

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

STATE OF HAWAII OFFICE OF THE PUBLIC DEFENDER

February 2, 2026

HB 1769: RELATING TO CORRECTIONAL FACILITIES:

Chair Belatti, Vice-Chair Iwamoto, and Members of the Committee on Public Safety:

The Office of the Public Defender (OPD) **supports** HB 1769 which requires the Department of Corrections and Rehabilitation (DCR) to incrementally reduce the number of incarcerated individuals in private, out-of-state correctional institutions.

The OPD represents the vast majority of individuals incarcerated in Hawai'i, and our attorneys routinely witness the profound and lasting harm caused by out-of-state incarceration. As the Legislature has recognized, the practice of transferring Hawai'i residents to private prisons on the continental United States separates individuals from their 'ohana, culture, legal counsel, and support systems, undermining rehabilitation and creating significant barriers to successful reentry.

The DCR contracts with and houses incarcerated individuals at the Saguaro Correctional Center in Arizona, a for-profit private prison. The physical distance alone makes in-person visitation, attorney communication, and family engagement exceptionally difficult and cost-prohibitive. These disruptions weaken critical social supports that research consistently shows are essential to rehabilitation and lower recidivism.

Out-of-state incarceration also erodes accountability and transparency. Contracting with private, for-profit prisons monetizes incarceration and shifts core governmental responsibilities to entities whose financial incentives are misaligned with rehabilitation and public safety. Limited oversight allows private prison operators to cut costs through reduced staffing, lower wages, diminished medical and mental health care, fewer educational and rehabilitative programs, and substandard living

conditions — conditions that are directly linked to increased violence, instability, and poor outcomes.

HB 1769 appropriately acknowledges that Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal legal system. The removal of Native Hawaiian individuals from their home, family, language, and cultural practices compounds historical and intergenerational harm and runs counter to Hawai‘i’s constitutional values and commitments. Reducing reliance on private, out-of-state prisons is a necessary step toward advancing racial equity, cultural integrity, and community well-being.

HB 1769 does not mandate an abrupt or impractical change. Instead, it establishes a phased, incremental reduction, paired with annual reporting requirements that promote transparency and legislative oversight. This structure allows the DCR to plan responsibly, align resources, and prioritize in-state alternatives.

This approach reflects the recommendations of the House Concurrent Resolution No. 85 task force and reinforces the growing consensus that mass incarceration has not improved public safety and imposes immense fiscal and social costs without addressing the root causes of justice system involvement.

For these reasons, the Office of the Public Defender **supports** HB 1769.

Thank you for the opportunity to comment.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

TO: The Honorable Della Au Belatti, Chair
The Honorable Kim Coco Iwamoto, Vice Chair
House Committee on Public Safety

FROM: Mark Patterson, Chair
Hawai'i Correctional System Oversight Commission

SUBJECT: House Bill 1769, Relating to Correctional Facilities
Hearing: Wednesday, February 4, 2026; 9:00 a.m.
State Capitol, Room 411

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) submits testimony in **support** of House Bill 1769, relating to correctional facilities, which requires the Director of Corrections and Rehabilitation to incrementally reduce the number of individuals incarcerated in private, out-of-state correctional institutions.

Housing individuals in custody in out-of-state private facilities presents significant challenges and risks that make it an ineffective and harmful approach. First, it separates people from their families, legal support, and community connections, which are critical for emotional well-being, rehabilitation, and successful reintegration. This isolation can exacerbate mental health issues and increase the likelihood of recidivism.

Second, out-of-state facilities often operate under different regulatory and oversight standards, reducing transparency and accountability. This can lead to inconsistent care, inadequate medical and mental health services, and higher vulnerability to abuse or neglect. Out of state private institutions also have their own policies and procedures that do not align with the Department of Corrections and Rehabilitation.

Third, private facilities are driven by profit motives, which can create perverse incentives to cut costs at the expense of safety, programming, and humane conditions.

Bringing people back home allows them to remain connected to their support networks and culture, receive oversight consistent with local standards, access appropriate services, and participate in programs that genuinely support rehabilitation and reentry. Housing individuals closer to their communities promotes safety, accountability, and long-term success for both the individuals and the broader community.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Vacant
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

STATE OF HAWAII | KA MOKUĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawai'i 96813

TESTIMONY ON HOUSE BILL 1769 RELATING TO CORRECTIONAL FACILITIES.

