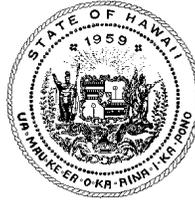


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'AINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
*Ka 'Oihana Ho'omalua Kalaima  
a Ho'oponopono Ola*  
1177 Alakea Street  
Honolulu, Hawaii 96813

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

Deputy Director  
Correctional Institutions

**Sanna Muñoz**  
Deputy Director  
Rehabilitation Services  
and  
Programs

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

TESTIMONY ON HOUSE BILL 1330  
RELATING TO CORRECTIONAL FACILITIES.

by  
Tommy Johnson,

House Committee on Public Safety  
Representative Della Au Belatti, Chair  
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 5, 2025; 8:30 a.m.  
State Capitol, Room 411, Via Video Conference

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports the intent of House Bill (HB) 1330 which seeks to appropriate an unspecified amount of money for the desperately needed relocation of the Oahu Community Correctional Center (OCCC). We sincerely appreciate the legislature's interest in this matter.

We recommend the legislature support the \$30 million included in the Governor's Executive Budget package to continue with the planning, design, request for qualifications (RFQ), and request for proposals (RFP), and bridging documents process for the OCCC replacement project. The DCR will be submitting a request for funding for the building of the new OCCC within the next two (2) years.

Thank you for the opportunity to provide testimony supporting the intent of HB 1330.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



KEITH A. REGAN  
COMPTROLLER  
KA LUNA HO'OMALU HANA LAULĀ  
  
MEOH-LENG SILLIMAN  
DEPUTY COMPTROLLER  
KA HOPE LUNA HO'OMALU HANA LAULĀ

**STATE OF HAWAII | KA MOKU'ĀINA O HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ**  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
KEITH A. REGAN, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
**COMMITTEE ON PUBLIC SAFETY**

FEBRUARY 5, 2025, 8:30 A.M.  
CONFERENCE ROOM 411 AND VIA VIDEOCONFERENCE, STATE CAPITOL

H.B. 1330

RELATING TO CORRECTIONAL FACILITIES

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee, thank you for the opportunity to submit testimony on H.B. 1330. The Department of Accounting and General Services (DAGS) **supports** the intent of this measure which seeks to appropriate an unspecified amount of funding for the desperately needed relocation of the Oahu Community Correctional Center (OCCC).

The department recommends the legislature support the \$30 million request included in the Governor's Executive Budget package. Appropriation of that funding will enable DAGS and the Department of Corrections and Rehabilitation (DCR) to continue with the planning, design, request for qualifications (RFQ), and request for proposals (RFP), and bridging documents process required for the OCCC replacement project.

Thank you for the opportunity to provide testimony on this measure.



