



STATE OF HAWAII
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No. _____

TESTIMONY ON HOUSE BILL 840, HD 1
RELATING TO CORRECTIONAL FACILITIES

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Wednesday, February 25, 2015, 2:00 PM
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 840, HD 1 which would direct the Director of Public Safety to prepare preliminary design and request for proposals for the design, construction, and operation of a community correctional facility.

The PSD would like to ask the Committee's consideration in replacing the references in the bill from "minimum- to medium-security community correctional facility" to "multi-security level community correctional facility", as follows:

Section 1., Page 2, Lines 7 to 9:

"construction of a new, multi-security level community correctional facility to be located at, or near, the Halawa Correctional Facility." and

Section 1., Page 3, Lines 2 and 3:

"correctional facility shall be a secure, multi-security level community correctional facility..."

The current Oahu Community Correctional Center is a medium-/minimum-/ community-security level facility. The need is to duplicate that level of programming and to also provide a maximum-security level of housing capability. Currently, maximum-security level pre-trial detainees are housed at the Halawa Correctional Facility, a practice that should be discontinued.

We thank you for the opportunity to testify on this important bill.

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR

PAULA A. YOUNGLING
ASSISTANT ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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**TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE**

**TO THE HOUSE COMMITTEE
ON
FINANCE
February 25, 2015; 2:00 P.M.**

**HOUSE BILL 840, HD1
RELATING TO CORRECTIONAL FACILITIES**

Chair Luke, Vice-Chair Nishimoto, and members of the committee, thank you for the opportunity to submit testimony on HB840, HD1.

The State Procurement Office (SPO) is in SUPPORT of the intent of the measure. The SPO views the ability to enter into public-private partnerships as a creative tool for government to contract through what are called Special Procurements. HB 1028, HD1 creates a new section within HRS chapter 103D, which is where this process should be placed. Among public procurement's guiding principles are value and transparency. Value ensures prudent use of taxpayer dollars. Transparency ensures accountability and system integrity, which in turn, fosters public confidence. These guiding principles are built into chapter 103D, our State Procurement Code.

Special innovative procurements, like public-private partnerships, allow the State to procure when unusual or unique circumstances exist that require other than full competition, when standard procurement procedures would be contrary to the public interest. Special innovative procurements are an alternative process **within** the procurement code. This means that the State can effectively respond to unique needs or situations and maintain the accountability and transparency of the procurement and resulting management of the contract. In other words, special innovative procurements help to avoid costly and embarrassing missteps that can occur with exemptions. In fact, our research shows that several states currently apply similar statute, and the ABA 2007 Model Procurement Code recommends the use of special innovative procurements.

Section 2(c) of HB840, HD1 specifically, subsection (5), reads:

(c) By February 1, 2016, the director of public safety shall submit a progress report to the legislature that includes the following:

(5) Any proposed legislation required for the implementation of the final design, construction, purchase, and operation of the correctional treatment facility.

The SPO requests that any proposed legislation related to the procurement method to be used to implement the final design, construction, purchase and operation of the facility be part of, and subject to, the Hawaii Public Procurement Code. Thereafter, the SPO, with input from the public, interested groups and State stakeholders, would draft rules including language that this bill tracks as key provisions based on other successful Public Private Partnerships (PPP). In order for the State Procurement Office to develop and make recommendation of rules on behalf of the Procurement Policy Board (PPB), a qualified temporary hire position is required for a period of two years to develop and implement the interim and final rules. The total cost would be approximately \$85,000 per year.

Public procurement's primary objectives are to provide everyone equal opportunity to compete for government contracts, to ensure open and transparent procurement actions, and to prevent favoritism, collusion, or fraud in awarding of contracts.

The SPO request that this bill be held and allow HB1028, HD1 to pass, creating the first step to Special Procurements within the Code. In order for the State Procurement Office to develop and make recommendation of rules on behalf of the Procurement Policy Board (PPB), a qualified temporary hire position is required for a period of two years to develop and implement the interim and final rules. The total cost would be approximately \$85,000 per year.

Thank you.

THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Eighth Legislature
Regular Session of 2015

COMMITTEE ON FINANCE

Honorable Representative Sylvia Luke, Chair
Honorable Representative Scott Y. Nishimoto, Vice Chair

DATE OF HEARING: Wednesday, February 25, 2015

TIME OF HEARING: 2:00 p.m.

PLACE OF HEARING: Conference Room 308, State Capitol

TESTIMONY ON HB840, HD1/SB1190 RELATING TO CORRECTIONAL FACILITIES

By Dayton M. Nakanelua,
State Director of the United Public Workers,
AFSCME, Local 646, AFL-CIO

My name is Dayton M. Nakanelua, and I am the state director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 member of the private sector.

The UPW is concerned that this bill may be premature in that the Department of Public Safety has yet to complete its system-wide needs assessment. Further, Hawaii Revised Statute 353-16.5 Development or expansion of in-state correctional facilities and Hawaii Revised Statutes 353-16.37 cites several requirements that should be addressed.

The planning and construction of a new community correctional facility will ultimately require personnel to operate the new system under working conditions that could be different than existing ones. Therefore, we propose an amendment to HB840, HD1 as follow on page 4, line 14: (5) Any proposed legislation required for the implementation of the final design, construction, purchase, and operation of the community correctional facility [.] except for any negotiable items under the BU-01 and BU-10 Collective Bargaining Agreements.