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

House Committee on Public Safety
Representative Della Au Belatti, Chair
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 4, 2026; 9:00 a.m.
State Capitol, Conference Room 411 & via Videoconference

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) opposes House Bill (HB) 1769, which seeks to require DCR to reduce the number of inmates housed at private out-of-state correctional institutions by 25% no later than July 1, 2029, and by 50% no later than July 1, 2031, without regard to DCR's in-state population for male convicted felons or DCR's capacity and/or ability to appropriately house, treat, and care for the affected committed felons. This measure also seeks requires DCR to submit reports to the Legislature no later than 20 days prior to the convening of the regular sessions of 2027, 2028, 2029, 2030, 2031, and 2032 on actions taken to fulfill the requirements outlined in this measure.

DCR understands the intent of HB 1769 to return committed felons incarcerated in private Mainland facilities to Hawai'i. DCR shares the concerns raised about housing inmates in facilities far from home and would have returned the inmates long ago, but for the lack of facilities in which to house, care for, and treat them, including appropriate rehabilitative programs. Therefore, DCR cannot agree with this proposal, as there is currently no space available in our only male medium security prison (Halawa

Correctional Facility - HCF). The HCF has a design capacity of 496 offenders. However, at present there are 818 convicted male felons housed at that facility, which is 165% of its designed capacity. Currently there are 799 convicted male felons being housed at the Saguaro Correctional Center in Eloy, AZ.

It should be noted that DCR does not have the authority to turn away offenders sentenced to jail (1 year or less), or prison (1 year and 1 day or more), by courts, nor those re-sentenced by the courts from probation to prison terms. Likewise, DCR is required to accept all parole and probation violators, where the court or the Hawai'i Paroling Authority (HPA) have issued a warrant of arrest that has been executed. Therefore, DCR has no way of knowing what its population will be until they arrive at its doorstep.

For example, at present, the Judiciary has approximately 11,000 offenders on probation supervision statewide. If only 10% of the sentenced felony probationers (approximately 1,100) were re-sentenced to prison, the State's correctional system, which is already severely strained with insufficient capacity, to house all our current inmates in Hawai'i facilities, would be completely overwhelmed. It should also be noted that the Judiciary may have a substantial backlog of felony level criminal trials whereby hundreds of individuals could be convicted and sentenced to prison, some of which are sentenced felony probationers facing revocation and re-sentencing to prison.

To house these offenders located in Hawai'i who may be ordered into DCR's correctional facilities, there are only eight (8) jails and prisons, which are old, manpower-intensive, and constantly in need of major costly repairs. DCR has previously pointed out the age and limited capacities of its facilities in the state. Yet, despite its efforts, DCR has been largely unsuccessful for decades in gaining the support necessary to upgrade or even substantially refurbish our facilities.

Because DCR's correctional facility's medium custody level beds are currently filled, to return the 799 male inmates currently housed at Saguaro Correctional Center in Eloy, AZ, to Hawai'i will require a new medium security prison. DCR estimates the cost to build such a facility in Hawai'i to be between \$800 and \$900 million, depending on the

design, programming space **and other costs**. In addition, the annual cost to operate and manage such a facility is estimated to be \$45 - \$55 million and **will** require additional staffing of 350 – 450 (80% Uniformed and 20% Non-Uniformed) to operate it.

Thank you for the opportunity to provide testimony in opposition to HB 1769.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY

Representative Della Au Belatti, Chair

Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 4, 2026

9:00 am

Room 411 and VIDEOCONFERENCE

STRONG SUPPORT with AMENDMENT for HB 1769 - REDUCING THE NUMBER OF OUR PEOPLE TO PRISONS OUTSIDE OF HAWAII

Aloha Chair Belatti, Vice Chair Iwamoto 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 in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,654 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on January 26, 2026. We are always mindful that 799 – 43% of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to express our **strong support of HB 1769** that requires the Director of Corrections and Rehabilitation to incrementally reduce the number of individuals incarcerated

¹ DCR Weekly Population Report, January 26, 2026

[Pop-Reports-Weekly-2026-01-26.pdf](https://www.hicr.hawaii.gov/Pop-Reports-Weekly-2026-01-26.pdf)

in private CORPORATE, out-of-state correctional institutions and reports to the Legislature.

AMENDMENT:

The reports on the number of persons in prisons outside of Hawai`i SHALL go to the Legislature, THE HAWAII`I CORRECTIONAL SYSTEM OVERSIGHT COMMISSION, AND SHALL BE POSTED SEMI-ANNUALLY ON THE DEPARTMENT OF CORRECTIONS AND REHABILITATION'S WEBSITE.

