

SB 1190

RELATING TO CORRECTIONAL FACILITIES.

Directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility. Appropriates moneys.

PSM/HTH, WAM

DAVID Y. IGE
GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 1190
RELATING TO CORRECTIONAL FACILITIES

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Health
Senator Josh Green, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 11, 2015, 1:45 PM
State Capitol, Conference Room 414

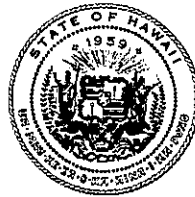
Chairs Espero and Green, Vice Chairs Baker and Wakai, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 1190, which would direct the Executive Branch to prepare a preliminary design and a request for proposals for the design, construction, and operation of a correctional facility.

Following the completion of the ongoing systemwide needs assessment being conducted by a consultant, PSD will be better prepared to assert precisely what kind (prison/jail/combo) of facility would best serve our system at or near the site of the Halawa Correctional Facility.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR

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TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
HEALTH AND
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
February 11, 2015; 1:45 P.M.

SENATE BILL 1190
RELATING TO CORRECTIONAL FACILITIES

Chairs Green and Espero, Vice-Chairs Wakai and Baker, and members of the committee, thank you for the opportunity to submit testimony on SB1190. The State Procurement Office's (SPO) comments are limited to SECTION 2 (c) of this bill, specifically subsection (5), which reads:

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

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 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. SPO is available to aid in drafting any required proposed legislation.

Thank you.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

COMMITTEE ON HEALTH

Sen. Josh Green, Chair

Sen. Glenn Wakai, Vice Chair

Wednesday, February 11, 2015

1:45p.m.

Room 414

COMMENTS on SB 1190 - Construction of Correctional Treatment Facility

Aloha Chairs Espero and Green 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 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.

SB 1190 directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility and appropriates moneys.

Community Alliance on Prisons is surprised to see a bill from the Lingle Administration for a correctional treatment facility introduced in 2015 with absolutely no updated information. This gives the community little confidence in the state's ability to perform accurate due diligence.

Common sense dictates that before Hawai'i proceeds with an RFP (Request for Proposals), the state needs to complete a comprehensive assessment of

- 1) all in-state facilities, including their current physical conditions, space needs - living areas, program, medical, library, and administrative,
- 2) custody levels and location of all incarcerated persons at all levels,
- 3) the minimum and maximum terms of all incarcerated persons

Before the Legislature proceeds with this plan, we respectfully remind you of two laws passed by prior Legislatures.

In 1998 the Hawai'i State Legislature passed two laws that are now in statute:

§353-16.35 Development or expansion of in-state correctional facilities. (a) Notwithstanding any other law to the contrary, the governor, with the assistance of the director, may negotiate with any person for the development or expansion of private in-state correctional facilities or public in-state turnkey correctional facilities to reduce prison overcrowding; provided that if an environmental assessment or environmental impact statement is required for a proposed site or for the expansion of an existing correctional facility under section 343-5, then notwithstanding the time periods specified for public review and comments under section 343-5, the governor shall accept public comments for a period of sixty days following public notification of either an environmental assessment or an environmental impact statement.

(b) Any development or expansion proposal shall address the construction of the facility separate from the operation of the facility and shall consider and include:

- (1) The percentage of low, medium, and high security inmates and the number of prison beds needed to incarcerate each of the foregoing classes of inmates;
- (2) The facility's impact on existing infrastructure, and an assessment of improvements and additions that will be necessary;
- (3) The facility's impact on available modes of transportation, including airports, roads, and highways; and
- (4) A useful life costs analysis.

(c) For the purposes of this section, "useful life costs" means an economic evaluation that compares alternate building and operating methods and provides information on the design, construction methods, and materials to be used with respect to efficiency in building maintenance and facilities operation. [L 1998, c 227, pt of §5; am L 2003, c 221, §1]

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
- (5) 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.

When the Lingle administration's bill for a correctional treatment facility was going through the Legislature, three professors from UH Manoa (*Katherine Irwin, Department of Sociology; Robert Perkinson, American Studies Department; Meda Chesney-Lind, Women's Studies Program*) wrote an Op-Ed entitled, *Let's Not Build a Prison to Treat Drug Offenders: A Review of What Works and What Doesn't*. Here is what these researchers recommend:

"Instead, we believe Hawai'i should do the following:

Invest in crime prevention strategies backed by solid social scientific evidence. Criminologists have deliberated over the 'what works' question for more than 20 years, and they have unanimously concluded that prevention programs do work. Because drug abuse and crime share similar causes, prevention programs can decrease the number of youths abusing drugs while at the same time decreasing the incidence of delinquent and criminal behaviors. Prevention is not only effective, it makes good fiscal sense. One California study estimated that in their first year, prevention programs saved the state anywhere from \$1,468 to \$15,000 depending on the kind of program implemented; thirty years out, the savings were from \$29,350 to \$221,750.

For those already drug addicted, we need to invest in community-based interventions. Extensive evidence suggests that drug treatment programs can decrease drug use, criminal activity, and arrest rates while increasing employment rates among treatment populations.

Finally, we should reduce reliance on incarceration for non-violent drug offenders. We know treatment outside of prison works. It costs less than incarceration and comes with fewer side effects. Prisons are blunt, expensive tools. They devour tax-payer money, chew up the lives of prisoners and their families, and do a poor job of reducing crime. Before investing Hawai'i's precious resources in new prisons, therefore, we urge lawmakers to think twice about cheaper, more effective alternatives."

