been in the ether for a long, long time. It is ironic that the bill actually says:

Furthermore, the number of Honolulu Federal Detention Center inmates should likely decrease further after resident Donald Trump signed in December 2018 a bipartisan criminal justice reform bill called the First Step Act of 2018, which, in part, is aimed to reduce recidivism and decrease the number of inmates currently housed in federal correctional facilities.

Imagine if Hawai'i implemented REAL sentencing and correctional reform as so many conservative states have done. These states have received the benefit of reduced harm and crime in their communities, smaller imprisoned populations and many have averted the need for new facilities! Correctional reform was the purpose of the HCR 85 Task Force.

Sadly, Hawai'i has taken the incremental route -- 1 step forward; 2 steps back -- and progress has been minimal as is evidenced by the fact that 74% of all the individuals incarcerated by the state are imprisoned for the lowest felonies, misdemeanors, violations, petty misdemeanors, and parole and probation violations.

At the final meeting of the HCR 85 Correctional Reform Task Force, former Judge Michael Town said that he cannot believe the things that are now felonies...things that were misdemeanors before! He favors defelonization!

At another recent event, a former Hawai'i Supreme Court Justice said basically the same thing: Too many felonies for crimes that should be misdemeanors!

### **WE NEED SENTENCING REFORM - NOT NEW CORRECTIONAL FACILITIES!**

#### **THE FEDERAL DETENTION CENTER:**

The Federal Detention Center (FDC) at 351 Elliot Street by Honolulu International Airport is almost 20 years old. It opened in 2001 with a capacity of 695. FDC is a prison-style detention center. Prison and jail environments are, or should be, quite different. FDC is an old-style, high rise detention center that this bill suggests imprison pre-trial detainees, HOPE probation violators, and individuals sentenced to one year or less.

There is absolutely no data or research supporting this ill-conceived idea. We don't even know if the feds want to sell it! It appears that the purpose of this bill is to derail the correctional reforms recommended by the two-year HCR 85 Task Force and push for new buildings while protecting the same old bad practices. What will this get us?

A BIG bill and an enhanced criminal processing machine fueled by the punishing practices of a very dysfunctional department. Research and data show that proposals like this this will lead these folks to prison. Is this bill about job security or community safety?

The community will ultimately foot the bill for this yet there has NEVER been a discussion with interested community members and organizations regarding corrections should look like in the next 50-100 years.

### **WHY HAS THE COMMUNITY LEFT OUT OF THESE DISCUSSIONS?**

Community Alliance on Prisons implores the committee to defer this bill indefinitely and to stop the author of this bad bill from derailing correctional reform. His actions are nothing short of shameful.

Mahalo for allowing us to share our extreme frustration with this anti-democratic process!

## **WE NEED JUSTICE NOT JAILS!**

**HB-1177-HD-1**

Submitted on: 3/16/2019 8:08:38 AM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Oppose	No

Comments:

**HB-1177-HD-1**

Submitted on: 3/17/2019 1:47:13 PM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Kerr	Individual	Oppose	No

Comments:

I strongly oppose this measure. please vote NO.

**HB-1177-HD-1**

Submitted on: 3/17/2019 5:06:34 PM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr Marion Ceruti	Individual	Oppose	No

Comments:

Please don't waste the taxpayers money on this. Vote NO.

**HB-1177-HD-1**

Submitted on: 3/17/2019 8:34:48 PM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
SUSAN P HUGHES	Individual	Oppose	No

Comments:

March 18, 2019

**OPPOSITION TO HB1177 HD1** regarding purchase of the Federal Detention Center.

TO: Chair Clarence Nishihara, Vice Chair Glen Wakai and Members of the  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Chair Lauren Thielen, Vice-Chair Lorraine Inouye and Members of the  
Senate Committee on Government Operations

FROM: Barbara Polk

I am surprised to see this bill at this time, since it apparently had no discussion in the legislatively established *HCR 85 Task Force on Effective Incarceration Policies and Improvement of Hawaii's Correctional System*, nor has it had discussion in the public nor, openly, among legislators. It endorses a leap into a "solution" to our problem of an over-crowded jail without adequate time to assess the adequacy of this "solution."

This proposal, while superficially attractive, appears to come from a "lock 'em up" mentality, rather than a shift toward rehabilitation, as recommended by the Task Force. I do not believe legislators have had the time to think carefully about whether the changes in our criminal justice system that the Task Force recommended can be implemented in that setting. If we go forward without that evaluation, we will be stuck for decades with a facility that is costly, wastes human lives, and does not increase public safety. Meanwhile, other states and localities are saving millions of dollars and increasing public safety by implementing major changes in their criminal justice systems.

I don't think the State of Hawaii, which has generally been progressive, wants to be seen as almost a century behind the times in its approach to criminal justice

**I urge the committee to defer HB1177 HD1.**



**HB-1177-HD-1**

Submitted on: 3/18/2019 8:51:17 AM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Allen Kainoa Leong	Individual	Oppose	No

Comments:

Oppose

**HB-1177-HD-1**

Submitted on: 3/18/2019 9:17:18 AM

Testimony for PSM on 3/19/2019 2:10:00 PM

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

Comments:

HB 1177 HD1 would have the state buy the Honolulu Federal Detention Center.

There has been no discussion of this and no research to indicate how this would be beneficial in improving our criminal justice system.

This idea has come out of the blue and there has also been no community input.

The facility is a behemoth that is unwieldy and inconsistent with new more effective approaches to criminal justice facility design. It will become an albatross around the state's neck.