While the number of people exiled to Saguaro Correctional Center in Eloy, Arizona are posted in the DCR Weekly Population Reports, the number of our friends, family, and neighbors serving sentences in other places are NOT reported.

Community Alliance on Prisons wants to make sure that these individuals are not forgotten. Below are the number of people serving time in out-of-state prisons as of September 30, 2024:

ARIZONA	4
CALIFORNIA	2
COLORADO	4
CONNECTICUT	1
FLORIDA	1
INDIANA	1
NEW MEXICO	6
UTAH	2
VIRGINIA	3
FEDERAL PRISONS ..	30

The total number of our people serving time in out-of-state contract prisons in other states as of 9.30.24 was 25 and when the 30 people in federal prisons are included, this brings the total number of Hawai`i people exiled to federal or out-of-state compact prisons to 55 of our friends, family, and neighbors.

When we add the 799 individuals in Saguaro and 55 individuals in federal and out-of-state compact prisons that brings the total to 854 people exiled by the state far, far from their families and loved ones and from their communities in Hawai`i. This brings the total of persons exiled by Hawai`i to more than 45%.

This is why it is imperative that we never forget our people serving time so far from home. We support this bill to not only reduce these populations, but mandate transparency and accountability by reporting the number of people serving time in these federal and out-of-state compact prisons – where contact with loved ones is minimal at best. These are our people and it is incumbent upon the state to monitor what is happening to them at these facilities.

Community Alliance on Prisons has been appalled at the lack of concern – and even contact from DCR – for our people in the out-of-state compact prisons. They are truly the forgotten by the department. Community Alliance on Prisons will never forget them!

We urge the committee to support HB 1769 as at least an initial attempt to abandon this ‘temporary’ solution to overcrowding that has been ongoing for 30 years. It is shameful that Hawai`i refuses to take care of all of our incarcerated people.

We implore the committee to pass HB 1769 with the suggested amendment in the interest of transparency and accountability!

Mahalo for opportunity to share our mana`o.



Carrie Ann Shirota
Attorney at Law

House Committee on Public Safety

Rep. Della Au Belatti, Chair

Rep. Kim Coco Iwamoto, Vice Chair

Wednesday, February 4, 2026

9:00 A.M.

Conference Room 411

Support for HB1769 Relating to Correctional Facilities

Dear Chair Belatti, Vice Chair Iwamoto and Committee Members:

My name is Carrie Ann Shirota. I am an attorney and justice advocate submitting testimony in strong support of **H.B. 1769 Relating to Correctional Facilities**. This vital measure mandates the Director of Corrections and Rehabilitation (DCR) to systematically reduce the number of individuals incarcerated in private, out-of-state correctional institutions and requires regular reporting to the Legislature.

Historical Context to Out-of-State Transfers to Private-For-Profit Prisons

Hawai'i has earned the dubious distinction of exporting the largest percentage of its prison population to out-of-state private prisons. What began as a “temporary” transfer of 300 prisoners to private prisons in Texas, has evolved into 30 years of a harmful policy with no end in sight.¹ As coined by the late Justice Thurgood Marshall of the U.S. Supreme Court, Hawai'i has “banished” our people to private prisons in Arizona, Colorado, Kentucky, Minnesota, Mississippi, New Mexico, Tennessee and Oklahoma.

Today, the State of Hawai'i contracts with CoreCivic (formerly known as Corrections Corporation of America) to incarcerate nearly 800 people at Saguaro prison in Arizona, documented in the [January 26, 2026, DCR's Weekly Population Report](#). This practice separates families and communities, and for Native Hawaiians, separates them from ancestral lands, which is inextricably tied to cultural identity, health and healing.

¹[Testimony of Carrie Ann Shirota](#) relating to a Public Hearing on Prison Privatization in Arizona, dated October 27, 2020 (outlining the problems associated with prison privatization and interstate prisoner transfers based on Hawaii's experience with banishment).

This tragic reliance on the exportation of our people to for-profit prisons has become DCR's default status quo, undermining data-driven reforms to safely decarcerate our incarcerated population and return our people home. The continuation of this policy is actively supported by CoreCivic's lobbyists in Hawai'i who work to ensure the Hawai'i renews these lucrative contracts, and to position this corporation for proposed public-private partnerships to expand jails and prisons.

Upholding Hawaii's Legal Duty: The Dangers and Risks Associated with Out-of State Private Prison Transfers

Hawai'i has a legal responsibility to ensure the safe and humane treatment of people incarcerated within their own jails and prisons, and out-of-state private prisons.