Although this Op-Ed was written a decade ago, the recommendations are solid and applicable today. Imagine our facilities today, had we addressed the overcrowding with thoughtful, sound public policy rather than banishing people to a foreign land.

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

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.

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

A 2010 report from the Center for Economic and Policy Research³ concluded:

The United States has the highest incarceration rate in the world and also the highest rate in its history, with about 753 people per 100,000 in prison or jail in 2008. The number of incarcerated people in the United States has increased by more than 350 percent since 1980, while the overall population has grown by only 33 percent.

A reduction by one-half in the incarceration rate for non-violent offenders (who now make up over 60 percent of the prison and jail population) would lower the overall incarceration rate to the level reached in 1993 (which was already high by historical standards). This would also lower correctional expenditures by \$16.9 billion per year, with the large majority of these savings accruing to state and local governments. These projected savings would amount to almost one-fourth of total corrections budgets. The extensive research on incarceration and crime suggests that these budgetary savings could be achieved without any appreciable deterioration in public safety.

We are now holding people who are Community and Minimum Custody at Halawa, which is against all correctional best practices. There are a multitude of things we can do right now to reduce the incarcerated population, while saving lives and resources. Growing a criminal underclass by overclassifying individual's custody levels only serves to promote criminality. Let's figure out who we would be building the facilities for before committing resources.

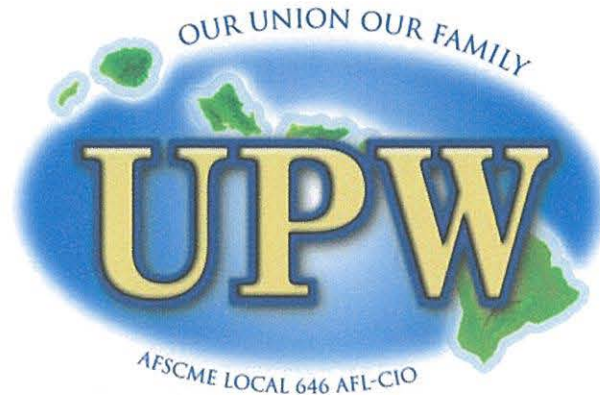
Hawai'i needs real programs that have been proven to work. **Treatment Works; Prisons Don't.**

BUILD PEOPLE; NOT PRISONS!

Mahalo for this opportunity to testify.

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

³ The High Budgetary Cost of Incarceration, Center for Economic and Policy Research John Schmitt, Kris Warner, and Sarika Gupta, June 2010. <http://www.cepr.net/documents/publications/incarceration-2010-06.pdf>



THE HAWAII STATE SENATE
The Twenty-Eighth Legislature
Regular Session of 2015

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

The Honorable Senator Will Espero, Chair
The Honorable Rosalyn H. Baker, Vice Chair

COMMITTEE ON HEALTH

The Honorable Senator Josh Green, Chair
The Honorable Senator Glenn Wakai, Vice Chair

DATE OF HEARING: Wednesday, February 11, 2015
TIME OF HEARING: 1:45 p.m.
PLACE OF HEARING: Conference Room 414
State Capitol
415 South Beretania Street

TESTIMONY ON SENATE BILL 1190 RELATING TO CORRECTIONAL FACILITIES

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

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 bargaining representative for approximately 12,000 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 members of the private sector.

The UPW supports SB1190 that directs the executive branch to prepare preliminary design and request for proposals for the design, construction and operation of a correctional facility and appropriates moneys.

SB1190

Submitted on: 2/10/2015

Testimony for PSM/HTH on Feb 11, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

February 10, 2015

Aloha Chair Green, Chair Espero, and Committee Members,

I am testifying in strong support of SB1190 which will allow preliminary design and proposals for a new correctional treatment facility.

More than 90% of all indexed crime in Hawaii is a property crime, which includes theft, burglary, and motor vehicle theft. Individuals that are dealing with drug addiction commit the majority of property crimes. Although Drug Court and HOPE Probation have proven successful in many cases and reduced recidivism, there are those individuals that are not able to get the help they need under limited State supervision.

Repeat violators of probation conditions often times result in probation modification rather than revocation, leading to a systematic game of catch-and-release. Of course no one wants to incarcerate someone for a low level, non-violent property crime, however, the current practices of our criminal justice system is contributing to a growing population of drug addicted career criminals that are continuously arrested and then released on probation back into our communities. Our judicial system has essentially become an enabler for a thieving addict.

Therefore, a secure, intense correctional treatment facility is what we need in Hawaii to help those chronic individuals. Rehabilitation and perhaps vocational training will help to kick start these individuals towards a purposeful life before its too late.

Please pass SB1190.

Mahalo,
Lisa Cates

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Monday, February 09, 2015 4:19 PM

To: PSMTestimony

Cc: maucrowe@gmail.com

Subject: Submitted testimony for SB1190 on Feb 11, 2015 13:45PM

SB1190

Submitted on: 2/9/2015

Testimony for PSM/HTH on Feb 11, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
james crowe	Individual	Oppose	No

Comments: Do not decide to put more money into brick and mortar now. First continue the recent process initiated by the U S department of justice to improve the quality of justice in Hawaii. Second, put our efforts into developing interventions and reintegration policies for inmates. Follow the better angels of your nature.