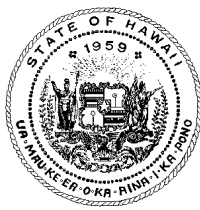


DAVID Y. IGE  
GOVERNOR



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

**NOLAN P. ESPINDA**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
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**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

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

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

**TESTIMONY ON HOUSE BILL 1177  
RELATING TO PUBLIC SAFETY.**

by  
Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Public Safety, Veterans, and Military Affairs  
Representative Gregg Takayama, Chair  
Representative Cedric Asuega Gates, Vice Chair

House Committee on Labor and Public Employment  
Representative Aaron Ling Johanson, Chair  
Representative Stacelynn K.M. Eli, Vice Chair

Friday, February 1, 2019; 9:30 a.m.  
State Capitol, Conference Room 430

Chairs Takayama and Johanson, Vice Chairs Gates and Eli, and Members of the Committees:

The Department of Public Safety (PSD) supports the intent of House Bill (HB) 1177, which would provide 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

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

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## COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

## COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair

Rep. Stacelynn K.M. Eli, Vice Chair

Friday, February 1, 2019

9:30 am

Room 430

### **OPPOSITION to HB 1177 - PURCHASE OF FDC AS REPLACEMENT FOR OCCC**

Aloha Chairs Takayama and Johanson , Vice Chairs Gates and Eli 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 5,400 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 appropriates funds to purchase the Honolulu Federal Detention Center. **THIS BILL IS MIND-BOGGLING.** The legislator who created the HCR 85 Correctional Reform Task Force, and who said little during the meetings he did attend, has now introduced this bill that was NEVER mentioned or discussed by task force. Why?

Purchasing the federal detention center, and old-style prison, 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 reform as so many conservative states have done. They have received the benefit of reduced harm and crime in their communities, smaller imprisoned populations and many have averted the need for new facilities! 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 defeloning! 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. Prison and jail environments are, or should be, quite different. FDC is an old-style prison that this bill suggests imprison pre-trial detainees, HOPE probation violators, and individuals sentenced to one year or less.

Research and data show that proposals like this this will lead these folks to prison. Is this bill about job security or community safety?

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

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.

## **IT IS TIME FOR THE ELECTED LEGISLATORS**

### **WHO CARE ABOUT THE COMMUNITY**

### **TO STEP UP, SPEAK OUT AND**

### **DEFEND DEMOCRACY!**



**RUNNING OVER US!**

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



## **O`ahu County Committee on Legislative Priorities (OCCL)**

### COMMITTEE ON SAFETY, VETERANS & MILITARY AFFAIRS

Senator Gregg Takayama, Chair  
Senator Cedric Asuega Gates, Vice Chair

### COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Senator Aaron Ling Johanson, Chair  
Senator Stacelynn K.M. Eli, Vice Chair

DATE: Friday, February 1, 2019

TIME: 9:30 a.m.

PLACE: Conference Room 430, State Capitol

RE: HB 1177 Relating to Public Safety

Aloha mai kakou Chair Takayama, Vice Chair Gates, and Members of the Committee on Safety, Veterans & Military Affairs; Chair Johanson, Vice Chair Eli, and Members of the Committee on Labor & Public Employment:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 1177 relating to Public Safety.**

HB 1177 appropriates funds to purchase the Honolulu Federal Detention Center.

DPH have been inspired by the movements for criminal justice that directly address the discriminatory treatment of Native Hawaiians, Pacific Islanders and other disadvantaged ethnicities to rebuild trust in the criminal justice system. DPH requires that convicted Native Hawaiians, Pacific Islanders and all other races and ethnicities who reside within the State of Hawai`i remain incarcerated in the State of Hawai`i. *Democratic Party of Hawai`i Platform (2018), p. 8, ln. 51-54.*

For the foregoing reasons, i.e., to keep convicted Hawai`i residents in Hawai`i, OCCLP supports HB 1177 and urges its passage out of the Committee on Safety, Veterans & Military Affairs and Committee on Labor & Public Employment.