## HB 1330, RELATING TO RELATING TO CORRECTIONAL FACILITIES

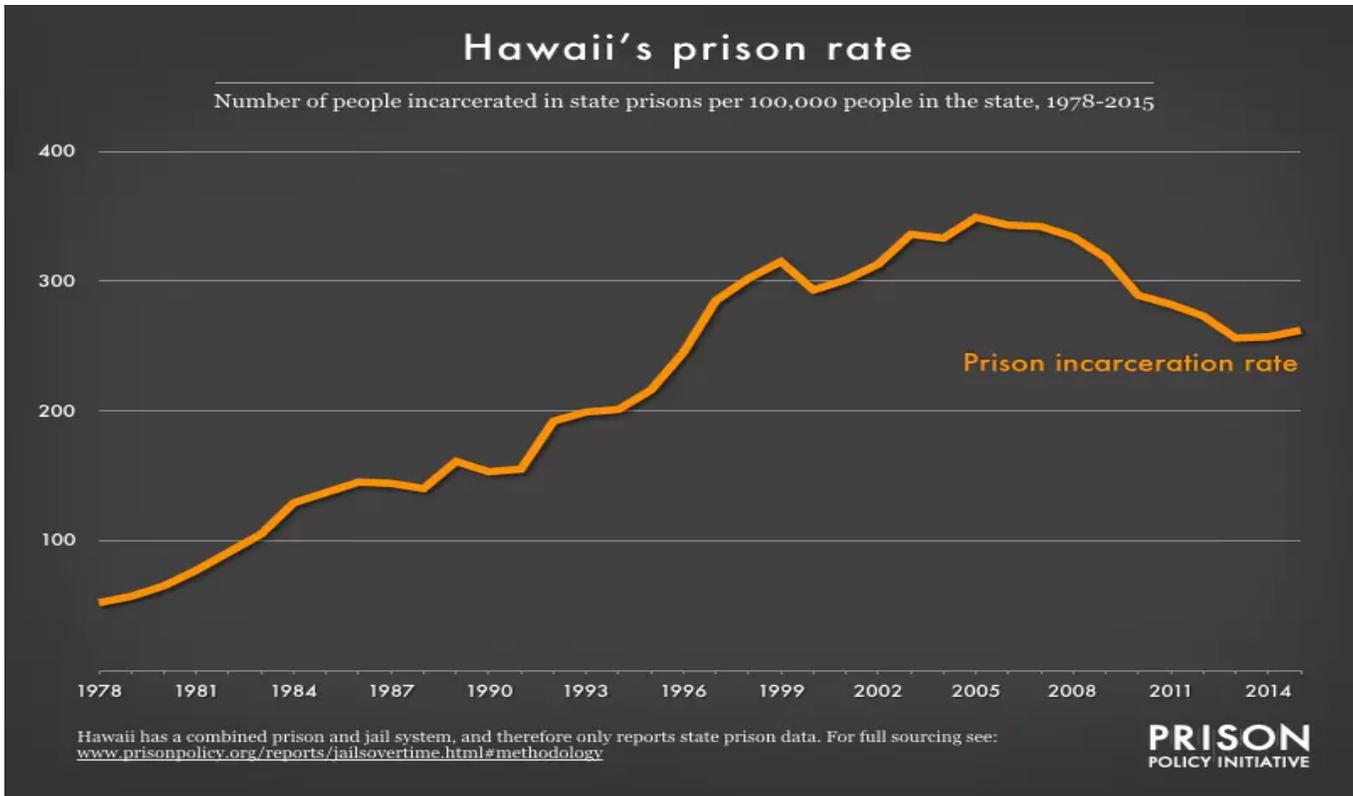
FEBRUARY 5, 2025 · PSM HEARING

**POSITION:** Oppose.

**RATIONALE:** Imua Alliance opposes HB 1330, relating to correctional facilities, which authorizes the issuance of general obligation bonds to the Department of Accounting and General Services for the replacement and relocation of the Oahu Community Correctional Center.

**We need to build people, not prisons.** Justice cannot be achieved through the creation of more jail cells. Hawai'i has approximately 5,100 inmates, hundreds of whom are incarcerated overseas, away from their families and homeland. The Prison Policy Initiative has found that our incarnated population has grown dramatically since the 1970s and far surpasses that of the international community, with the islands incarcerating over 400 people per 100,000 residents, while nations like the United Kingdom, Canada, and France incarcerate roughly one-quarter of that amount.

According to a report by the American Civil Liberties Union released in recent years, pretrial detainees in Honolulu wait an average of 71 days for trial because they cannot afford bail. Additionally, researchers found that circuit courts in Hawai'i set monetary bail as a condition of release in 88 percent of cases, though only 44 percent of those people managed to post the amount of bail set by the court. Moreover, the study found the average bail amount for a Class C felony on O'ahu is set at \$20,000. Even with help from a bail bonding agency, posting bond in such cases would require an out-of-pocket expense of roughly \$2,000.



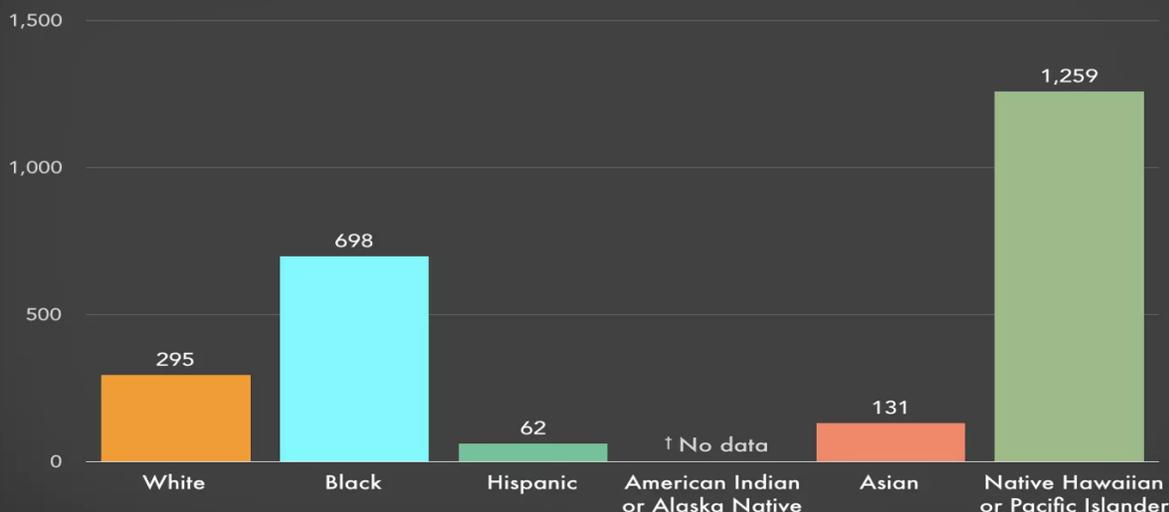
While wealthy defendants can afford to pay for bail, impoverished defendants often cannot afford to pay even minimal amounts, leaving economically disadvantaged people languishing in our jail system for low-level offenses. **These irrational “public safety” policies are the reason our jails are overcrowded.** Though officials claim that bail amounts are supposed to be based on a consideration of multiple factors—including flight risk, ability to pay, and danger to the community—researchers learned that in 91 percent of cases in Hawai‘i, monetary bail mirrored the amount set by police in arrest warrants, an amount based solely on the crime charged. These injustices led the ACLU to declare that our state’s pretrial detention system is unconstitutional.

