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**TESTIMONY ON HOUSE BILL 519
RELATING TO INMATES**

By
Clayton A. Frank, Director
Department of Public Safety

House Committee on Public Safety and Military Affairs
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, February 19, 2009; 9:30AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the legislature's interest in the development or expansion of in-state correctional facilities and the eventual return of our inmate's held in out-of-state prisons as outlined in House Bill 519.

With funding previously provided by the legislature, PSD is currently working closely with DAGS and several private entities under contract to both plan and design a new and larger correctional facility for the Island of Maui to replace the Maui Community Correctional Center (MCCC). In addition, PSD is currently exploring the possibility of relocating and/or expanding the Oahu Community Correctional Center (OCCC) at its current site. Both of these projects are moving along and we hope to have more detailed information for the legislature during the next legislative session.

Further, Section 2, which requires an inmate's consent to be returned to Hawaii, is not practical, feasible, and is not sound corrections management policy. The elimination of the provisions of HRS 353-16.2 will place inmates and staff in danger. At present, the PSD and the other State jurisdictions within the Western Interstate Compact use this provision to transfer inmates (usually on a one-for-one basis) that are high profile offenders, convicted felons

requiring protective custody outside of their home state, and/or offenders that are required to be held in maximum custody due to their repeated unacceptable behaviors such as assaulting staff and other inmates. If PSD is removed from the Western Interstate Compact, we would be required to return at least 22 offenders currently housed around the Country under this provision. In addition, we would be required notify several state jurisdictions of the Wester Interstate Compact that they immediately have to seek other housing options for the 17 inmates PSD is currently housing from their respective jurisdictions. PSD respectfully requests that this measure be held, as it is premature at this time.

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

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 19, 2009

Room 309

9:30 A.M.

COMMENTS on HB 519 – Return of Out of State Inmates

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 519 requires the return of all out-of-state inmates in private prisons by December 31, 2015 and requires the Department of Public Safety to plan, design, and construct sufficient facilities to house inmates in Hawai'i by that date.

Community Alliance on Prisons applauds the committee for hearing this bill. Hawai'i has been banishing individuals to the hands of prison profiteers since 1995, when we sent our first 300 prisoners to Texas. This was a 'temporary' situation, we were told. Today, 14 years later, Hawai'i has NO EXIT STRATEGY and the number of individuals sent abroad is rising, as the costs are soaring.

The Department of Public Safety is currently undergoing a re-classification of Hawai'i's incarcerated population. The preliminary findings of their consultants, Criminal Justice Institute, Inc. (CJI) reveal that Hawai'i has been over-classifying inmates and that the majority of Hawai'i's incarcerated population are nonviolent offenders who are classified as Minimum or Community Custody.

Interestingly, all the CCA prisons housing our people are Medium security prisons. When questioned about this, CCA said they had "low medium; medium medium; and high medium. Sounds like medium, yeah? And research shows how classifying people too high results in greater recidivism.

Research done by Keith Chen of Yale and Jesse Shapiro of the University of Chicago entitled, 'Does Prison Harden Criminals?' looked at 950 inmates with the same lengthy rap sheets and similar criminal histories but held in different classifications (some minimum custody and some low custody) and then studied them 1, 2, and 3 years after release to see if prison conditions and classification made them more apt for rearrest. **Their findings show that harsher prison conditions - classifications from low on up – are associated with significantly more post-release crime.** Source: "Does Prison Harden Inmates? A Discontinuity-based Approach - http://papers.ssrn.com/sol3/papers.cfm?abstract_id=470301

So Hawai'i's over-classification of inmates has actually been counter-productive and has fueled recidivism.

Although CAP strongly supports bringing our people home, we are concerned with Hawai'i's lack of infrastructure to assist individuals reentering the community. This infrastructure would include an array of prison-based and community-based programs to serve the diversity of needs of our incarcerated population. Hawai'i has been so focused on incapacitation and incarceration, that we have very little infrastructure in the community to help folks be successful upon reentry.

Before Hawai'i even considers building a prison, we should first determine how many 'hard' prison beds we need and then work from there. The re-classification work of CJI must provide the roadmap for the direction Hawai'i needs to take. Instead of bricks and mortar, we need to provide the tools and assistance necessary to help people rebuild their lives, restore their 'ohana, and revitalize their communities through successful rehabilitation and reentry programs. Building this infrastructure will provide a better Return on Investment (ROI) as it will help reduce recidivism and support individuals working to change their lives and behavior.

Why are we spending the most expensive sanction – prison – to punish people who have drug problems? Research by Rand Corporation found that for every \$1 spent on treatment, we save \$7 in social costs.

This economic crisis presents an opportunity to review what we are doing and do what is efficient, not punitive. **We should incarcerate individuals who harm others, not people who we are mad at.**

In closing, we must bring our people home to something. We must have programs in place for returning Hawai'i inmates. HB 519 can force the department to develop an exit strategy since they obviously need a goal or we will continue to ship individuals around like chess pieces, a shameful policy with no aloha.

Mahalo for this opportunity to share our thoughts.

**Hepatitis Prevention, & Support Network of Hawai'i
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February 19, 2009

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry J.C. Aquino, Vice-chair

Thursday, February 19, 2009

9:30 a.m.