Mahalo nui loa  
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities  
of the Democratic Party of Hawai`i

Ph. (808) 258-8889

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

**HB-1177**

Submitted on: 1/30/2019 11:45:48 PM

Testimony for PVM on 2/1/2019 9:30:00 AM

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

Comments:

This is a bad idea. The option of buying the Federal Detention Center was not discussed by the HCR 85 Task Force. It is also not an appropriate environment because it is a prison, not a jail.

There needs to be community input on this idea. More transparency is necessary in this process or we will end up with an expensive facility that does not meet our needs and will not contribute to public safety. Please pay more attention to the recommendations of the HCR Task Force and help reform our criminal justice system as other states have done successfully.

**HB-1177**

Submitted on: 1/31/2019 1:16:48 AM

Testimony for PVM on 2/1/2019 9:30:00 AM

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

Comments:

**HB-1177**

Submitted on: 1/31/2019 7:42:11 AM

Testimony for PVM on 2/1/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Oppose	Yes

Comments:

Chairs Takemoto and Johanson and Vice Chairs Gates and Eli

I am surprised to see this bill at this time, since it apparently had no discussion in the legislatively established HCR 85 Task Force, 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.”

Although the Detention Center has some characteristics similar to a jail, in that it holds some pre-trial individuals, it is basically a prison, and not appropriate to use as a jail. 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 urge the legislators 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.

I urge the committees to defer HB1177.



**LATE**

**HB-1177**

Submitted on: 1/31/2019 5:10:51 PM

Testimony for PVM on 2/1/2019 9:30:00 AM

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

Comments:

I oppose based on the following:'

- \* There has been no community input on this. Where's the transparency?
- \* During the 2 years of HCR85 Task Force meetings, buying the Federal Detention Center was never discussed. Why?
- \* The Federal Detention Center is a prison. OCCC is a jail. These are very different environments. The FDC needs to be studied before proceeding.

**LATE**

**HB-1177**

Submitted on: 2/1/2019 6:27:19 AM

Testimony for PVM on 2/1/2019 9:30:00 AM

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

Comments:

Strongly Oppose. Not a suggestion of the legislature's HCR85 Task Force.

**LATE**

**HB-1177**

Submitted on: 2/1/2019 7:22:52 AM

Testimony for PVM on 2/1/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:



# **Criminal Justice Reform Lessons: “Systems Thinking” to Downsize Jail and Prison Populations in Hawai`i**

*Carrie Ann Shirota*

*Hawai'i Justice Coalition*

*Community Workshop 01/03/18*

# Lessons Learned from Criminal Justice Reform Leaders

- Criminal justice policies, NOT crime rates, are the prime drivers of changes in jail and prison population.
- It's possible to substantially reduce the incarcerated populations without harming public safety.





# New Jersey Outcomes

- **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 also decreased by 31% compared to the national decline of 24%**

# New York Outcomes

- Between 1999-2012, New York reduced its prison population by 26%, while the nationwide state population increased by 10%.
- 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%.
- TODAY: Governor Cuomo's announced new criminal justice reform proposals to reform bail, and ensure a speedy trial and due process to limit pretrial detention. (On any given day, over 25,000 New Yorkers are held in pretrial detention).