This bill seems to be an attempt to completely ignore the excellent and evidence-based recommendations of the HCR 85 criminal justice task force.

How can we improve our criminal justice system when bills like this are proposed by people who should display more understanding of criminal justice issues.

Please do not pass HB 1177 HD1.

**HB-1177-HD-1**

Submitted on: 3/18/2019 11:36:26 AM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christine Weger	Individual	Oppose	No

Comments:

With all due respect, I fail to understand why this bill has so much support.

The Legislature's own commission just spent two years determining how problems in our criminal justice system should be addressed. The commission was composed of representatives of the legislature, judiciary, probation and parole, prosecutors--all of the key players. The unanimous conclusion was that resources (\$) be directed toward REDUCING the population of our jails and prisons--NOT increasing the capacity of facilities.

The question of the federal detention center has not been studied--there is no data--no idea as to what the price might be or even whether it might be sold to the State--and yet we are appropriating funds for its purchase?

You spent taxpayer dollars to study our prisons and jails and now propose to spend more in a way completely contradictory to the study. Why is the Report of the HCR 85 Task Force being ignored by the very body that created it? Why are you in a rush to buy a new facility?

Your constituents deserve better than this. Please vote against this misguided measure--and work to bring our criminal justice system into the 21st century.

Mahalo for listening,

Christine Weger, Attorney at Law

**HB-1177-HD-1**

Submitted on: 3/18/2019 11:55:35 AM

Testimony for PSM on 3/19/2019 2:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cindy Snow	Individual	Oppose	No

Comments:

**HB-1177-HD-1**

Submitted on: 3/18/2019 12:22:00 PM

Testimony for PSM on 3/19/2019 2:10:00 PM

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

Comments:

*I strongly oppose appropriating moeny for the purchase of the Federal Detention Center. The extensive work over 2 years of the HCR 85 Task Force meetings never included this option. This bill ignores the extensive research done by the Task Forceand their recommendation to stop this appropriation process. There was no research or data offered with the introduction of this bill that supports the action of the bill, nor has the community been offered opportunities for input.*

*I urge you to stop HB1177.*

**HB-1177-HD-1**

Submitted on: 3/18/2019 11:52:54 PM

Testimony for PSM on 3/19/2019 2:10:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Testifying for Hawai'i Justice Coalition	Oppose	No

Comments:

**Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee:**

**Hawai'i Justice Coalition is comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. We believe that comprehensive criminal justice reform promotes public safety, makes responsible use of our resources, and builds healthy communities.**

**We oppose HB1177 HD1 for a simple reason - building, renovating or buying NEW correctional beds in the FDC is NOT the solution to mass incarceration and overcrowding. Decriminalization, decarceration, and justice investment strategies are the solution to reducing our incarcerated population, saving money, and reducing crime rates.**

**Purchasing FDC is fundamentally flawed because it based upon criminal justice myths:**

***CRIMINAL JUSTICE MYTH #1***

**OCCC is overcrowded so we need to build or BUY a bigger jail.**

**THE TRUTH:**

- **Our jail is not too small!**
- **Hawai'i continues to support criminal justice policies that DELIBERATELY INCREASES the jail & prison population.**

***CRIMINAL JUSTICE MYTH #2***

**Building a new, modernized OCCC, or buying a more "MODERN" detention center will save money.**

**Truth: The proposed cost of new jail construction is \$530-650 million depending on the site. While purchasing FDC is considered less expensive than new construction, purchasing FDC does absolutely NOTHING to decrease the incarcerated population. And, in some jurisdictions, more bed spaces creates more incentives to lock people up - after all, many people make money off of the prison industry.**

**Moreover, purchasing FDC does not end the fiscal drain as it does NOT include operation & maintenance costs.**

### ***CRIMINAL JUSTICE MYTH # 3***

**Criminal justice reform policies and strategies are not enough to reduce overcrowding. We need to "ALSO" create expand jail/[prison beds**

**Truth: Many states have enacted Smart Criminal Justice Policies with these outcomes:**

- **Reduced its incarcerated population**
- **Downsized jails & prisons**
- **Saved money \$\$\$\$**
- **Reinvested savings into data-driven cost-effective policies and programs that decrease recidivism rates**
- **Significant decreases in crime rates compared to states that continue the failed "tough on crime" policies**

**So, why are some State actors and consultants pushing for a new jail or purchasing FDC?**

- **Some State actors fear appearing "soft on crime" even though "Tough on Crime" have proven costly and INEFFECTIVE in reducing crime rates as compared to states that have enacted comprehensive criminal justice reforms**
- **Some State actors lack the moral courage and visionary leadership to implement evidence based criminal justice reform policies**
- **Too many people benefit from the Pri\$on Industrial Complex (\$14 million spent for new Maui jail, \$\$ on plans for OCCC, contracts, subcontracts, etc.)**

**So, what is the GOOD NEWS?**

**We can change the course of our Criminal Justice system by committing to long-term criminal justice reform.**

**If New Jersey, New York California, North Dakota, and Texas, can reduce its incarcerated population by the THOUSANDS, so can we!**

#### **NEW JERSEY**

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

#### **NEW YORK**

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

#### **CALIFORNIA**

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

**Please hold HB1177 HD1 and INVEST money and resources into proven strategies that will reduce the incarcerated population.**

**Sincerely,**

**Carrie Ann Shirota**

**Hawai'i Justice Coalition**