Conference room 309

HB 519

RELATING TO COMMITTED PERSONS

SUPPORT

I strongly support the reduction of unnecessary costs associated with incarceration. Our dependence on private institutions, primarily mainland contracts, is presently costing the taxpayers at least \$50 million a year, and is expected to increase an additional \$13 million dollars after July 1, 2009. At this rate, we can expect to spend \$100 million or more per year by 2015, to out-of-state coffers. Sending inmates to the mainland was a temporary solution turned long term economic burden, and will continue to siphon tax dollars from our economy for as long as we are dependant on private mainland contractors. The time to act is now, and I strongly support this initiative.

Thanks for the opportunity to testify.

Andy Botts, Director

Prisoner reintegration program

Author, Nightmare In Bangkok



the
**Drug Policy
Forum**
of hawai'i

February 19, 2009

To: Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair and
Members of the Committee on Public Safety

From: Jeanne Y. Ohta, Executive Director

RE: HB 519 Relating to Inmates
Hearing: February 19, 2009, 9:30 a.m., Room 309

COMMENTS

HB 519 requires the return of all out-of-state inmates in private prison by 12/31/15 and requires the Department of Public Safety to plan, design, and construct sufficient facilities to house inmates in Hawai'i by 12/31/15.

DPFH supports the return of all inmates to Hawai'i, as housing prisoners on the mainland makes maintaining relationships with family members and children extremely difficult and makes successful reentry into the community more difficult.

However, during difficult times, we need to rethink our current policies; do they work for Hawai'i? Clearly, medium security incarceration is not the best policy. It is expensive and does not reduce recidivism rates.

We think this is the opportune time to focus on establishing community-based programs both for reentry and for drug treatment. We should be establishing a variety of programs that are gender-appropriate and culturally appropriate. These programs actually address the underlying cause of criminal behavior, are more effective than incarceration, and reduce recidivism rates, thus reducing the need for more prison space. Community-based programs are also less expensive than incarceration.

Thank you for this opportunity to provide comments.

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, February 19, 2008
9:30 AM Room 309

SUPPORT WITH AMENDMENTS: HB 519 RELATING TO INMATES

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of HB 519 with Amendments. My experiences as a former Public Defender and staff member of a reentry program on Maui, as well as a member of Community Alliance on Prisons have shaped my advocacy efforts to promote rehabilitation, accountability and transparency within our correctional system, and alternatives to incarceration.

HB 519 requires the return of all out-of-state inmates in private prisons by 12/31/15 and requires the Department of Public Safety to plan, design, and construct sufficient facilities to house inmates in Hawai'i by 12/31/15.

I support the provision under HRS 353H-7 that sets a deadline for the Department of Public Safety to return to all out inmates to Hawai'i by December 31, 2015.

However, I do not support the language under 353-16.35(c) and HRS 353H-7(d) that requires the Department to plan, design and construct sufficient facilities to house all prisoners to the committed to the Department's custody. That language provides a green light for Hawai'i to build more prisons.

Similar to other members of our community, I am interested in safe neighborhoods, and the reduction of crime and recidivism. However, contrary to the myth, ***BUILDING MORE PRISONS IS NOT THE SOLUTION!***

- **The prison population growth in Hawai'i is linked to changes in our sentencing laws, not due to an increase in crime.** Accordingly, we must amend sentencing laws that contributed to the prison population growth.
- **The Sentencing Project's Report Incarceration and Crime: A Complex Relationship (2006) highlights the marginal connection between mass imprisonment and reduced crime.** The Report concludes that "the persistent removal of persons from the community to prison and their eventual return has a destabilizing effect that has been demonstrated to fray family and community bonds, and contribute to an increase in recidivism and future criminality." Moreover, the Report concludes that alternatives approaches to reduce crime, such as treatment and intervention, are more cost effective and protect families. Accordingly, we must invest in programs that have proven effective in reducing recidivism.

- **Other states, such as Wisconsin and Washington, which exported large numbers of its prisoners to other state or private prisons, are reversing this practice.** Policy makers and even correctional leaders in these States recognize that out of state transfers weakens family ties, reduces the likelihood of family visits, and creates other unintended consequences (i.e. increased growth of prison gangs).

I am encouraged that a growing number of our State Legislators support the return of our incarcerated brothers and sisters back home. Please continue to champion this cause by using a comprehensive strategy to reduce our overreliance on incarceration. Our community can achieve public safety goals with a reduction of incarceration if we have the political will and courage to support changes to our sentencing laws and alternatives to incarceration.

Mahalo for this opportunity to submit testimony in strong support of HB 519 with the suggested amendments.

Sincerely,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i
(808) 269-3858

From:
Sent:
To: PBStestimony
Subject: Testimony HB 519
Attachments: stat421.jpg
Categories: Orange Category

COMMITTEE ON PUBLIC SAFETY

Rep. Faye P. Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 19, 2009

9:30 AM

Room 309

Bill # HB 519, Relating to Inmates

SUPPORT

Thank you for the opportunity to submit my testimony and hearing this bill.

Understandably, it would be difficult to implement this bill at this time. However, if the committee could lay the ground work for beginning the process, it would greatly decrease the rate of recidivism.

I support this measure because of the division separation causes within families. Many inmates lose support of their loved ones, including parents. With no support, when they are released, they become wards of the state and return to their old habits.

Thank you for your consideration.

Elaine Funakoshi