Hawaii's track record of violent assaults, gang activity and deaths that has accumulated at Saguaro prisons aligns with compelling evidence that private prisons are far more dangerous to incarcerated individuals than government-run facilities.

Prison privatization advocates argue that bad things happen in public and private prisons. Indeed, that is true. However, as outlined in ACLU of Hawaii's prior testimony in support of [HRC 153](#) that passed in 2025, prior studies confirm the following:

- In 2016, the DOJ found private prisons more dangerous than public prisons, noting that private prisons have higher assault rates and 50% more incidents of illicit weapons.
- Private prisons have higher levels of escapes, disturbances, and drug use. These elevated risks impact both incarcerated people and staff.
- Private prisons also have higher levels of operational problems and a comparative lack of inmate programs, such as educational, vocational, and counseling programs, which lead to inmate idleness and a lack of preparation for reentry.
- Private prisons have long-term hidden costs estimated to be 20- 30% above per diem costs (increased liability, increased worker compensation costs, increased law enforcement costs that are due to escapes).

Reducing the number of people at Saguaro is an important step to ending Hawaii's contracts with private for profit corporations. This will enable Hawai'i to invest in systemic reforms within Hawaii's criminal legal system relating to diversion, pretrial fairness, ending cash bail, sentencing, and probation and parole supervision, instead of spending public dollars to enrich the CoreCivic corporation in Tennessee and its shareholders.

Hawai'i Underutilizes Strategies to Reduce Incarceration and Out of State Transfers to Private For Profit Prisons

Hawai'i has failed to fully embrace and implement data-drive strategies to reduce the incarcerated population at different entry points into the criminal legal system, and return people home from private-for-profit prisons.

Below, is a sampling of Task Force Reports containing numerous, yet largely unimplemented recommendations to improve the criminal legal system and ultimately reduce the number of people in our carceral system, including those transferred to out-of-state private prisons.

- Hawai'i has failed to implement the majority of recommendations in the [Pretrial Task Force Report \(2018\)](#).
- Hawai'i has failed to implement the majority of recommendations in the [H.C.R. 85 Task Force Report On Prison Reform \(2018\)](#).
- Hawai'i has failed to implement the recommendations in [The Native Hawaiian Justice Task Force Report \(2012\)](#).
- The Hawai'i Judiciary opposed bills to reform the probation system that would have reduced the average length of time under probation supervision and the number of probation revocations. [SB2514/ HB2344 Relating to Probation \(2022\)](#).
- The Hawai'i Paroling Authority opposed bills to reform the parole system that would have reduced the number of parole violations. See [SB2512/ HB2342 Relating to Parole \(2022\)](#).

DCR Erroneously Asserts They Would Have Returned People in Out-of-State Prisons Long Ago “But for the Lack of Space in Hawaii’s Correctional Facilities.”

The Department of Corrections has repeatedly asserted in past written and oral testimony that the use of private, out-of-state prisons is unavoidable due to “the lack of space in its correctional facilities in which to house them, including the lack of appropriate rehabilitation programs for these inmates.²”

However, DCR’s own population reports directly contradict this assertion, confirming underutilization or “empty beds” at Kūlani prison on Hawai'i island, Waiawa prison on O’ahu, and the Maui and Kaua’i jails.

²https://www.capitol.hawaii.gov/sessions/Session2025/Testimony/HCR153_TESTIMONY_PSM_04-11-25.PDF (page 1).

DEPARTMENT OF CORRECTIONS AND REHABILITATION WEEKLY
POPULATION REPORT Date: January 26, 2026

Correctional Facility	Design Capacity	Operational Capacity	Current Total
Kūlani Prison	200	200	82 (118 empty beds)
Waiawa Prison	294	334	169 (165 empty beds)
MCCC Jail (MCCC)	209	301	209 (92 empty beds)
Kauai Jail (KCCC)	110	128	76 (52 empty beds)
Saguaro Prison Arizona	1,896 to 2,000 beds	?	799 (24 Parole Violations)

Total Number of People at Saguaro Prison in Arizona: 799

Total Number of Empty Prison/Jail Beds in Hawai'i: 427

Difference in the Total Number of People at Saguaro vs. Empty Beds in Hawai'i: 372

Moreover, the Oversight Commission's consistent reports confirm that work furlough programs under the control of DCR are systemically underutilized. Compounding this issue, DCR has failed to expand contracts with community-based work furlough programs operated by non-profit organizations despite research demonstrating more successful reintegration outcomes and lower recidivism rates from these programs.