Furthermore, people of Native Hawaiian ancestry, who comprise approximately 25 percent of the state's population, continue to suffer the pangs of a biased penal 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.

## Racial disparities in Hawaii incarceration rates

People incarcerated in the state, per 100,000 state residents in each race or ethnicity category

### HAWAII INCARCERATION RATES, 2021



† Suppressed: Estimate is either not calculable based on published data or is based on fewer than 25 people. Source: Bureau of Justice Statistics and U.S. Census Bureau data. For sourcing details and dataset, including race definitions and categories not displayed above, see: [www.prisonpolicy.org/data/race\\_bystate\\_2021.xlsx](http://www.prisonpolicy.org/data/race_bystate_2021.xlsx).

**PRISON**  
POLICY INITIATIVE

Accordingly, **we believe our state should invest in policies to reduce our high incarceration rate, including restorative justice and diversion initiatives, pretrial bail reform, mental health programs, cannabis legalization, and more.** Legal detainment also correlates most heavily with socioeconomic status, with poverty being the biggest driver of “crime” in our community as under-resourced areas lack the social infrastructure, public health programs, and economic opportunities that empower people to flourish. Instead of constructing more cages to detain our state’s residents, we should pass policies that deliver economic fairness to financially vulnerable families, which will break the cycle of intergenerational poverty that too often serves as the social determinant of incarceration.

**Contact us at [imualliance.org/contact](http://imualliance.org/contact).**

## COMMUNITY ALLIANCE ON PRISONS

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

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

*Today's Inmate; Tomorrow's Neighbor*



### COMMITTEE ON PUBLIC SAFETY

Rep. Della Au Belatti, Chair

Rep. Kim Coco Iwamoto, Vice Chair

Wednesday, February 5, 2025

Room 411 & VIDEOCONFERENCE

8:30 AM

### COMMENTS ON HB 1330 - MORE MONEY DOWN THE RABBIT HOLE WITHOUT ASKING THOSE MOST IMPACTED!

Aloha Chair Belatti, Vice Chair Iwamoto 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 3,697 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 937 - 49% - of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to add our comments to HB 1330 that authorizes the issuance of general obligation bonds and appropriates moneys to the Department of Accounting and General Services for the replacement and relocation of the Oahu Community Correctional Center.

HOW MUCH OF OUR HARD-EARNED MONEY/TAX DOLLARS IS THE STATE GOING TO USE TO PUSH A BRAND NEW OCCC WITHOUT DCR TALKING WITH AND ANSWERING THE QUESTIONS OF THE LARGER COMMUNITY, ADVOCATES, AND FAMILY MEMBERS OF THOSE INCARCERATED?

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<sup>1</sup> DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

There is a truism that says: "Those closest to the problem, are closest to the solution." Without the inclusion of the wisdom from people with lived experience, DCR will have the same problems in a new building.

Imagine if the state mandated the DCR to hold meetings in communities around O`ahu to talk with and answer the questions of the communities most impacted by incarceration and then scheduled Q & A sessions with more communities to cover the concerns of all O`ahu residents who want to participate. *We would be having a very different conversation!*

Imagine if we had used the millions of dollars that have been spent funding this top-down project on more community alternatives such as mental and physical health clinics, housing, job training, healthcare, etc. *We would have already embarked on a real diversion program that reduces the population of our overcrowded OCCC. We would be assisting people in jump-starting their lives, creating good neighbors and preparing them to return home!*

Community Alliance on Prisons asserts once again: **THE GOVERNMENT THINKS THAT JAILS ARE BUILDINGS; THE COMMUNITY KNOWS THAT JAILS ARE PEOPLE...OUR PEOPLE!** When this principle - that people matter - does not lead we create places of punishment and isolation...100+ years has shown that this approach just doesn't work. It doesn't build the peaceful future in which we all hope our families will thrive!

