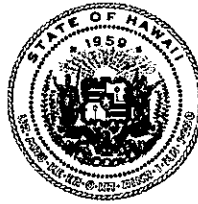
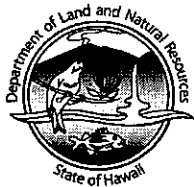


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the House Committee on
PUBLIC SAFETY & MILITARY AFFAIRS**

**Thursday, March 29, 2012
10:00 AM
State Capitol, Conference Room 309**

**In consideration of
HOUSE CONCURRENT RESOLUTION 203/HOUSE RESOLUTION 157
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A
PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PLANNING, DESIGN,
CONSTRUCTION, TURNKEY, AND FINANCING OF A NEW MAUI REGIONAL
PUBLIC SAFETY COMPLEX AT PUUNENE, MAUI**

House Concurrent Resolution 203/House Resolution 157 requests the Department of Public Safety (PSD) enter into a public-private partnership agreement for the planning, design, construction, turnkey, and financing of a new Maui Regional Public Safety Complex (MRPSC) at Puunene, Maui. The Department of Land and Natural Resources (Department) supports these resolutions and offers the following comments.

The Puunene area includes large tracts of public lands, including lands owned and managed by the Department, lands owned by the Department of Hawaiian Home Lands (DHHL), and lands set-aside to the County of Maui (County). During the past year, several State agencies (including the Department, PSD, DHHL, and the Department of Accounting and General Services), along with the County, have been actively working together to coordinate the planning and future development of these public lands, including the proposed MRPSC. The Department looks forward to continuing its participation in this coordinated effort.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday, March 29, 2012

10:00 a.m.

Room 309

COMMENTS ON HCR 203/HR 157 - MAUI PSRP PUBLI-PRIVATE PARTNERSHIP

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

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals 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.

HCR 203/HR 157 requests the Department of Public Safety to enter into a public-private partnership agreement for the planning, design, construction, turnkey and financing of a new Maui regional public safety complex at Pu'unene, Maui.

Community Alliance on Prisons offers comments and questions on this measure.

We remember a meeting in Maui that took place in July 2007, when the former Lt. Governor came to that meeting with plans for a huge low a sprawling complex. We, and many others, found this interesting since OCCC is low and sprawling and takes twice the number of staff to run than other facilities. Now it looks like this inefficient concept is being embraced and we, frankly, don't understand why.

First of all, why the rush when ...

- **Justice Reinvestment has not even been started in Hawai'i?** We know that in many other jurisdictions, building efficiencies in their systems has actually avoided the construction of new prisons/facilities.
- **The EIS has not been released for public comment.** The EIS requires thorough analysis of ALL ALTERNATIVES, including the renovation and remodeling of the existing MCCC facility as well as other alternatives.
- **The community has never been properly consulted** on justice issues appropriate for Maui such as alternatives to incarceration and community-based reentry?

Questions:

- We find it interesting that this sprawling 'complex' is planned for Pu'unene, when water and transportation are huge issues in that area. **Shouldn't the water and transportation issues be addressed before entering into any 'partnerships'?**
- **What does DHHL know about building secure facilities?** DHHL still has thousands of Native Hawaiians on the waiting list for land/homes. It seems strange that building a public safety facility is trumping that mandate.
- **Do we know the actual needs of the Maui imprisoned population?** How many actually need to be incarcerated? How many will be reentering the community? Research indicates that reentry is best done in community-based programs. Is it wise to have a reentry center on the footprint of a correctional facility?
- **Who exactly is being considered for this 'partnership'?** Are corporate entities such as Corrections Corporation of America (CCA) or GEO being considered? We know that CCA has been trying to gain a foothold in Hawai'i by offering to buy state facilities for cash. CCA currently considers themselves 'partners' when they are actually vendors, under contract with the state, although they certainly appear to have the upper hand in dealing with PSD. There are many horror stories of other places where sub-standard facilities were constructed by these corporate entities and we have first-hand experience with the sub-standard construction of Saguaro Prison in Eloy.

We caution the state to examine fully the 'partnerships' they are seeking. The state must conduct proper due diligence when considering public-private partnerships.

CAVEAT EMPTOR

Let the Buyer Beware

Mahalo for the opportunity to share our deep concerns.



Dedicated to safe, responsible, humane and effective drug policies since 1993

March 29, 2012

To: Rep. Henry Aquino, Chair
Rep. Ty Cullen, Vice Chair and
Members of the Committee on Public Safety and Military Affairs

From: Jeanne Y. Ohta, Executive Director

RE: HCR 203/HR 157

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A
PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PLANNING, DESIGN,
CONSTRUCTION, TURNKEY, AND FINANCING OF A NEW MAUI REGIONAL
PUBLIC SAFETY COMPLEX AT PUUNENE, MAUI

Hearing: March 29, 2012, 10:00 a.m., Room 309

Position: COMMENTS

The Drug Policy Forum of Hawai'i cautions against the use of private for-profit organizations to operate prisons or build prisons for the state of Hawai'i. The primary purpose of these organizations is profit and to keep prison beds full. Prisons should be operated by governments, not by for-profit organizations. To increase profits, such businesses reduce services, such as the provision of health.

Other options should be explored before deciding on a 600-800 bed prison on Maui. If the prison has 800 beds, efforts will be made to fill all 800 beds, especially if a private entity has a stake in the profits from operations of the prison.

While DPFH agrees that MCCC is in disrepair and needs upgrading, we support the increased availability of community-based treatment programs, which are more effective in preventing recidivism and less costly than prison-based programs.

Thank you for the opportunity to provide comments.