In conclusion, the passage of H.B. 1769 is the necessary and decisive action to reduce and eventually end Hawaii's detrimental 30-year reliance on out-of-state private prison corporations. By mandating a reduction in transfers, we invest in systemic reform, uphold our legal duties and ensure that accountability and rehabilitation - not corporate profit - are the guiding principles of our justice system. Returning incarcerated individuals closer to home is essential for strengthening family, community, 'aina and cultural ties, which are crucial for successful reintegration and reduced recidivism.

For these reasons, I respectfully urge this Committee to pass this vital measure, inclusive of the proposed amendments detailed below.

Proposed Amendments

1. Set targeted benchmarks for reductions in out-of-state transfers for incarcerated persons for each year for the next five years to evaluate compliance with this proposed statute.
 - I would recommend a reduction of 80-100 out-of-state transfers per year and ensuring that people are transitioning to facilities other than Halawa Prison to the extent possible.
2. Remove the word “inmate” from this bill and eventually replace all state laws with the term “incarcerated individual” or “incarcerated person.”
 - **Purpose:** To reduce the stigma associated with the criminal justice system, promote rehabilitation, and emphasize the humanity of people in jails and prisons.
 - **Precedence:** A few States have enacted legislation to remove the term "inmate" from state laws and regulations, replacing it with person-first language such as "incarcerated individual" or "incarcerated person."
 - **New York** passed legislation (S. 3332/A. 3295 and A. 9273/S. 8216) in 2021 and 2022 that removed the word "inmate" from state laws, replacing it with "incarcerated individual" or "incarcerated person".
 - **Maryland** passed Senate Bill 0293 in 2023, which officially changed the term "inmate" to "incarcerated individual" in state regulations, defining it as an individual who is actually or constructively detained or confined in a correctional facility.
 - As of April 2023, **Governor Gavin Newsom of California's** administration began replacing terms like "inmate" with "incarcerated person" and "parolee" with "supervised person."

Mahalo for your consideration and for the opportunity to submit testimony in strong support of **H.B. 1769 Relating to Correctional Facilities.**

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota, Esq.
Honolulu, Hawaii 96813

HB-1769

Submitted on: 2/4/2026 7:51:36 AM
Testimony for PBS on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	OHana Unity Party & Kingdom of The Hawaiian Islands	Support	Remotely Via Zoom

Comments:

Aloha Chair and Honorable Members of the Committees,

As Chairman of the Ohana Unity Party and a committed advocate for justice reform, the dignity of our incarcerated brothers and sisters, and the responsible stewardship of taxpayer resources in our Hawaiian Islands, I submit this written testimony in the strongest possible support of House Bill 1769. This forward-thinking legislation requires the Director of the Department of Corrections and Rehabilitation to incrementally reduce the number of individuals incarcerated in private, out-of-state correctional facilities, while mandating detailed reporting on progress, costs, and impacts. HB1769 represents a principled step toward ending reliance on for-profit, distant prisons—restoring accountability, cultural connection, and fiscal sanity to our corrections system. HB1769 directs the Director to develop and implement a phased plan to decrease the out-of-state prison population, with specific timelines and benchmarks. It requires annual reports to the Legislature detailing: the number of individuals still housed out-of-state, reasons for continued placement, costs (including comparisons to in-state incarceration), efforts to repatriate individuals, and any barriers or recommendations for full in-state housing. This transparency ensures the public and policymakers can hold the department accountable for meaningful progress toward bringing our people home.

Why I Stand Strongly in Support of HB1769

1. **Humanitarian Imperative: Bringing Our People Home** Hawaii's practice of shipping hundreds of incarcerated individuals to private, out-of-state facilities (primarily in Arizona, Oklahoma, and other mainland states) severs family ties, cultural connections, and rehabilitation opportunities. Many are Native Hawaiian—disproportionately represented in our prisons (up to 39% of the population despite being 20% of residents)—and suffer additional trauma from isolation thousands of miles from 'ohana, language, and cultural practices essential to healing. As the Dalai Lama teaches: "If you want others to be happy, practice compassion. If you want to be happy, practice compassion." Mahatma Gandhi reminds us: "The true measure of any society can be found in how it treats its most vulnerable members." HB1769 embodies these truths by prioritizing repatriation, enabling family visits, cultural programming, and community-based reentry—key factors in reducing recidivism and restoring dignity.