Before we spend any more, let's figure out how to address the social ills that lead people to be incarcerated. We have universities and advocates in Hawai`i that have been researching justice issues for a long time. We need to step back and think about what we are doing...do we want to continue criminal college, or do we want to carefully think about the better alternatives (providing the services that so many communities lack) that will help Hawai`i's people and communities be more peaceful, healthy, and just?

Community Alliance on Prisons respectfully asks the committee to think about how our resources are spent before using our precious resources to create more harm. Incarceration is a social determinant of health.

Mahalo nui!



Dear Chair Belatti and Vice Chair Iwamoto,

The Reimagining Public Safety in Hawai'i Coalition strongly opposes HB1330.

Per a related bill, HB 1263, our coalition is calling on the state to pause any further planning and construction of the \$1 billion 1300 bed super jail being proposed by DCR. It would be the most expensive state funded project in Hawaii's history, and continue the same failed approach to public safety.

Voting for a pause does not mean that no planning or further action will take place. It means a pause on pursuing the current misguided DCR proposal, and directing DCR to first focus exclusively on developing a more fiscally responsible and appropriate solution that reflects the current mandate to divert and significantly reduce the jail population. The Hawai'i Correctional System Oversight Commission recently voted to support a pause, and sent the Governor a letter outlining similar reasons.

Attempting to borrow hundreds of millions of dollars to finance a new jail ignores critical shortcomings and a demonstrated record by DCR of refusing to make even the most basic shifts toward diversion and rehabilitation in existing facilities. **The following excerpt from the HCSOC letter to the Governor on 1/3/2025, starkly highlights these alarming concerns:**

*“Reasons for a strategic pause in jail planning- System Wide Gaps in Rehabilitative Practices. For the past two years, the Commission has continuously presented issues that have yet to be addressed by the department. Specifically, the Commission is concerned regarding lack of programming space in all jails, lack of adequate mental health treatment and care, lack of compassionate healthcare services, and lack of programs, services, and*

*recreation that provide out of cell time. A new facility alone will not resolve systemic issues without incorporating statewide (list of needed rehabilitate services”*

*Further, HCSOC states, “In addition, the Commission continuously hears from community that many do not believe DCR can create the rehabilitative type of facility outlined in the Breaking Cycles Report [UHDC], as there is no track record to inspire confidence in the Department’s ability to deliver on these transformative goals.”*

The following facts further underline why HB 1330 should be opposed:

- Currently, at least 40% of all people in jail in Hawai’i are houseless, and many more are suffering from mental health issues and addiction. 60 percent are pretrial and in jail simply because they cannot afford bail.
- Simply put, most people sitting in jail right now shouldn’t be there.
- Jails have become place where we warehouse our most vulnerable residents and top DCR officials have openly acknowledged this approach is the least effective-most expensive option.
- The problems on our streets are primarily driven by both a housing and public health crisis, especially mental illness and substance addiction.
- The Governor recently acknowledged that we cannot arrest and jail our way out of these problems.
- Research has shown, if a bigger jail is built judges will fill the beds. There is no pressure to divert.
- Over the past few years, a robust diversion mandate has gained substantial support across the state. Vulnerable residents will be diverted out of jail and into treatment and housing, which will significantly decrease the jail population.
- Decarceration through diversion and pre trial reform eliminates need for new and bigger jail.
- The current DCR proposal for a \$1 billion superjail completely ignores this fact.
- We need to hit pause on this wrongheaded proposal, and pivot toward developing an appropriate solution that reflects the current mandate to divert and significantly reduce the jail population.
- Key justice system actors across the state, from police to judges to prosecutors have been meeting and agree that Hawaii has a robust diversion mandate, but that it is failing due to severe underfunding of necessary diversion infrastructure. From

severe staffing shortages to severe shortage of places to divert people. The question often asked is, “Divert to where”?

- We need significant investment in places to divert people such as 24/7 supportive housing for justice involved individuals, group homes, clean and sober housing.
- However, the State has limited funds, and cannot afford both a \$1 billion jail and to adequately fund diversion infrastructure.
- There are far less costly solutions that can still effectively address the issues at OCCC. Fulton County recently abandoned plans for a similar \$1.7 billion super jail, and will instead renovate the existing facility for a cost of \$250 million.

Mahalo for opposing HB 1330

Liam Chinn