



STATE OF HAWAII
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TESTIMONY ON HOUSE BILL 2362
RELATING TO PUBLIC SAFETY.

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety, Veterans, and Military Affairs
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Friday, January 31, 2020; 10:00 a.m.
State Capitol, Conference Room 430

Chair Takayama, Vice Chair Gates, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 2362, which would provide funding for the State's purchase of the Federal Detention Center (FDC), to serve as the new Oahu Community Correctional Center (OCCC).

It is well-recognized that like all of PSD's jails, OCCC is severely overcrowded, with inmates and detainees often housed three to a cell meant for one, in less-than-ideal conditions. This antiquated and unsafe facility clearly must be replaced. Replacement or refurbishment costs for facilities to meet the growing housing shortages in the State's correctional facilities has been estimated to be as much as \$1,500,000,000 to \$2,000,000,000, and the State has been hard-pressed to find the resources to deal with overcrowding.

The FDC is not new, but it is an efficient, vertical design which includes integrated, state-of-the-art surveillance and management technologies, accommodating all the necessary functions of a correctional facility. PSD currently houses approximately 140 State of Hawaii inmates at the FDC, which is estimated to have a total capacity of 1,200. With security and safety of inmates and staff and relief from overcrowding being among our top priorities, it makes good sense to consider purchase of the FDC as a viable alternative to OCCC.

Thank you for the opportunity to present this testimony.

HB-2362

Submitted on: 1/28/2020 10:20:55 PM

Testimony for PVM on 1/31/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Oppose	No

Comments:

In opposition to this measure. The federal government would not sell the property to the state.

LATE

January 30, 2010

Rep. Greg Takayma, Chair
Rep. Cedric Asuega Gates, Vice Chair
Committee of Public Safety, Veterans & Military Affairs
Friday, January 31, 2020
10:00 a.m.
Conference Room 430

RE: OPPOSE HB 2362 RELATING TO PUBLIC SAFETY
(Appropriation to Purchase the Honolulu Federal Detention Center)

Aloha Chair Takayama, Vice Chair Gates and Committee Members:

My name is Carrie Ann Shirota, and I am writing in opposition to HB 2362 that would appropriate funds to purchase the Honolulu Federal Detention Center.

As background, I have past experience as Director for MEO's Reintegration Program on Maui, as a Public Defender, Soros Justice fellow and as a person whose family has been impacted by our criminal justice system.

It is undisputed that Hawaii's jails and prisons overcrowded, creating inhumane conditions of confinement and limited opportunities for meaningful rehabilitation. For over twenty years, Hawai'i has earned the dubious distinction of transferring the highest percentage of prisoners to out-of-state prisons. What started as a "temporary solution" has become a standard practice that further disconnects individuals from their families, homes, community and culture, has given rise to more violence, deaths and bona fide security threat groups (gangs) that had previously not existed, and makes successful reintegration even more difficult.

My message is simple - Building new jails and prisons, or purchasing the Federal Detention Center is not a solution to overcrowding.

So what is the solution? Reducing the incarcerated population through evidence-based strategies and practices.

In order to reduce overcrowding in our jails and prisons and to stop our banishment policies to out-of-state prisons, we must implement Smart Justice strategies at different entry and exit points within the criminal justice system. We can look to other jurisdictions that have successfully and significantly reduced their incarcerated population. Here are some concrete examples:

New Jersey Outcomes

- Between 1999-2012, NJ state prison population reduced by **26%**, while the nationwide state prison population increased by 10%
- The population went from 31,493 persons to 23,225 persons (**decrease of 8,268**)
- NJ's violent crime rate fell by 30%, while the national rate decreased by 26%
- NJ's property crime rates also decreased by 31% compared to the national decline of 24%

New York Outcomes

- Between 1999-2012, New York reduced its prison population by 26%, while the nationwide state population increased by 10%.
- Incarcerated population went from 72,896 persons to 54,268 persons (**decrease of 18,268**)
- NY's violent crime rate fell by 31%, compared to the national rate which decreased by 26%.
- NY's property crime rate fell by 29% compared to the national decline of 24%.

California

- Between 2006 and 2012, California downsized its prison population by **23%**, compared to the nationwide state prison population decrease of 1%.
- 173,942 to 134,211 (**decrease of 39,731**)
- CA's violent crime rate drop of 21% exceeded the national decline of 19%.
- California's property crime rate dropped by 13%, but that rate was slightly lower than the national reduction of 15%.

We can also look to our own history. In 1970, Hawai'i had a prisoner population of 300 persons. By 1985, the prison population soared to 2,045. In 2000, Hawai's prison population increased to 5053. As of July 2018, our combined jail and prison inmate population was 5,570.

We need to tell the truth and reconcile with this truth. We created this overcrowding crisis by enacting laws that punish more behavior not considered "criminal" in the past, and by enacting more harsh sentencing, primarily through mandatory minimum sentencing.

For decades, we have moved away from a correctional model of rehabilitation to one based on punishment. Consistent with a philosophy of punishment, we have underfunded and reduced health care, treatment, educational, vocational and visitation opportunities - all of which have proven to REDUCE recidivism rates.

We are responsible for creating inhumane conditions that are toxic to all who live and work in jails and prisons.

We are responsible for creating an unjust bail system that favors the rich and punishes the poor without ever having their day in court. As a result, almost 1/2 of the men and women in our jails are pre-trial detention status even if they pose little to no risk to the community.

We are responsible for our brothers and sisters in jails and prisons that are dying both a physical and spiritual death. Some by their own hand - due to mental health conditions, despair and our failure to implement best practices to prevent suicide. Others were murdered - stabbed multiple times and left to return home to their families in a body bag.

On our watch, we created the conditions that lead to the riot at the Maui jail. Understaffing, poor leadership and punitive practices that serve no rehabilitation purpose other than to punish.

On our watch, men and women in our jails and prisons have been beaten, raped and subjected to the very violence that we condemn.

On our watch, we have disproportionately arrested and locked up Native Hawaiians compared to other ethnic groups while claiming to have a colorblind system of justice. We have convened Task Force upon Task Force to study this issue, only to ignore their recommendations to stop this injustice.

Yet, even with this knowledge, we continue to send more people to jail and prison for longer sentences. And even with this knowledge, we have the audacity to propose spending millions of dollars to buy FDC and build new jails on Maui and Hawai'i instead of investing in proven strategies to reduce the incarcerated population.

If we do not chart a new course to transform our correctional system in Hawai'i, we will all pay. We, and especially our children will bear the price of mass incarceration as we consciously choose to spend over \$60,000 to incarcerate an adult annually, and less than \$20,000 to educate a child in our public schools.

We will also bear the price of less safe neighborhoods as research from New York, New Jersey and California shows that crime rates decrease when jurisdictions implement Smart Justice strategies to reduce the incarcerated population.

In closing, if we buy FDC and/or simply build more jails and prisons instead of investing in Smart Justice policies in Hawai'i, we will all suffer a spiritual death. Please be fiscally responsible and morally just by holding HB 2362.

Sincerely,

Carrie Ann Shirota, JD
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