2. **Fiscal Responsibility and Taxpayer Savings** Out-of-state private prisons cost Hawaii taxpayers significantly more than in-state options—often \$100–\$150 per day per person, plus

transportation and oversight expenses. In contrast, expanding in-state capacity and community corrections (e.g., parole, work furlough, treatment programs) can lower costs while improving outcomes. Low recidivism among older or rehabilitated individuals (2% for ages 50–65) further supports the case for bringing people home. HB1769's reporting requirements ensure fiscal accountability—no more blank checks to distant corporations profiting from Hawaii's incarcerated population.

3. ****Public Safety and Rehabilitation Effectiveness**** Research shows that proximity to family and community significantly reduces recidivism—incarcerated individuals with strong ‘ohana support are up to 50% less likely to reoffend. Out-of-state placement disrupts this, increasing the risk of release without preparation. HB1769's phased reduction allows time for safe transitions: expanding reentry programs, treatment beds, and housing options. This is smart public safety—not releasing people prematurely, but ensuring they return stronger, connected, and less likely to reoffend.

4. ****Real-World Example: The Human Cost of Out-of-State Incarceration**** Consider individuals like those in the "God Forgives Bad Boys and Bad Girls" ministry network—former gang members who have turned their lives around through faith, service, and community work. When incarcerated far from Hawaii, they lose access to cultural healing, family support, and local reentry resources. Bringing such individuals home allows them to continue contributing positively—mentoring youth, supporting recovery, and strengthening our communities. HB1769 facilitates this by mandating progress toward in-state placement, ensuring rehabilitation is not undermined by distance.

5. ****Broader Context: Ties to Systemic Justice and Trafficking Reform**** The Epstein files exposed how systemic failures and elite impunity harm vulnerable people, including those in foster care and corrections. Hawaii's out-of-state practice mirrors these disconnects—isolating individuals from healing resources and perpetuating cycles of trauma. A statewide shift to in-state incarceration, supported by this bill, complements other reforms (e.g., compassionate release in HB1628/SB2688, trafficking prevention in HB1913) by keeping our people close, accountable, and connected—reducing risks of exploitation upon release.

6. ****Support for Native Hawaiian and Marginalized Populations**** Native Hawaiians are overrepresented in corrections and face unique cultural barriers when incarcerated far from home. HB1769's reporting on demographics and repatriation efforts will highlight disparities and guide culturally appropriate solutions—honoring our kuleana to protect and heal our lāhui.
****Conclusion and Urgent Call to Action**** HB1769 is a moral, fiscal, and practical necessity. It will bring our people home, strengthen families, reduce costs, improve public safety, and restore trust in our justice system. Guided by the profound wisdom of the Dalai Lama and Mahatma Gandhi, let us choose compassion over distance—pass this bill, phase out out-of-state private prisons, and show that Hawaii values redemption, accountability, and ohana above profit.

Mahalo nui loa for your consideration and service to our islands. I am available for questions or oral testimony if needed. In solidarity for justice, healing, and ohana, Master Shelby "Pikachu" Billionaire, HRM Kingdom of The Hawaiian Islands, H.I. Ohana Unity Party, Chairman
www.Ohanaunityparty.com Presidentbillionaire@gmail.com



February 2, 2026

Hawaii State Legislature
Committee on Public Safety
Rep. Della Au Bellatti, Chair
Rep. Kim Coco Iwamoto, Vice Chair

Support for HB1769 – Relating to Correctional Facilities

Aloha Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Jamee Mahealani Miller, Co-Executive Director of ‘Ekolu Mea Nui, and I strongly support **HB1769**, which requires the Department of Corrections to incrementally reduce the number of people held in private, out-of-state prisons.

Returning our people home matters. Hawai‘i has unused capacity at Kūlani Correctional Facility on Hawai‘i Island and Waiawa Correctional Facility on O‘ahu. Yet instead of using these facilities to expand access to programs, treatment, education, increased time outdoors, and meaningful rehabilitation, the State continues to incarcerate people at Saguaro Correctional Center in Arizona—thousands of miles away from their ‘ohana and support systems.

This practice deepens harm, particularly for Native Hawaiians, by severing relationships to family, culture, and ‘āina—connections that are essential to accountability, healing, and successful reentry.

HB1769 is an important step toward ending this harmful practice and investing instead in data-driven reforms, pu‘uhonua, and culturally grounded approaches that center health, wellness, healing, and community safety.

Mahalo for the opportunity to submit testimony in strong support of HB1769. I respectfully urge the Committee to pass this measure.