Thank you for the opportunity to submit this testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Nishimoto, Vice Chair

Wednesday, February 25, 2015

2:00 p.m.

Room 308

COMMENTS on HB 840 HD1 – Construction of Correctional Treatment Facility

Aloha Chair Luke, Vice Chair Nishimoto 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 for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai`i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai`i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 840 HD1 directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility and appropriate funds.

Community Alliance on Prisons acknowledges the sub-standard and shameful conditions in which Hawai`i's incarcerated people are forced to live. Frankly, it is difficult for us to understand why the state doesn't properly maintain these facilities

Before the Legislature proceeds with this plan, we respectfully remind you that the community must be included in the planning:

§353-16.35 Development or expansion of in-state correctional facilities. *The purpose of public outreach is to help ensure that a comprehensive environmental impact document would be prepared that provides a firm basis for the decision-making process. The intent of the public outreach process is to:*

□ Inform agency representatives, elected officials, **and interested members of the public about the proposed action**, the roles and responsibilities of PSD and the U.S. Department of Justice in implementing the proposed action, as well as activities to ensure compliance with HRS 343 and

NEPA.

To address this issue, the legislature enacted the following statute:

§353-16.37 Community partnering. *Regardless of the method for funding new prison facilities, the department of public safety shall develop and implement a community partnering process to be incorporated into the request for proposal; this partnering process shall include a community hearing for the purpose of soliciting community input. Further, a community benefit and enhancement package shall be developed by the department and the affected community to mitigate the negative aspects of building a correctional facility in the community. The benefit and enhancement package may include but is not limited to:*

- (1) *Infrastructure improvements;*
- (2) *Job training programs or improvements to schools and health care facilities;*
- (3) *Social programs; and*
- (4) *Other government functions. [L 1998, c 227, pt of §5; am L 1999, c 134, §4]*

The legislative intent is clear. The legislature has directed the Department of Public Safety to involve the community at the earliest stage of planning.

It is well documented that community-based treatment is more effective than prison-based treatment because it is addressed in a public health modality; prison is all about security. Research shows that for every \$1 spent on drug treatment in the community, approximately \$18 is saved. Substance abuse treatment provided in the community is more cost-effective than imprisonment. Individuals with substance abuse histories compose a large portion of the prison population. Substance use/abuse plays a role in the commission of certain crimes. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes.¹

Increasing investment in community-based mental health treatment, improving diversion from prison and jail, and ensuring that those leaving prison have adequate care, all will reduce the financial burden of imprisoning community members suffering with a mental illness. Mental health litigation has established the legal right to treatment in custodial facilities -- for pretrial detainees as well as sentenced inmates. Among its benefits, good mental health treatment can reduce security risks by minimizing the symptoms of mental illness, thereby decreasing potential disruptions to jail routines and injuries to staff and detainees. The problems jails experience in connection with mentally ill detainees are associated with the absence of criminal justice policies, procedures, and standards specifically addressed to this group of offenders. Deficiencies in training, communication, and resources result from viewing the jail in isolation, rather than as an integral part of a criminal justice system (that includes the police, the courts, defense attorneys, and prosecutors) with linkages to mental health and other human services based in the greater community.²

¹ The comparative costs and benefits of programs to reduce crime, Olympia: Washington State Institute for Public Policy, Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb. 2001.

² Providing Services for Jail Inmates with Mental Disorders, NIJ Research in Brief, Travis, Jeremy, and January, 1997. <http://www.ncjrs.gov/txtfiles/162207.txt>

finance8-Melanie

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 24, 2015 9:09 AM
To: FINTestimony
Cc: lisamarten@hawaii.rr.com
Subject: Submitted testimony for HB840 on Feb 25, 2015 14:00PM

HB840

Submitted on: 2/24/2015

Testimony for FIN on Feb 25, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments: Aloha Chair and Representatives. Please pass this Bill. We need to provide rehabilitation programs for our incarcerated population. Let's stop the revolving door in and out of prison for those who have potential to be rehabilitated. Mahalo, Lisa Marten

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HB840

Submitted on: 2/25/2015

Testimony for FIN on Feb 25, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Land Use Research Foundation of Hawaii	Support	No

Comments: The Land Use Research Foundation of Hawaii supports the intent of HB 840, HD1, which directs the Director of the Department of Public Safety (PSD) to prepare preliminary design and request for proposals for the design, construction, and operation of a community correctional facility; and appropriates funds. (HB840 HD1) However, perhaps this measure could be amended and improved after a review and analysis of existing corrections/rehabilitation programs and the completion ongoing PSD System wide Needs Assessment which is being conducted by a consultant; and with more public input.

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finance1-Kim

LATE

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HB840

Submitted on: 2/24/2015

Testimony for FIN on Feb 25, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Shimokawa	Individual	Support	No

Comments:

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HB840

Submitted on: 2/24/2015

Testimony for FIN on Feb 25, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Cates	Individual	Support	No

Comments: An intensive correctional treatment facility for minimum to medium security inmates is needed in Hawaii. Releasing drug dependent repeat low level crime offenders does not help the individual or the public at large. The majority of crimes are drug-related and this type of facility will address those battling addiction and can help return them into our communities as productive citizens.

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