# California

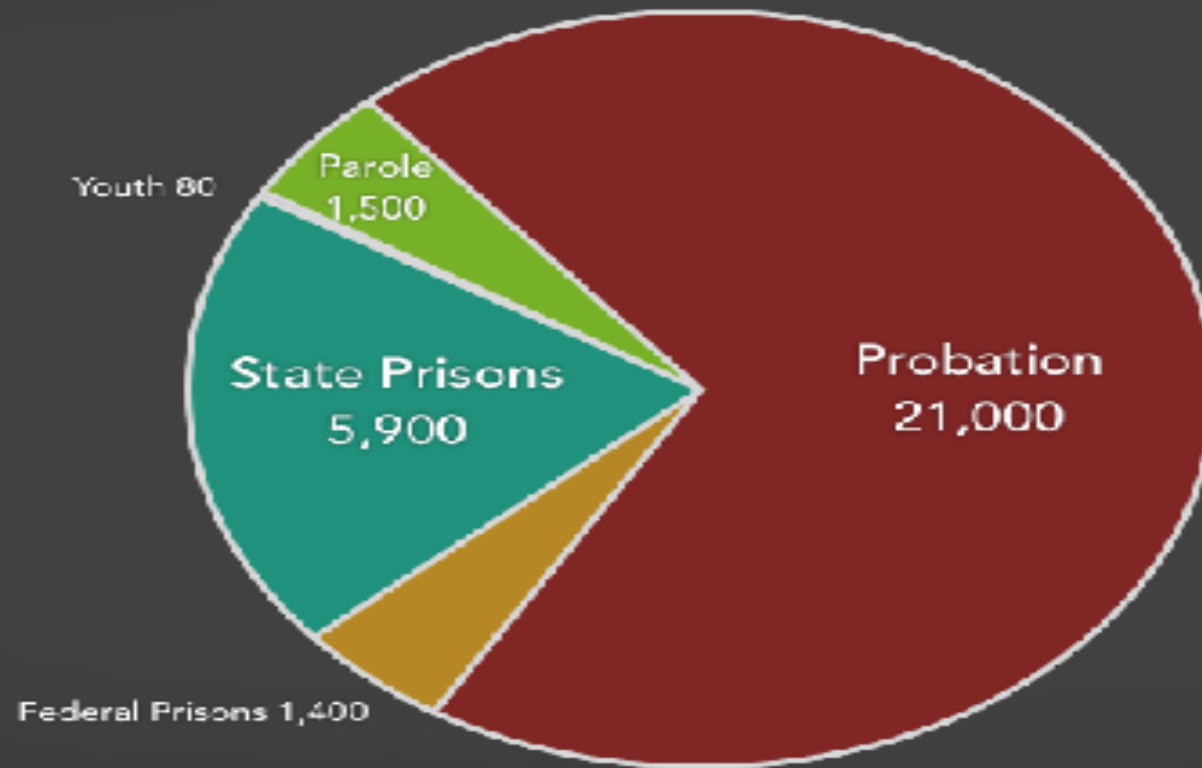
- ▶ Between 2006 and 2012, California downsized its prison population by 23%, compared to the nationwide state prison population decrease of 1%.
- ▶ 173,942 to 134,211 (decrease of 39,731)
- ▶ CA's violent crime rate drop of 21% exceeded the national decline of 19%.
- ▶ California's property crime rate dropped by 13%, but that rate was slightly lower than the national reduction of 15%.
- ▶ In 2011, the U.S. Supreme Court in Brown v. Plata held that the health care in CA's prison system was constitutionally inadequate due to severe overcrowding. The Court noted that the CA prisons had been operating at around 200% of their design capacity for at least 11 years, and ordered the state to reduce this figure to 137.5% of design capacity within 2 years. The State made reductions through its REALIGNMENT Policy.



# Hawai'i's Incarcerated Population (2016)

How many people are in Hawai'i's criminal justice system?

30,000 are behind bars or under criminal justice supervision.





# Smart Justice Solutions

- Address Poverty & Racism in our Communities
  - Decriminalization
  - Diversion
  - Bail Reform
  - Sentencing reform
  - Rehabilitation
  - Mental Health & Behavioral Health Services
  - Substance Use Treatment (Harm Reduction)
  - Early Release & Sentence Reductions
  - Compassionate Release
- 



# More Smart Justice Solutions ...

- Education, Higher Education & Vocational Training
- Probation (technical violations)
- Parole Reform (technical violations)
- Restorative Justice
- Pu`uhonua
- Re-entry Planning
- Housing
- Remove Barriers to successful re-entry (i.e. employment, housing, etc.)

***What can WE do now?***  
**Educate. Empower. Resist.**