Me ka ha‘aha‘a,

Jamee Mahealani Miller

Dr. Jamee Mahealani Miller
Co-Executive Director
‘Ekolu Mea Nui
jamee@ekolumeanui.org
(808)430-3380



Hawai‘i

Committee: House Committee on Public Safety
Hearing Date/Time: Wednesday, February 4, 2026, at 9am
Place: Conference Room 411 & Via Videoconference
Re: **Testimony of the ACLU of Hawai‘i in SUPPORT of HB1769 Relating to Correctional Facilities**

Dear Chair Belatti, Vice-Chair Iwamoto, and Committee Members:

The ACLU of Hawai‘i (ACLU-HI) **supports HB1769 Relating to Correctional Facilities**. This bill requires the Director of Corrections and Rehabilitation to incrementally reduce the number of individuals incarcerated in private, out-of-state correctional institutions and requires reports be made to the Legislature.

It is time to end Hawai‘i’s relationship with private prison operators like CoreCivic, which profit from the suffering of incarcerated individuals and have proven to repeatedly violate their legal rights. Currently, nearly 800 individuals in the custody of the Hawai‘i Department of Corrections and Rehabilitation (“DCR”) are incarcerated at Saguaro Correctional Center (“Saguaro”), operated by CoreCivic (formerly CCA).¹

Although CoreCivic owns and operates Saguaro, Hawai‘i remains responsible for the health and safety of the people incarcerated there. The systemic harms that have occurred at Saguaro since its opening include incidents of violence, murders and deaths, allegations of unsafe drinking water, and lack of meaningful oversight and staffing that has led to issues with gang-related violence and solitary confinement.

CoreCivic’s operation of Saguaro prison has created new problems for Hawai‘i. Out-of-state transfers have directly resulted in the formation of bona fide security threat groups,² gang-related violence,³ and long-term solitary confinement⁴ through its SHIP

¹ Department of Corrections and Rehabilitation Weekly Population Report. January 26, 2026.

<https://dcr.hawaii.gov/wp-content/uploads/2026/01/Pop-Reports-Weekly-2026-01-26.pdf>

² Kaneya. R. (2017). *Nevada’s ‘Most Dangerous’ Intimates Move In Hawaii Prisoners*. Honolulu Civil Beat.
<https://www.civilbeat.org/2017/11/nevadas-most-dangerous-inmates-move-in-with-hawaii-prisoners/>

³ ACLU. (2012). *Family of a Second Hawaii Prisoner Murdered in Mainland Prison Files Suit Against State of Hawaii and Corrections Corporation of America*. ACLU of Hawaii. <https://www.aclu.org/press-releases/family-second-hawaii-prisoner-murdered-mainland-prison-files-suit-against-state>

⁴ Terring, Tiana. (2020). *The research is clear: Solitary confinement causes long-lasting harm*. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2020/12/08/solitary_symposium/ Also see:
https://assets.aclu.org/live/uploads/publications/stop_solitary_briefing_paper_updated_august_2014.pdf

program. Additionally, issues of poor staffing and operation of the Saguaro prison put Hawai‘i individuals at risk. Hawai‘i remains responsible for its citizens in custody, even if they are held in a private facility away from home. We can no longer contract out core governmental responsibilities over community safety and individual rights.

Allowing for individuals to remain close to home is important to improving rehabilitative outcomes and allowing incarcerated individuals to remain connected to family, community, and ‘āina.⁵ As Native Hawaiians are disproportionately overrepresented in the criminal legal system, it is essential to ensure that more are not further disconnected from their culture and genealogical connections.

In October 2024, ACLU of Hawai‘i sent a letter to DCR and CoreCivic demanding an investigation into allegedly contaminated and unsafe drinking water provided to the Hawai‘i individuals incarcerated at Saguaro prison.⁶ We received reports from multiple individuals incarcerated at Saguaro that the facility’s drinking water has a foul taste and smell and is causing serious health problems, particularly for elderly individuals and those with preexisting medical conditions. Hawai‘i has a legal responsibility to ensure the safe and humane treatment of people incarcerated within their own jails and prisons, as well as out-of-state private prisons.

The track record of violent assaults and deaths that has accumulated at Saguaro aligns with compelling evidence that private prisons are far more dangerous to incarcerated individuals than government-run facilities. In 2016, the Department of Justice Office of the Inspector General (OIG) found “serious or systemic safety and security deficiencies at contract prisons,” including inmates being improperly housed in segregated units and a lack of strong oversight.⁷ Ending private prison contracts will enable Hawai‘i to better protect its incarcerated individuals from the harms that have arisen at the Saguaro facility.

By passing HB1769, we will also ensure that responsibility and accountability for incarceration will lie with DCR, and that profit is not a motive driving the criminal legal system.

⁵ The Native Hawaiian Justice Task Force Report. (2012). https://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf

⁶ <https://www.acluhi.org/en/press-releases/SaguaroDemandLetter>

⁷ U.S. Department of Justice Office of the Inspector General. (2016). *DOJ OIG Releases Report on the Federal Bureau of Prisons’ Monitoring of Contract Prisons*. <https://oig.justice.gov/news/doj-oig-releases-report-federal-bureau-prisons-monitoring-contract-prisons>

Mahalo for the opportunity to testify.

Sincerely,

Donavan Kamakani Albano

Donavan Kamakani Albano
Policy Fellow
ACLU of Hawai‘i
dalbano@acluhawaii.org

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.

American Civil Liberties Union of Hawai‘i
P.O. Box 3410
Honolulu, Hawai‘i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org

HB-1769

Submitted on: 2/3/2026 8:18:09 AM
Testimony for PBS on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Fujiyoshi	Ohana Ho`opakele	Support	Written Testimony Only

Comments:

Aloha members of the Committee on Public Safety in the State of Hawaii House of Representatives.

My name is Ronald Fujiyoshi, treasurer of the Ohana Ho`opakele.

Ohana Ho`opakele wants to express strong support for HB1769 Relating to Correctional Facilities which requires the director to incrementally reduce the number of people held in private out-of-state prisons.

Our organization has been supporting the leadership in Saguaro Correctional Center in Eloy, AZ at their last Opening and Closing Makahiki observances. We are able to do this because we have been in contact with the leadership within Saguaro planning these activities.

Some of the leaders have sentences of Life Without Parole. Actually some of them were serving their sentences at the Kulani Correctional Facility on Hawaii Island before being transferred to Saguaro. Many would choose to return to Kulani Correctional Facility if given the opportunity.

Right now there are only about 80 paahao at Kulani with bed space for at least 180. We should save a lot of money by allowing these paahao to return to Hawaii and be housed at Kulani while saving the State of Hawaii much needed funds.

This is only one specific example of how HB1769 can be implemented if passed,

Ohana Ho`opakele strongly urges your committee to pass HB1769.

Mahalo for the opportunity to testify on this important bill!

HB-1769

Submitted on: 1/30/2026 9:18:11 PM
Testimony for PBS on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

Thank you

HB-1769

Submitted on: 2/2/2026 11:42:21 AM
Testimony for PBS on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Luanna Peterson	Individual	Support	Written Testimony Only

Comments:

Aloha,

At its core, this bill asks a simple but profound question: Who are we willing to be responsible for?

For decades, Hawai‘i has answered that question by sending our people, disproportionately Native Hawaiian, thousands of miles away to private, for-profit prisons on the continent. When we do this, we do not just transfer custody. We sever relationships and fracture families, thereby disconnecting people from ‘āina, language, culture, and the very support systems that make healing and accountability possible.

What makes this especially troubling is that Hawai‘i has alternatives. The State has unused capacity at Kūlani and Waiawa. We have the ability to keep people closer to home, closer to family, and closer to programs that support growth, education, treatment, and meaningful rehabilitation. Yet we continue to send people to Saguaro prison in Arizona, and not because it makes us safer, but because it is convenient and profitable for private corporations like CoreCivic.

Private prisons exist for one reason: profit. When Hawai‘i participates in this system, we become complicit in prioritizing shareholder returns over human dignity.

Last year, the Legislature recognized these harms by passing a Resolution calling for change. HB1769 is the necessary next step. It gives that recognition weight. It creates a clear, incremental path away from a policy that has long conflicted with Hawai‘i’s values.

Public safety is not built through exile. It is built through connection, responsibility, and care. People are more likely to heal, to grow, and to return home ready to contribute when they remain connected to ‘ohana and community. This bill moves us closer to a system rooted in pono, not profit.

For these reasons, I respectfully urge the Committee to pass HB1769.

Mahalo for the opportunity to testify,

Luanna Peterson

Honolulu, Hawai'i

HB-1769

Submitted on: 2/2/2026 7:15:57 AM
Testimony for PBS on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE this bill. Why not instead build more space in Hawaii instead of applying liberal leaning political ideology to pressure the system to release (early) lawfully convicted criminals. REMEMBER the victims.